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**AGENDA FOR THE EXECUTIVE**

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Members of the Executive are summoned to attend a meeting to be held in Committee Room 4, Town Hall, Upper Street, N1 2UD on **27 April 2017 at 7.00 pm.**

**Lesley Seary**  
**Chief Executive**

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Despatched : 19 April 2017

**Membership**

Councillor Richard Watts  
Councillor Janet Burgess MBE  
Councillor Joe Caluori  
Councillor Kaya Comer-Schwartz  
Councillor Andy Hull

Councillor Asima Shaikh  
Councillor Diarmaid Ward  
Councillor Claudia Webbe

**Portfolio**

Leader of the Council  
Executive Member Health and Social Care  
Executive Member Children, Young People and Families  
Executive Member for Community Development  
Executive Member Finance, Performance and Community Safety  
Executive Member for Economic Development  
Executive Member for Housing and Development  
Executive Member for Environment and Transport

**Quorum is 4 Councillors**

**Please note**

It is likely that part of this meeting may need to be held in private as some agenda items may involve the disclosure of exempt or confidential information within the terms of Schedule 12A of the Local Government Act 1972. Members of the press and public may need to be excluded for that part of the meeting if necessary.

Details of any representations received about why the meeting should be open to the public - none



## Declarations of interest:

If a member of the Executive has a **Disclosable Pecuniary Interest\*** in an item of business and it is not yet on the council's register, the Councillor **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent. Councillors may also **choose** to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency. In both the above cases, the Councillor **must** leave the room without participating in discussion of the item.

If a member of the Executive has a **personal** interest in an item of business they **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent but may remain in the room, participate in the discussion and/or vote on the item if they have a dispensation from the Chief Executive.

- \***(a) Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.
- (b) Sponsorship** - Any payment or other financial benefit in respect expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) Land** - Any beneficial interest in land which is within the council's area.
- (e) Licences** - Any licence to occupy land in the council's area for a month or longer.
- (f) Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

**NOTE:** Public questions may be asked on condition that the Chair agrees and that the questions relate to items on the agenda. No prior notice is required. Questions will be taken with the relevant item.

Requests for deputations must be made in writing at least two clear days before the meeting and are subject to the Leader's agreement. The matter on which the deputation wants to address the Executive must be on the agenda for that meeting.

<b>A.</b>	<b>Formal Matters</b>	<b>Page</b>
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**C. Procurement Issues**

6. Procurement strategy for Learning Disabilities Accommodation Dynamic Purchasing System 17 - 24

**D. Urgent non-exempt matters**

Any non-exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

**E. Exclusion of press and public**

To consider whether to exclude the press and public during discussion of the remaining items on the agenda, in view of their confidential nature, in accordance with Schedule 12A of the Local Government Act 1972.

**F. Urgent Exempt Matters**

Any exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

The next meeting of the Executive will be on 18 May 2017

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London Borough of Islington

**Executive - 23 March 2017**

Minutes of the meeting of the Executive held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 23 March 2017 at 7.00 pm.

**Present:**                   **Councillors:**   Watts, Burgess, Caluori, Hull, Shaikh, Ward and Webbe

**Also Present:**           **Councillors:**   Court and Greening.

**Councillor Richard Watts in the Chair**

**375        APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Comer-Schwartz and apologies for lateness were received from Councillor Caluori.

**376        DECLARATIONS OF INTEREST**

None.

**377        MINUTES OF PREVIOUS MEETING**

**RESOLVED:**

That the minutes of the meeting on 9 February 2017 be confirmed as a correct record and the Chair be authorised to sign them.

**378        LOCAL FLOOD MANAGEMENT STRATEGY**

Councillor Richard Greening asked if the council could identify a resource to assist residents and businesses affected by the burst water main in Upper Street last December in progressing their insurance claims with Thames Water, who expressed a willingness to make interim payments but have not delivered any.

Councillor Webbe supported the sentiments expressed by Councillor Greening, but advised that the Local Flood Management Strategy currently under consideration was a statutory requirement and the legislation excluded flooding as a result of burst water mains from the strategy. Councillor Watts expressed his disappointment that Thames Water were not living up to promises made to residents and would discuss resource availability with the Executive Member and Angel BID. Councillor Watts added that the legal responsibility was with Thames Water, but the council and its partners would do what it could to hold them to account.

**RESOLVED:**

That the Local Flood Risk Management Strategy be approved and authority to make subsequent amendments and reviews be delegated to the Corporate Director of Environment & Regeneration be agreed.

Reasons for decision – to meet the statutory requirement to produce a Local Flood Management Strategy under the Flood Risk Regulations 2009

Other options considered – none other than as specified in the report

Conflicts of interest / dispensations granted – none.

**379      FINANCIAL POSITION AS AT 31 JANUARY 2017**

**RESOLVED:**

- 1.1. That the forecast revenue outturn for the General Fund (Table 1 and Appendix 1 of the report) of a gross overspend of £2.9m, including corporate items (paragraph 3.1 of the report) be noted.
- 1.2. That the actions to reduce the forecast gross General Fund overspend, and that any remaining overspend at year-end will be covered by drawing down from the £3m corporate contingency budget (paragraphs 3.2 and 3.3 of the report) be noted.
- 1.3. That the net HRA forecast is a break-even position (Section 5, Table 1 and Appendix 1 of the report) be noted.
- 1.4. That the latest capital position with forecast capital expenditure of £111.2m in 2016-17 (Section 6, Table 2 and Appendix 2 of the report) be noted.

Reasons for decision – to allow members to monitor the budget

Other options considered – none other than as specified in the report

Conflicts of interest / dispensations granted – none.

**380      SMART CITIES SCRUTINY REVIEW - EXECUTIVE MEMBER'S RESPONSE**

Councillor Webbe thanked Councillor Court and the Environment and Regeneration Committee for a very useful scrutiny and advised that the Executive were responding positively to all the recommendations.

**RESOLVED:**

That the recommendations detailed in Section 2 of the report be agreed.

Reasons for decision – to respond to the Environment and Regeneration Scrutiny Committee Recommendations

Other options considered – none other than as specified in the report

Conflicts of interest / dispensations granted – none.

**381      THE BRIDGE SATELLITE SCHOOL LEASE ARRANGEMENTS**

**RESOLVED:**

- 1.1      That the proposal for the new Bridge Free School to establish satellite classes for pupils with moderate autistic spectrum condition in Robert Blair and Vittoria primary school, the Cape Adventure Play Building, Crouch Hill and the Rose Bowl, St Paul's Park be agreed.
  
- 1.2      That authority be delegated to the Corporate Director of Resources, in consultation with the Executive Member for Children, Young People and Families, the Corporate Director of Children's Services and the Director of Law and Governance, to negotiate and agree terms with the Bridge Satellite School for the grant of leases of part of the Robert Blair Primary School and Vittoria Primary School and licences for use of parts of the Cape Youth Building, Crouch Hill and the Rose Bowl, St Paul's Park be agreed.
  
- 1.3      That the Director of Law and Governance be authorised to apply to the Secretary of State for consent to the grant of leases of part of the Robert Blair Primary School Site and the Vittoria Primary School site under Paragraph 4 of Schedule 1 to the Academies Act 2010 be agreed.

Reasons for decision – to meet the needs of children with Autistic Spectrum Condition, provide services in line with the wishes of parents, make the most efficient use of Council resources and build sustainable capacity for the future.  
Other options considered – none other than as specified in the report  
Conflicts of interest / dispensations granted – none.

**382      PROCUREMENT STRATEGY FOR THE TRANSFORMATION OF SUBSTANCE MISUSE SERVICES**

Councillor Burgess introduced the item.

Agreed Amendment: Recommendation 1.2 was amended to include that future procurements would be part of the council's overall transformation programme.

**RESOLVED:**

- 1.1      That the procurement strategy for substance misuse services as outlined in this report be agreed.
  
- 1.2      That all substance misuse services procured will follow this procurement strategy and will demonstrate how they will impact on the most vulnerable residents, as part of the council's overall transformation programme, be agreed.

Reasons for decision – to provide an integrated service that will enable substance misuse services to better coordinate with key partners across the borough  
Other options considered – none other than as specified in the report  
Conflicts of interest / dispensations granted – none.

**383**      **PROCUREMENT STRATEGY FOR THE TRANSFORMATION OF SUBSTANCE  
MISUSE SERVICES - EXEMPT APPENDIX**

That the information in the exempt appendix to Agenda item F8 be noted (see Minute 382 for decision).

MEETING CLOSED AT 19.28 HRS

CHAIR

**Report of:** Executive Member for Finance, Performance and Community Safety

Meeting of:	Date	Ward(s)
Executive	27 April 2017	All

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## **SUBJECT: Tax Avoidance – Response to the report of the Policy and Performance Scrutiny Committee**

### **1. Synopsis**

- 1.1 The Executive received on 21 July 2016 a report from the Policy and Performance Scrutiny Committee which considered the tax arrangements of organisations the council works with and the way we check those arrangements as part of our procurement process. The scrutiny report recommended 4 actions the council should take. This report presents the Executive's response to that report and those recommendations.

### **2. Recommendations**

- 2.1 To note the changes to the procurement process introduced nationally that replaces the Pre-Qualification Questionnaire (PQQ) with the Selection Questionnaire (SQ). The SQ cannot be amended in relation to tax questions although it does go some way to addressing the committee's recommendation 1.
- 2.2 To agree to the changes proposed to the Council's standard contract conditions as outlined in paragraph 4.2
- 2.3 To note the actions undertaken by Strategic Procurement in response to the committee's recommendations 3 and 4.

### **3. Background**

- 3.1 In June 2015 the Policy and Performance Scrutiny Committee commenced a review entitled 'Tax avoidance'. The objectives of the review were:
- To understand how companies avoid paying UK tax, including parent companies that L.B. Islington deals with or has business links to providing a service to the Council and its subsidiaries

- To understand our existing legislative requirements around procurement and contract management
  - To investigate how we can identify businesses that we contract with who avoid paying UK tax
  - To review and update our procurement processes, within the law, to exclude those businesses that avoid UK tax
  - To review and update, as necessary, our appointment process for consultants and agency staff
  - To explore whether the Council can use other powers it has e.g. licensing, to influence companies to pay their appropriate tax
- 3.2 Overall, the Committee concluded that whilst it is the responsibility of the Government, through Her Majesty's Revenue and Customs (HMRC), to ensure companies and individuals pay the appropriate amount of tax, there are actions that we as a Council can take to improve our contracting processes.

## 4. Response to the Scrutiny Committee's recommendations

- 4.1 **Committee Recommendation 1: The Pre- Qualification Questionnaire (PQQ) should require tenderers to provide information on their tax compliance. It is proposed that the section on tax compliance is enhanced for contracts over £5m to provide additional information and allow for exclusion, where appropriate**
- 4.1.1 Procurement Policy Note (PPN) 8/16 was issued by Crown Commercial Services (CCS) on 9 September 2016. The PPN set out the revised national standard Selection Questionnaire (SQ), which replaced the previous standard Pre-Qualification Questionnaire (PQQ). The PPN superseded all previous guidance on supplier selection and PQQs in PPN 03/15. To facilitate easy access to procurement from all suppliers, the standard Selection Questionnaire incorporated the exclusion grounds listed in the Public Contract Regulations 2015 (PCR 2015) (Regulations 56-58) and aligned with those listed in the European Single Procurement Document (ESPD) (Regulation 59) for public procurement.
- 4.1.2 The SQ applied to all contracting authorities in England, Wales and Northern Ireland, including the Council, when procuring above the relevant EU threshold. A pre-qualification stage is not permitted in contracts below the EU threshold. All contracting authorities were instructed to use the new SQ with immediate effect made available for organisations who express their interest in an opportunity free of charge. The national standard SQ was developed to simplify the supplier selection process for businesses, in particular smaller firms, across the public sector. Supplier selection is essential to decide whether an organisation is competent and capable of delivering requirements, prior to invitation of formal bids.
- 4.1.3 The purpose of the SQ was to introduce consistency and simpler approach across the public sector, through self-declaration in response to standard questions. Checks are only performed on winning suppliers, thus reducing the burden on unsuccessful suppliers. The SQ itself is in three separate parts and Part 1 and 2 cannot be amended. Part 1 is background information. Part 2 is a self-declaration on exclusion grounds, which is where tax questions are asked and the Council is not permitted to amend this. Part 3 is about financial and technical capacity and specific to the contract being procured.
- 4.1.4 Organisations which breach the exclusion grounds have an opportunity to explain how and what action they have taken to rectify the situation through self-cleansing. This process is only required to be completed once, even if you are establishing a framework agreement with call-offs over a period of time. The list of exclusion grounds can be found here: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/551130/List\\_of Mandatory and Discretionary Exclusions.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf)
- 4.1.5 Questions included in Part 3 of the standard SQ should include only questions which are relevant and proportionate to the contract. No deviations are permitted to Part 1 or 2 of the SQ as explained above. The expectation is that the Council not deviate from the questions set out in Part 3 of the standard SQ. However, where a deviation may occur, it must be reported to CCS outlining the changes in wording, additional technical questions asked as standard, an explanation of why, a

version of the template used and a letter confirming that the deviations have been approved by the Head of Procurement of the Council.

4.1.6 Any additional questions must be considered on a case by case basis and be project specific, relating to the potential supplier's technical and professional ability. Any project-specific questions asked must be relevant and proportionate to the contract. The Council is therefore no longer in a position realistically to require potential bidders to provide information on their tax compliance in the SQ above and beyond what is outlined within the national standard SQ.

4.2 **Committee Recommendation 2: The Council's standard contract conditions be amended, for contracts over the value of £5m, to allow for contract termination in relation to non-compliance with tax payment obligations**

4.2.1 For contracts over the value of £5m additional contract clauses will be added to the council's standard conditions of contract which provide for a warranty from the supplier in relation to its declarations on Occasions of Tax Non-Compliance at contract commencement; an on-going obligation to inform during the term of the contract and a specific right to terminate the contract for breach of warranty or breach of duty to inform.

4.3 **Committee Recommendation 3: The published HMRC list of tax defaulters be periodically reviewed to ensure that no contractor that the Council uses is on the list, and if there is one, the contract be terminated using 2 above.**

4.3.1 Organisations with which the Council contracts are routinely questioned regarding the applicable exclusion grounds as part of the tendering process in the SQ, as part of a proportionate process.

4.3.2 Annually, we will review the HMRC list of tax defaulters and take the appropriate actions including potentially terminating the contract where there is a material breach of the contract terms or in accordance with the termination conditions within the contract.

4.4 **Committee Recommendation 4: That letters be sent out to companies that the Council contracts with to remind them of their tax obligations. A list of companies will be made available for Council officers to view on the internet**

4.4.1 Strategic Procurement undertook to write to companies to which the Council had made payments. This exercise was completed in December 2016. Organisations were reminded of their tax responsibilities in regards to paperwork, management and payment, taking of profits and responsibilities for losses. An information link with further information was also made available: <http://www.gov.uk/business-legal-structures/overview>

4.4.2 A list of companies with which the Council has contracts that exceed an aggregate annual value of £5,000 is available on the internet here: <https://www.islington.gov.uk/about-the-council/information-governance/freedom-of-information/popular-data/council-contracts> .

## 5. Implications

5.1 **Financial implications:**

There are no additional resources required.

5.2 **Legal Implications:**

The legal framework for dealing with non- payment of tax as part of the procurement process is set out in the Public Contracts Regulations 2015 (the Regulations).

### **Mandatory exclusion for non-payment of tax**

The council *must* exclude an economic operator from participating in a procurement procedure where it has established, by verifying in accordance with regulations 59 and 60, or is otherwise aware, that that economic operator has been *convicted* of (Reg 57(1)):

- The common law offence of cheating the Revenue

- Fraudulent evasion within the meaning of section 170 of the Customs and Excise Management Act 1979 or section 72 of the Value Added Tax Act 1994
- An offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993

The obligation to exclude an economic operator also applies where the person *convicted* is a member of the administrative, management or supervisory body of that economic operator or has powers of representation, decision or control in the economic operator (Reg 52(2)).

An economic operator *shall* be excluded where the council is aware of the breach relating to non-payment of taxes AND the breach has been established by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of the country in which it is established or with those of any of the jurisdictions of the UK (Reg 57(3)).

### **Discretionary exclusion for non-payment of tax**

An economic operator *may* be excluded where the council can demonstrate by any appropriate means that the economic operator is in breach of its obligations relating to the payment of taxes (Reg 57(4)).

The grounds for both mandatory and discretionary exclusion cease to apply when the economic operator has fulfilled its obligations by paying, or entering into a binding arrangement with a view to paying, the taxes due (Reg 57(5)).

### **5.3 Resident Impact Assessment**

The Equality Act 2010 places an obligation on the Council to have due regard to:

- eliminating unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advancing equality of opportunity between people who share a protected characteristic and those who do not; and
- fostering good relations between people who share a protected characteristic and those who do not.

There are no negative impacts envisioned by the amendments upon those who share a protected characteristic set out in this report.

## **6. Conclusion and reasons for recommendations**

- 6.1 This report details the Executive's response to the recommendations from the Policy and Performance Scrutiny Committee.

Background papers: None

Final report clearance:

**Signed by:**



31 March 2017

Executive Member for Finance, Performance and Community Safety      Date

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Report of: **Executive Member for Housing and Development**

Meeting of:	Date	Ward(s)
Executive	27th April 2017	All

### **SUBJECT: Health Implications of Damp Properties – Executive member response to the report of the Health and Care Scrutiny Committee**

#### **1. Synopsis**

- 1.1 On 24 November 2016 the Executive received a report from the Health and Care Scrutiny Committee regarding the health implications of damp properties.

#### **2. Recommendations**

- 2.1 To agree the Executive responses to the recommendations of the Scrutiny Committee as set out in section 4 of this report.

#### **3. Background**

- 3.1 In June 2015 the Health and Care Scrutiny Committee commissioned a review of the Health Implications of Damp Properties within the borough.
- 3.2 The review ran from July 2015 until September 2016 and evidence was received from a variety of sources.
- 3.3 Presentations from Council Officers  
Baljinder Heer-Matiana, Senior Public Health Strategist; Damian Dempsey, Group Leader – Quantity Surveyors and Ellis Turner, Environmental Health Manager-Residential
- 3.4 Documentary evidence  
Information from the Office of Deputy Prime Minister 2006 Housing, Health and Safety Policing system.

### 3.5 Information from witnesses

Katie White of Andover TRA, Jan Manderson of Girdlestone TRA, John Venning of Partners, Stephen Filis of Anthea Lettings and James Stone of Hyde HA.

The outcome of the scrutiny review was 12 recommendations (see Page 2 of report dated September 2016).

## 4. Recommendations and Service Update

### 4.1 Recommendation 1 - Rehousing of tenants

**Where there are damp issues in a property, and tenants can evidence related health issues, the Council is to presume that the damp is the cause of the health problems, and where tenants wish to be rehoused, the Council and Partners for improvement (PFI) are to progress rehousing. RSL's and private landlords are also to be encouraged to adopt the same policy**

#### 4.1.1 Response to Recommendation 1

Under the Housing Act 1996 a local authority must have an allocation scheme which shows how accommodation in the borough is allocated. By law the scheme must ensure that key groups are given 'reasonable preference', this includes people who are homeless, need to move on medical grounds or people living in unsatisfactory housing. Before changing its allocation scheme an authority must consult with residents, local Registered Providers (housing associations) and must carry out an equality impact assessment.

Islington's current scheme was agreed by the Executive in July 2013.

The council's current housing allocation scheme already provides for giving additional priority for residents living in accommodation which has an impact on their health, including because of dampness. An extract from the scheme is below:

*The council may give points if it considers that an applicant or a member of their household's accommodation is unsuitable because of a medical condition.*

*Medical priority will be awarded according to the extent to which the health of one of more members of the applicant's household is affected by their housing conditions and the expected benefits of providing alternative housing. **No medical points will be given if there is a medical condition but the accommodation is suitable.***

*A household will be assessed together and one award made for the whole household. The number of medical points you will be given depends on the household's health and the severity of the conditions in their home. There are three categories of medical points:*

**Category A** – *this gives the maximum 150 points, an award will be made:*

*In exceptional circumstances for households where a member of the household has an immediately life-threatening or progressive condition which is seriously affected by their current accommodation*

**Category B** – *is an award of 80 points and is for households where a member of the households current housing conditions are having a major adverse effect on their medical condition. It will not apply where the effect of the housing conditions on health is moderate, slight or variable.*

**Category C** – *awards 40 points and is for households where a member of the household's current housing conditions are having a moderate or variable effect on their medical condition. It will not apply where the effect of the housing conditions on health is slight.*

Partners follow the same policy as the council in allocations.

## 4.2 Recommendation 2 - Building/Fabric issues

**That the repairs department, when investigating complaints about damp, should consistently eliminate roof leaks, rising damp, plumbing issues, ventilation issues, cold bridging, lack of insulation on and any building fabric issues as causes of damp, before raising 'lifestyle' issues with residents. Many residents report a presumption on the part of Council surveyors that all damp issues are due to 'lifestyle', where in fact the issues are often building related**

### 4.2.1 Response to Recommendation 2

We have reviewed our processes when diagnosing damp and mould to ensure that there is no presumption that all damp issues are due to residents' behaviours. Surveyors undertake full inspections to the internal & external elements to all reported properties. Repairs are raised and completed where necessary. Before any other possible contributing factors are considered we will ensure the property is free of all internal and external leaks.

4.2.2 Partners repair supervisors and surveyors all receive training to ensure that they correctly diagnose the causes of damp and specify appropriate remedial works. This includes specifying work to remedy excessive condensation caused by the design of the dwelling e.g. very cold rear additions. If we think that the condensation is caused by the tenant not heating and ventilating their home adequately then we will work with them and assist them to take appropriate measures to reduce condensation. If we identify that fuel poverty might be an issue that a particular resident is facing, we will make a referral to the SHINE team.

## 4.3 Recommendation 3 - Experienced Damp Surveyor

**An experienced damp surveyor to be employed by the Council and PFI to investigate and resolve damp problems. (The Committee heard that the response of officers to complaints of damp is prone to inconsistency, and also repeat visits, for no apparent reason. Surveyor's knowledge of damp-related issues is found to be variable.)**

### 4.3.1 Response to Recommendation 3

All surveyors' reports are being reviewed to ensure that the level of reporting and diagnosis is at the expected standard and we are addressing the repairs in the property.

4.3.2 Partners repair supervisors and surveyors have all received damp training from a damp specialist to ensure that they correctly diagnose the causes of damp and specify appropriate remedial works. More complex damp jobs are referred to an independent damp specialist (not a damp proofing contractor) to provide a full damp report which specifies the remedial work.

## 4.4 Recommendation 4 - Hyde Damp and Condensation Survey proforma

**That following the Council's Condensation Protocol discussion document, this proforma be adopted by the Council's housing department and other RSL's, as a basic structure for investigating damp (Prof forma attached as Appendix to the report)**

### 4.4.1 Response to Recommendation 4

We currently have a damp proforma that has been specifically tailored to Islington Council properties. We will review the Hyde proforma to see if there are any useful additions that can be added to our current proforma.

4.4.2 Partners already uses a proforma for investigating damp but will review the Council's proposed proforma to see what improvements can be made.

#### **4.5 Recommendation 5 - Systematic response by Council officers**

**That the Executive consider working in partnership with housing associations which are undertaking Council, PFI, and RSL surveyors, as well as adopting the standardised pro-forma under recommendation 4 above, should be consistent in their reporting their findings to residents. Residents report inefficiencies, with surveyors adopting different responses and strategies, and recommending different courses of action for similar types of damp problems.**

##### **4.5.1 Response to Recommendation 5**

We are currently looking at options to arrange workshops with other Islington Council surveying departments. This will enable ideas and strategies being discussed to combat common damp issues within our housing stock. We will reissue the damp and condensation procedure to all staff.

#### **4.6 Recommendation 6 - Database of damp properties**

**The Council and PFI are to set up and maintain a database of properties across the borough that have known damp issues.**

##### **4.6.1 Response to Recommendation 6**

We have a database that we use to ensure that damp and mould is regularly monitored. This is regularly discussed and reviewed during surveyors meetings and Diagnostic team meetings to ensure that we maintain service delivery to our residents.

##### **4.6.2 Partners track all major damp jobs and keeps a separate record of all completed major damp works.**

#### **4.7 Recommendation 7 - Help On Your Doorstep database**

**Help on Your Doorstep have offered to share with the Council information on residents they have contacted with damp issues. Repairs department to take up this offer to help establish more accurately the extent of damp problems. (Any personal information to be shared only with residents consent.)**

##### **4.7.1 Response to Recommendation 7**

We have contacted Help On Your Doorstep and will be arranging a meeting with the Operations Manager Denise Ward to discuss a way that we can work in partnership to support Islington Council's residents.

#### **4.8 Recommendation 8 - Legal issues accessing leasehold properties**

**That the Council and PFI take robust legal steps to access all leasehold properties, where the damp issues appear to emanate from leasehold properties adjoining council tenancies. Also, that legal advice be taken on the scope and options to access leaseholder properties, and the advice be circulated to all officers involved in damp investigations.**

##### **4.8.1 Response to Recommendation 8**

Area Housing Office staff work in tandem with Housing Property Services to ensure that we follow our procedure for repairs access arrangements for leasehold properties.

##### **4.8.2 Partners Housing Manager will discuss this issue with their solicitor and produce a guidance note for their staff.**

#### **4.9 Recommendation 9 - External or Internal Wall insulation:**

**The Council, PFI and RSL'S should carry out external or internal wall insulation, wherever**

**feasible and cost effective on all Council and RSL estates within the borough. There should be a presumption that insulation works form a part of any major works undertaken. The success of the recent external wall insulation work at Holly Park Estate in saving energy costs and reducing dampness problems for residents, is evidence of the effectiveness of this strategy.**

#### 4.9.1 Response to Recommendation 9

In the Council's stock 99% of cavity walls have been insulated with only a few of unusual design, where it is not technically feasible to insulate, remaining untreated. Current building regulations ensure that new buildings are built to high standards of thermal efficiency.

The Council recognises the idea that solid-walled buildings should receive insulation wherever possible. External wall insulation (EWI) has been fitted at Neptune House and Holly Park using grant funding and the proposed scheme to fit EWI to a further 304 flats in four blocks, including three high rise blocks, is funded through a mixture of corporate capital and Section 106 Carbon Offset contributions. We are currently drawing up a possible programme for EWI to medium rise stock in case further Section 106 funding becomes available.

We do not generally use Internal Wall Insulation (IWI) because, as well as the disruption to residents and loss of room size, IWI can pose risks to the fabric of buildings, including potentially increasing the risk of interstitial condensation. However where EWI is not possible, for instance in 'stepped' properties with balconies forming roofs, and there are no other alternatives, we do consider IWI. This is the case on the Andover Estate, where significant internal insulation works are being undertaken. In this case the insulation is required to resolve a cold-bridging problem where a balcony forms the roof of a flat below.

#### 4.9.2 Partners do fit thermal insulation boards to the internal face of external walls when the design of a dwelling is contributing to excessive condensation e.g. very cold rear additions with three external walls.

External cladding is not always considered appropriate for street properties in Islington.

### 4.10 Recommendation 10 - Improvement grants

**Publicity be made available to private sector landlords on grants available for improvements to insulation for properties.**

#### 4.10.1 Response to Recommendation 10

Environmental Health currently only offer one grant to landlords for empty properties. This grant funding is extremely limited and operates on a first come first served basis. We do not have any other grants for private landlords for insulation or dampness.

#### 4.10.2 In 2015, Partners worked with the Seasonal Health & Affordable Warmth Team (SHINE) to deliver thermal improvement works funded by grants. This was to address affordable warmth and damp issues. Eligibility for grant funding was based on vulnerability. SHINE identified suitable dwellings for improvement works and delivered a limited programme.

### 4.11 Recommendation 11 - Clear information leaflets

**Leaflets should be issued to residents on how to report and to deal with damp issues. This should also include advice on how to operate heating systems to maximum effectiveness and to deal with any condensation issues. Leaflets should also be made available to GP surgeries across the borough, and with GP's being made aware of the existence of the leaflets, and asked to distribute them to tenants that present with damp related health problems.**

#### 4.11.1 Response to Recommendation 11

Council surveyors issue leaflets to our residents when carrying out inspections for damp and mould. The leaflets are also distributed from Area Housing Offices and is available on the council website. These leaflets were reviewed during 2016 and now include information for residents on the effective use of their heating systems and tips on how to prevent and reduce condensation in the home. We are currently investigating having the leaflet distributed from local GPs' surgeries.

4.11.2 Partners have leaflets advising residents how to manage condensation and the leaflet is regularly reviewed to ensure effective communication. They also provide advice on how to use heating systems efficiently and have the manuals for newly installed boilers on their website.

#### 4.12 Recommendation 12 - GP information programme

**Public Health and Environmental Health are to work with the CCG to disseminate information to the Borough's GP's on the extent and issues with damp properties and their perceived interaction with health issues, and to request GP's to return data to the CCG when they are seen by patients with health issues that appear to be related to living in a damp property.**

#### 4.12.1 Response to Recommendation 12

Environmental Health have dialogue with colleagues in Public Health and various commissioners in CCG. Officers from the SHINE team and newly created posts of senior practitioners both sit in the many different Multi-Disciplinary Team case conferences that sit to unpick some of the most complex patients' cases.

Both the SHINE team and the senior practitioners try ensure that the housing condition question is raised and where appropriate a referral is made through SHINE to Environmental Health for further investigation.

### 5. Implications

#### 5.1 Financial implications:

It is not possible to precisely quantify the financial implications of these recommendations at this stage however the following can be said.

If implemented recommendations 2 - 8 and 10 -12 are either already current practice or primarily involve a change/improvement in administrative practices/processes and as such are unlikely to generate a significant additional cost, but conversely recommendations 1 and 9 could potentially generate a very significant additional cost to the HRA.

Hence, it is important that these recommendations be considered against the backdrop of the HRA needing to deliver a package of savings totalling £18m over the next 4 years in order to mitigate against the loss of income arising from the 1% rent reduction.

Therefore a decision to proceed, with in particular recommendations 1 & 9, will mean either diverting capital resources that have been allocated to other projects or reducing the housing management or repairs service to compensate for any increased costs.

#### 5.2 Legal Implications:

There are no specific legal implications on this report. Where required, legal advice and support will be provided to Housing Services in respect of the implementation of the recommendations in particular recommendation 8.

### 5.3 Resident Impact Assessment:

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

Where the proposals in this report may have equalities implications and other implications for residents. Resident Impact Assessments (including assessment of equalities implications) will be undertaken as part of the process of developing and implementing policies and actions arising from this report.

### 5.4 Environmental Impact Assessment:

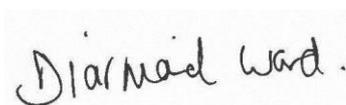
Although there may be some environmental impact from works to reduce damp in properties (e.g. resource use, waste generation), the works have a long-term positive environmental impact as they can lengthen the lifespan of buildings, avoiding the need for early demolition and replacement or keeping the dwelling empty. Works that involve improving levels of insulation also reduce the energy consumption of the dwellings being treated.

## 6. Conclusion and reasons for recommendations

- 6.1 This report details the Executive's response to the recommendations of the Health and Care Scrutiny Committee.

### Final report clearance:

#### Signed by:



4 April 2017

Executive Member for Housing and Development

Date:

Report Author: Damian Dempsey  
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Report of: Executive Member for Health and Social Care

Meeting of:	Date	Ward(s)
Executive	27 <sup>th</sup> April 2017	All

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### **SUBJECT: Procurement Strategy – A Dynamic Purchasing System for Learning Disability Accommodation and Support Services**

#### **1. Synopsis**

- 1.1 This report seeks pre-tender approval for the procurement strategy in respect of Islington Council establishing a Dynamic Purchasing System (DPS) for the procurement of learning disability accommodation and support services in accordance with Rule 2.5 of the Council's Procurement Rules.
- 1.2 The intention is to establish a DPS for the procurement of accommodation and support services for people with learning disabilities. This will include supported living, residential care and nursing care. A DPS is a fully electronic procurement instrument that enables the purchasing of services.

#### **2. Recommendations**

- 2.1 To approve the procurement strategy for establishing a DPS for the procurement of learning disability accommodation and support services, as outlined in this report.
- 2.2 To delegate authority to award any subsequent call-offs from the DPS to the Corporate Director of Housing and Adult Social Services.

#### **3. Background**

##### **3.1 Nature of the service**

A great deal of work has taken place in Islington over recent years to review and improve accommodation services for people with learning disabilities through increasing the choice, quality and value for money of services, whilst supporting people to access services that maximise their independence in local services and in the local community. However, there is more work to be done to

ensure that local services offer real choice and flexibility to people with learning disabilities and to enable commissioners to work with providers to tailor and develop services to meet individual need.

Currently many services are still commissioned in a way which inhibits this choice and flexibility, with a reliance on large block contracts with a small group of local providers, as well as a large section of the local accommodation market being occupied by our directly provided services. Outside of these arrangements, many services are purchased for individuals outside of any formal commissioning framework, under 'spot purchasing' arrangements, often out of borough. This procurement strategy provides an opportunity to explore a more personalised approach, and to improve choice and value for money.

Local accommodation services are currently offered through a partnership of landlords offering designated and specialist accommodation with support providers offering support within this accommodation. In some cases those partnerships are formal and secure (for example where the parent organisation is the same or where Islington Council is the landlord). However, in a number of cases landlords are separate organisations with their own business interests, and many are making explicit their intentions to only offer their accommodation where they can also secure part or all of the support arrangements. This risks to undermine current and future commissioning intentions, and severely restrict choice for service users.

The Care Act 2014 introduces new duties on local authorities to facilitate a vibrant, diverse and sustainable market for high quality care and support in their area. The Care Act states that local authorities must shape the local market to offer people with care and support needs a range of provision, and commissioning and procurement practices must facilitate a diverse range of services to ensure service users have a real choice of personalised solutions.

The block contracts, which we currently rely on for most of our local provision, offer limited flexibility and commit the local authority (and service users) to long periods with incumbent providers, with service developments achieved through traditional contract monitoring. When contracts come to an end, reprocurement processes are lengthy, and involve wholesale changes which lead to a period of uncertainty for providers, the council and service users.

Islington needs to consider more flexible approaches to commissioning and procurement that help create a market which is more responsive to individual needs and to evolving commissioning intentions in order to meet the needs of a population that has higher expectations and increasingly complex needs, with budgets that are reducing.

This, alongside related projects to develop new local accommodation, support people to move to more appropriate and local services, and transform directly provided services, will help Islington to reduce its reliance on out of area provision and help drive better quality, outcomes, personalisation and value.

A DPS is a fully electronic procurement instrument. The establishment of a DPS follows the restricted procedure. The first stage is the selection process. All providers who meet the minimum requirements of the selection criteria would be admitted to the DPS. In the second stage, all providers who have been admitted to the DPS will be invited to tender for each subsequent procurement. The specific (anonymised) support package(s) for one or more service users, will be published to all providers admitted to the DPS to bid to provide the specific services for which they are registered. A key benefit of a DPS is that there is no limit to the number of providers admitted to the DPS, and it remains open for new providers to join or re-apply. This enables the DPS to develop and evolve in order to respond to changing demand for and supply of services.

Over the last six months alternative commissioning and procurement options have been reviewed. Islington have joined a tri-borough framework for Supported Living which is led by Waltham Forest & includes Enfield and Hackney. Whilst this may provide some opportunities, limitations have also been identified. The tri-borough framework does not include a number of our local Islington providers and not all providers pay the London Living Wage. The framework is closed to new providers, which limits its flexibility in responding to emerging needs and evolving commissioning intentions. Overall, whilst the framework is under review, at the moment very few services have been successfully procured through

it. Options to work with other boroughs have also been explored, including joining others Dynamic Purchasing Systems, but the opportunities of working with other commissioners are restricted by the differing commissioning intentions, timescales and governance requirements of neighbouring boroughs.

Work is ongoing to evaluate our need for supported accommodation and how best to secure accommodation in which support can be provided for vulnerable adults. Due to the restricted supply of specialist accommodation it may be necessary to put in place separate procurement arrangements in due course to secure accommodation. Those arrangements could be run in conjunction with a DPS for support services where necessary. For example, accommodation with low levels of 'core' support may be block contracted, with a DPS system in place to purchase individualised support packages.

Islington already has an e-procurement provider, ProContract, which includes a DPS platform. Feedback from authorities using ProContract for DPS is positive, in terms of the functionality of the electronic system.

Consultation with local providers affected by new procurement methods has begun, through our Learning Disability Provider Forum. Providers recognise the need for change, and whilst there is some level of anxiety about how changes may affect them, providers are keen to work with us to ensure our procurement methods enable user choice and control as well as fairness and transparency.

### 3.2 Estimated Value

It is not expected that establishing a DPS will incur additional costs. Islington Council already purchases ProContract as its e-procurement tool, and the DPS function is available within that package. Existing staffing resources in commissioning, assessment, brokerage and procurement would be sufficient to set up and manage the new system. Administrating a DPS would involve a change in practice for some staff currently involved in brokering accommodation and support services.

Current spend on Learning Disability accommodation and support services was £14.5m in 2015/16. Within this £5.8m is spent on local block-contracted Supported Living and the remainder on residential and nursing care services. Once a DPS is set up it will be used to purchase care and support for new service users and/or for existing service users as and when their current arrangements come to an end, either because their needs have changed or because the contract for their existing services are coming to an end. It will only be used to procure local services, but this will include services for people that may be returning to borough from out of area placements.

Between 2012/13 and 2015/16 the expenditure on Supported Living grew from £3.6m to £5.8m, reflecting increasing demand for this type of service and the opening of a number of new block contracted services. Our existing block contracts come to an end during 2018-19 and it is the intention that a DPS could be used as one of the options to procure support in these services, in conjunction with arrangements to secure the accommodation. In addition there are a number of new Supported Living services currently in development which will open in the next three years. The value of the support contracts is not precisely determined, but support may again be procured through the DPS.

The detail of the criteria for registering providers on the DPS and for awarding contracts in the second stage is to be determined and will be developed in consultation with local providers, service users and families. The overall intention is that the first stage will be used to select provider based on their competence and capability including; Suitability to pursue this professional activity; economic and financial standing, and technical and professional ability. The intention will be for an outcome-focussed approach to commissioning and purchasing through the DPS, rather than setting restrictive ceilings on hourly rates or unit costs, as the latter approach can inhibit innovation and personalisation. Service users will all have personal budgets and agreed outcomes and providers will be bidding on the basis of their capacity to achieve those outcomes within the agreed personal budget(s). Where there is more than one provider who meets the award criteria within budget, we would enable service users and family preference to determine the successful provider. This is in line with the direction of travel for adult social care and health to achieve value for money by a fair and transparent allocation of resources to individuals, giving them a strong voice in how their needs should be met and enabling providers to find innovative solutions to meet need within the available resources.

### 3.3 **Timetable**

Block contracts for affected services are in place through 2017, with contract end dates from early 2018 to 2019. Therefore, a DPS should be in place and tested by the end of 2017.

Consultation has begun with providers currently offering services in Islington. Further consultation will be planned with providers and with family carers and service users as details are agreed.

If agreement to establish a DPS is reached at the Joint Board, further key dates are:

27<sup>th</sup> April: Seek approval from Executive  
April – June: Prepare contract, specification and tender documentation,  
Consultation with providers, family carers and service users  
July 2017: Advertise DPS for Learning Disability Accommodation with Support  
August 2017 Evaluate first stage  
Sept 2017: Begin using DPS for new placements in Learning Disability Accommodation  
From Jan 2018: Begin using DPS for recommissioning block contracted services

### 3.4 **Options appraisal**

Other Options Considered:

1. To continue with current arrangements of a mixture of block contracts and spot purchasing.

The limitations of block contracting are the lack of responsiveness and personalisation that can be achieved at a time when the Care Act requires care markets to be shaped to respond to need and offer choice and control to customers. Block contracting alone will also become increasingly difficult as housing providers seek to secure contracts for direct support. A DPS, in conjunction with some block contracting, could enable housing providers to fulfil their business needs whilst enabling them and other providers an opportunity to offer support under a DPS.

2. Using the Tri-Borough Supported Living Framework

Islington have joined the Tri-Borough Supported Living Framework, but limitations have been discovered as set out earlier in this report. It is unlikely to meet all of Islington's commissioning and procurement needs.

### 3.5 **Key Considerations**

The Care Act 2014 states that local authorities must shape the local market to offer people with care and support needs a diverse and vibrant range of provision, and commissioning and purchasing practices should facilitate this, to ensure people have a real choice of services that can offer personalised solutions.

Currently the local service provision for this type of care and support is dominated by a limited number of service providers. This has its own associated risks if these providers go into administration, or if there are issues related to quality and/or safeguarding.

A requirement for providers to pay the London Living Wage will be included as a condition of this contract if there is no cross border interest in the contract following OJEU notice or if cross border bidders do not expect to use employees for this contract who are established in another EU member state.

### 3.6 **Evaluation**

This tender will be conducted in two stages, known as the Restricted Procedure as the tender is 'restricted' to a limited number of organisations. The first stage is Selection Criteria through a Selection

Questionnaire (SQ) which establishes whether an organisation meets the financial requirements, is competent and capable and has the necessary resources to carry out the contract. The SQ is backwards looking and explores how the organisation has performed to date, its financial standing, information about their history and experience.

The second stage is 'call-off' from the DPS and is now forwards-looking using Award Criteria. All suppliers who meet the selection criteria at the first stage are automatically invited to tender for every support package we issue. Bids are evaluated on the basis of the tenderers' price and ability to deliver the services as set out in the evaluation criteria in order to determine the most economically advantageous offer.

With a DPS the first stage will ensure that providers joining can demonstrate experience and competence in delivering high quality and outcome-focussed services to this client group. With a vulnerable client group, it will be essential to ensure that suitable selection criteria is used. This means that selection criteria will be more specific than for some DPS, but this high level would be proportionate and objectively justifiable to ensure the organisations have the appropriate technical and professional abilities to perform the contract ensuring the safety of the service users

The first stage will include the contract, service specification and method statements to transparently set out expectations of the service. This will include detailed expectations around quality, outcomes and value for money. The overall strategy for people with learning disabilities is to support people to have good health and well-being, to live as independently as possible, to be fully included in our community, to have good access to universal services and to learn, progress and develop throughout their lives. The specification will reflect this and require successful providers to demonstrate an ability to work with people in a proactive way which encourages independence and reduces reliance on specialist services, as appropriate. This will include a requirement to work creatively within service users allocated personal budgets.

The DPS will include a core specification and standard contract, but the DPS will be sub-divided into Lots. Initial Lots are likely to include

Lot 1: Support within designated accommodation (where accommodation is already secured)

Lot 2: Support with accommodation (where suppliers are asked to identify/supply accommodation)

The second stage 'call-off' will involve advertising anonymised support packages which specify outcomes for individuals and their personal budget allocations. All bids will be expected to come within the personal budget or they will be automatically discounted. For this reason the evaluation criteria will be 90% outcomes and 10% price.

The outcomes framework against which suppliers will be evaluated will be developed with local stakeholders, but will include content similar to, for example, the Adult Social Care Outcomes Framework, which has four domains:

Domain One: Ensuring quality of life for people with care and support needs

Domain Two: Delaying and reducing the need for care and support

Domain Three: Ensuring that people have a positive experience of care and support

Domain Four: Safeguarding adults whose circumstances make them vulnerable and protecting them from avoidable harm

The detail of service specifications, selection criteria and award criteria will be developed over the coming months in co-production with service users, family carers and providers.

### 3.7 Business Risks

Whilst the block contracting arrangements have historically given providers some comfort and financial stability in terms of business planning, the other potential consequence is that when the contracts are due for tender there are substantial risks for local providers where the majority of their business has been tied in with the Council.

The Council could potentially purchase packages of care from providers through the DPS on a spot rather than block purchase basis. This offers providers the opportunity to diversify in terms of spreading risk and the potential for new business. It also ensures that changes in provision are based on packages of support rather than large block contracts, so over time local service provision evolves incrementally, in line with service user need and choice.

- 3.8 The Employment Relations Act 1999 (Blacklist) Regulations 2010 explicitly prohibit the compilation, use, sale or supply of blacklists containing details of trade union members and their activities. Following a motion to full Council on 26 March 2013, all tenderers will be required to sign the Council’s anti-blacklisting declaration. Where an organisation is unable to declare that they have never blacklisted, they will be required to evidence that they have 'self-cleansed'. The Council will not award a contract to organisations found guilty of blacklisting unless they have demonstrated 'self-cleansing' and taken adequate measures to remedy past actions and prevent re-occurrences.
- 3.9 The following relevant information is required to be specifically approved by the Executive in accordance with rule 2.6 of the Procurement Rules:

<b>Relevant information</b>	<b>Information/section in report</b>
1 Nature of the service	<b>Learning Disability Accommodation and Support Services</b>  See paragraph 1.1
2 Estimated value	The agreement is proposed to run for a period of 3 years with an optional extension of 2 years.  The framework agreement has an estimated value of between £5m and £8m of Islington Council spend.  See paragraph 3.2
3 Timetable	July 2017: Advertise DPS August 2017 Evaluate first stage Sept 2017: Begin using DPS for new placements From Jan 2018: Begin using DPS for recommissioning block contracted services  See paragraph 3.3
4 Options appraisal for tender procedure including consideration of collaboration opportunities	The outcome of options appraisals are included in this report  See paragraph 3.4
5 Consideration of: Social benefit clauses; London Living Wage; Best value; TUPE, pensions and other staffing implications	A requirement to pay LLW will be included as part of the contract. TUPE will apply  See paragraph 3.5
6 Evaluation criteria	The price/quality split will be 10% price and 90% quality/outcomes

	The award criteria price/quality breakdown is more particularly described within the report.  See paragraph 3.6
7 Any business risks associated with entering the contract	There are some business risks but these are low and manageable.  See paragraph 3.7
8 Any other relevant financial, legal or other considerations.	See paragraph 4 below

## 4. Implications

### 4.1 Financial implications:

The recommendation of this report is to approve the procurement strategy for a dynamic purchasing system for learning disability accommodation and support services. The DPS will be provided, managed and supported from existing Adult Social Services resources (systems and staffing) and therefore will not result in a budget pressure for the Council.

Potentially the DPS will be used to purchase all supported living services which total approximately £5.8m, the move to DPS will enable the service to deliver departmental MTFS savings and ensure value for money any additional cost arising from this will have to be managed within existing resources.

### 4.2 Legal Implications:

The Council has a duty to make arrangements for providing residential accommodation and care for persons who by reason of illness and disability are in need of care and attention which is not otherwise available to them (section 21 National Assistance Act 1948 (as amended). The Care Act 2014 also provides the council with duties and powers to meet the needs for care and support of eligible adults (sections 18 and 19). The Council has power to enter into contracts with providers of such services under section 1 of the Local Government (Contracts) Act 1997. The Executive may provide Corporate Directors with responsibility to award contracts with a value over £2 million using revenue money and over £5 million using capital money (council's Procurement Rule 16.2).

The social care services being procured are subject to the light touch regime (Light Touch Services) set out in Regulations 74 to 77 of the Public Contracts Regulations 2015 (the Regulations). The threshold for application of this light touch regime is currently £589,148.00.

The value of the proposed contract is above this threshold. It will therefore need to be advertised in the Official Journal of the European Union (OJEU). There are no prescribed procurement processes under the light touch regime. Therefore the council may use its discretion as to how it conducts the procurement process provided that it: discharges its duty to comply with the Treaty principles of equal treatment, non-discrimination and fair competition; conducts the procurement in conformance with the information that it provides in the OJEU advert; and ensures that the time limits that it imposes on suppliers, such as for responding to adverts is reasonable and proportionate. The council's Procurement Rules require contracts over the value of £500,000 to be subject to competitive tender. Following the procurement a contract award notice is required to be published in OJEU.

In compliance with the requirements of the light touch regime in the Regulations and the council's Procurement Rules the proposal outlined in the report is to advertise a call for competition in OJEU and procure the service using a competitive tender process. In using the proposed Dynamic Purchasing System, as set out in Regulation 34, contracts may be awarded as required to the highest scoring tenderer subject to the tender providing value for money for the council.

### 4.3 Environmental Implications

No negative impacts are expected.

#### 4.4 Resident Impact Assessment:

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

A Resident Impact Assessment has been completed. This proposal is not expected to discriminate or have negative impacts on people with protected characteristics. All those people affected will have learning disabilities and many will have additional needs, disabilities and/or other protected characteristics. Procuring services through a DPS rather than existing practices will increase choice and control through enabling the use of a personal budget to purchase accommodation with support and will help ensure services are designed around individual needs and preferences, including needs and preferences which are related to protected characteristics.

#### 5. Reason for recommendations

- 5.1 There is currently no adequate strategy in place for the commissioning and procurement of local accommodation with support for adults with learning disabilities. Existing arrangements and those available in partnership with other authorities carry significant risks and limitations. A DPS will greatly improve Islington's options and ability to meet the requirements of the Care Act and meet the needs of local people with appropriate services.

Final report clearance:

**Signed by:**



7 April 2017

Executive Member for Health and Social Care

Date:

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