



ADVANCED PUBLICATION OF REPORTS

This publication gives five clear working days' notice of the decisions listed below.

These decisions are due to be signed by individual Cabinet Members and operational key decision makers.

Once signed all decisions will be published on the Council's Publication of Decisions List.

- 1. AWARD CONSULTANCY CONTRACT - LIFT CONSULTANCY SERVICES**
(Pages 1 - 10)
- 2. MENTAL HEALTH INTO EMPLOYMENT SERVICE CONTRACT VARIATION** (Pages 11 - 20)

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London Borough of Enfield**Operational Report****Report of:** Joanne Drew – Director of Housing & Regeneration

Subject: Award Consultancy Contract – Lift Consultancy Services**Cabinet Member:** Cllr G Needs**Executive Director:** Sarah Cary – Exec Director - Place**Ward:** All Wards**Key Decision:** KD 5070

Purpose of Report

1. To seek approval for the award of a three-year measured term contract for the provision of Lift consultancy services across the housing stock, in furtherance of the Councils statutory duty as Landlord.
2. The contract is being awarded for a three-year term with the ability to extend for a further two years, at twelve monthly intervals.

Proposal(s)

3. That approval be given to direct award a new three-year, Consultancy contract to the first placed service provider on South East Consortiums (SEC) Compliancy Management Framework, and authority to extend (at the Council's sole discretion) for a further 2 years at 12 monthly intervals, the contract, subject to the contractors continued performance.

Reason for Proposal(s)

4. The current consultancy contract has expired and the Council must now seek to procure a new service contract to support delivery of its compliance management function.
5. The current service provider is continuing to deliver services on a rolling contract basis until such time as a new contract is awarded.
6. Following consultation with the Councils procurement hub, it was agreed that a direct call off via an OJEU compliant framework, was the quickest route to market, whilst remaining compliant with the Councils Contract Procurement Regulations (CPRs).

7. As such following a review of the available frameworks, the South East Consortium's framework (which the Council retains membership of and as such is able to access enhanced framework rates) Lift consultancy services lot was selected.

Relevance to the Council's Corporate Plan

Good homes in well-connected neighbourhood

8. The programme will improve the quality and safety of existing homes creating thriving neighbourhoods and places

Sustain strong and healthy communities

9. Developing and sustaining good quality and safety compliant housing in areas where people desire to live will help to create and maintain strong sustainable communities.

Build our local economy to create a thriving place

10. Support residents to take more responsibility to increase the local economy and improve their communities by more active engagement in project delivery.

Background

11. The Council has statutory duties under the Health & Safety at Work etc Act; The Lifting Operations and Lifting Equipment Regulations (LOLER) and the Social Housing Regulator's Homes standard to control the risks posed by passenger lifts and other forms of lifting equipment, used for the transportation of people and goods.
12. The Council is required to undertake bi-annual Thorough Examination Reports (TERs) of all lifting equipment, to ensure risks are assessed and managed. The TERs are currently completed by Zurich Insurance under a separate commission. The appointed Lift Consultancy acts as the Councils "Competent Person" and is responsible for assessing the actions from the TERs in relation to risk, prioritising actions for completion and providing assurance that works have been completed to the necessary standard of quality.
13. In addition, the Lift Consultant is required to undertake annual equipment / plant audits, to identify H&S risks within plant areas, maintenance requirements and opportunities for improvement. The provision of an annual stock condition survey is also a requirement of the contract.
14. Within the new contract scope, we have included for the provision of feasibility studies for the upgrading of passenger lifts to fire fighting or evacuation lifts, in line with forthcoming legislative requirements, in addition to the provision of advice regarding mitigation of vandalism to lift cars and doors, a key cause of service failure; upgrading of in-car

communication systems, including CCTV and lift service monitoring equipment and the design services for lift refurbishment or replacement.

15. The consultant will act on behalf of the Council to provide assurance regarding the quality of works undertaken by the Councils lift maintenance contractor, ensuring that both general maintenance and upgrade works are undertaken to the required level of quality and that appropriate action is taken to mitigate service failures. The Council has commenced a lift replacement programme which will continue into the 2021/22 financial year.
16. Echelon (a specialist procurement consultancy) were appointed to support the Council with the tender exercise.
17. A direct call off strategy was selected as the most expedient route to market, given the value of the contract. This is deemed compliant with the Councils CPRs.
18. South East Consortium as an OJEU compliant framework have evaluated, all service providers, on price and quality, as such the proposed supplier, has been evaluated as the first placed supplier on the lot, hence providing the Council with the most advantageous offer.
19. The first placed bidder on the Lot was interviewed as part of the selection process to confirm they met the Councils competence requirements and had sufficient capacity to fulfil the contract over the three-year term.
20. The Council propose to award the contract via a the Council standard Consultancy contract, as such orders for services, will be raised by the M&E & Compliance team, as required against a set of agreed schedule of rate costs, which are embedded within the framework.
21. The annual value of the contract is such that it is below the threshold whereby Leaseholder Consultation is required under The Landlord & Tenant Act. The cost of this service forms part of the annual service charge costs, as such there is no capital charge recovery associated with this contract award.

Main Considerations for the Council

22. The Council has statutory duties under the Health & Safety at Work etc Act; LOLER and the Social Housing Regulator's Homes standard to control the risks posed by lifting equipment.
23. The Council is required to undertake bi-annual Thorough Examination Reports (TERs) of all lifting equipment, to ensure risks are assessed and managed. The TERs are currently completed by Zurich Insurance under a separate commission. The appointed Lift Consultancy acts as the Councils "Competent Person" and is responsible for assessing the actions from the TERs in relation to risk, prioritising actions for completion and providing assurance that works have been completed to the necessary standard of quality.

Safeguarding Implications

- 24. The services will not require Consultants to enter resident’s homes, however as services will be undertaken in communal areas of Specialised housing units the Council requires the Consultants representatives to complete basic Disclosure & Barring Services (DBS) and adherence with the Council’s Safeguarding Policy.

Public Health Implications

- 25. The works will improve the living conditions of those residents that receive works. This aligns with the provisions of the Enfield Joint Health and Wellbeing Strategy, which makes frequent references to the importance of housing quality as a determinant of health.
- 26. The contractor will be completing works in-line with the governments Covid Secure and CLC guidelines.

Equalities Impact of the Proposal

- 27. Corporate advice has been sought in regard to equalities and an agreement has been reached that an equalities impact assessment is neither relevant nor proportionate for the approval of this report, however it should be noted that the any contracts awarded should include a duty on the successful applicant to assist us with meeting our obligations under the Equalities Act 2010

Environmental and Climate Change Considerations

- 28. The proposed appointment of a supplier represents a like for like replacement so the move to another provider will likely lead to no significant change in carbon emissions. It is noted that work is underway to engage with the Council’s supply chain, with a view to introducing ethical and sustainable procurement requirements. However, given these are not adopted requirements, and the contract needs to be awarded as soon as possible (via a third party framework), then proceeding is an acceptable approach.

Risks that may arise if the proposed decision and related work is not taken

- 29. Risks to the Council and likely impact if the proposed decision and related work, is not taken

Risk	Likelihood	Impact
The Council will be in breach of its statutory duties as Landlord and will be subject to prosecution	High	High

The Council will fail to meet the Decent Homes Standard	High	High
Reputational damage due to (lift) service failure	High	Medium

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

30. The table below highlights risks identified and mitigating actions taken.

Risk	Mitigating action	Residual risk High / Medium or Low
Compliance with Public Contracts Regulations 2015	Contract procured via established framework with support from the framework providers who ensure compliance with the framework rules and Public Contract Regulations 2015	Low
Price Assurance	The contract is being procured via the Councils standard Consultancy contract form, as such order will be raised to instruct work, ensuring the team have price assurance and can carefully monitor the annual budget spend	Low
Contractual issues	The Councils requirements are built into the bespoke contract and tender documentation	Low
Supplier performance	Clearly defined key performance indicators (KPI's) have been incorporated into the contract. Structured and regular meetings to be held with the Councils Project Manager to monitor programme and performance.	Low
Coronavirus – Contractor workforce / material lead ins	All contractors are required to work in accordance with Covid secure and CLC guidance. Further lockdowns are not expected to impact delivery.	Low

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Financial Implications

31. The cost of this contract will continue to be funded by the Repairs revenue budget, which are included within the HRA 30 year Business Plan.
32. Costs are recoverable from residents via service charges.

Legal Implications

By email 10.02.2021

33. The Council has the power under s.1(1) Localism Act (2011) to do anything individuals generally may do provided it is not prohibited by legislation and subject to Public Law principles. There is no express prohibition, restriction or limitation contained in a statute against use of the power as proposed in this report. Under s.111 Local Government Act (1972) local authorities may do anything, including incurring expenditure or borrowing which is calculated to facilitate or is conducive or incidental to the discharge of their functions. The proposals outlined in this report are incidental to the functions of the Council.
34. The contract is a public services contract under the Public Contracts Regulations 2015 (PCR 2015) and the contract value is above the threshold for public services contract (currently £189,330) under Part 2 of the PCR 2015. The Council must therefore ensure that it complies with the PCR 2015 and the Council's Contract Procedure Rules (CPRs).
35. Use of a Framework is permitted under the PCR 2015 and the CPRs for above threshold contracts. A due diligence exercise must be carried out by the Procurement and Commissioning Hub (P&C Hub) to confirm that the Council can validly call off from the Framework and the Council must be clearly identified as a contracting authority able to use the Framework when the Framework was set up.
36. A direct award can only be made if (i) Best Value can be demonstrated; (ii) it is permitted by the rules of that Framework; and (iii) the rules of the Framework on direct award are complied with. CPR 14.4 states that Frameworks, where they exist, should be used provided Best Value can be demonstrated and managers are required to retain sufficient evidence to demonstrate compliance.
37. The contract award must be in accordance with the process set out in the Framework agreement and the terms of the call off contract must be consistent with the framework terms. The contract must be executed as a deed and must be in a form approved by Legal Services for and on behalf of the Director of Law and Governance.
38. The Council must ensure that it complies with CPR 7 on financial security which requires sufficient security in one of the forms outlined in CRP 7.3 to

be obtained for all contracts with a value of £1,000,000 and above. If such security is deemed not to be required, then the Executive Director of Resources must approve the financial risk prior to award and the report for the award of contract must set out the reasons and risk mitigation measures (CPR 7.4).

39. The contract value is above the Key Decision threshold and the Council must ensure that the Key Decision process under the Council's Constitution is followed prior to the award of the contract.

Workforce Implications

40. The above report has no direct implications on the current workforce at this time as these are works not completed by our employees.
41. Resources to manage the contract are already provide within the existing M&E & Compliance management function.

Property Implications

42. HRA property implications: these are throughout this report.
43. Corporate property implications: none.

Other Implications - Procurement

44. A review of known suitable works framework agreements was undertaken by the Service to identify available agreements to the Council, critiquing each option to narrow down those that can be considered, considering delivery timescales.
45. The Call-Off from the Framework must be carried out in line with the relevant framework process. As the service is using the SEC Tendering Portal all procurement documentation associated with this procurement must be uploaded onto the Councils E-Tendering Portal following successful authority to award being obtain.
46. As the contract is potentially over £1M the provider must be required to provide sufficient security in accordance with Clause 7 (Financial Security) of Councils Contract Procedure Rules.
47. The service must ensure that authority to procure has been obtained and must be uploaded onto the London Tenders Portal
48. The award of the contract, including evidence of authority to award, promoting to the Councils Contract Register, and the uploading of executed contracts must be undertaken on the London Tenders Portal including future management of the contract.
49. The awarded contract must be promoted to Contracts Finder to comply with the Government's transparency requirements.

50. In line with CPR's all contracts over £100,000 must have a nominated contract owner in the London Tenders Portal, and over £500,000 must show evidence of regular contract management and monitoring of KPI's.
51. All frameworks must be legally compliant have terms that are acceptable to the Council and that due diligence must have been carried out by Legal to ensure this.

Options Considered

52. No other options were considered as frameworks offer the most expedient route to market available, whilst remaining compliant with the Public Contract Regulations 2015.
53. Suppliers on frameworks are assessed for suitability prior to joining the framework with pre-agreed terms and conditions. Standard documentation is available but can be amended to include specific requirements by the client.
54. Tendering through OJEU compliant Frameworks allows clients to create bespoke documentation designed to fit its requirements. This approach gives tender opportunity to a wider group of bidders but requires a long time from document preparation and procurement to tender receipt.

Conclusions

55. That approval be given to award a three-year consultancy contract to the first placed service provider on the Lift Consultancy lot, utilising the South East Consortium (SEC) Framework.

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Date of report 15th March 2021

Appendices

Appendix 1 – Part 2 (Confidential) report

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London Borough of Enfield**Portfolio Decision****Meeting Date 23rd August 2021**

Subject: Mental Health into employment service contract variation**Cabinet Member: Councillor Cazimoglu****Executive Director: Tony Theodoulou****Key Decision: N/A**

Purpose of Report

1. To inform Councillor Cazimoglu as Health and Adult Social care portfolio holder of the proposal to vary the mental health into employment contract and seek approval of that variation.

Proposal(s)

2. That Councillor Cazimoglu agree to the variation of the contract for a period of three years to allow the mental health community to benefit from the offer of increased funding from the NCL Clinical Commissioning Group (NCLCCG). Details can be found in the restricted annex of this report.

Reason for Proposal(s)

3. Additional funding has recently been offered by the CCG to enhance the current contract offer funded by the Council and the BEH Mental Health Trust.

Relevance to the Council Plan**4. Good homes in well-connected neighbourhoods:**

Employment support service for adults with mental health needs will contribute towards the Council's aim of serving the whole borough fairly. This group of residents faces several barriers to enter the job market or to retain jobs when they gain one. This programme helps them gain and maintain employment with the aim they can move to their own properties and eventually live independently.

5. An economy that works for everyone.

The employment support service for adults with mental health needs will contribute towards getting individuals into employment and improve the local economy.

Background

6. 96% of adults with mental health problems in contact with secondary care services in Enfield are not in employment¹. As a result, supporting people with mental health conditions to achieve employment is part of the national and local public service performance indicators. Local Authority and MH Trust's outcomes are nationally monitored in this area.
7. The IPS delivery approach is an area where Enfield has under achieved compared with other local authorities.
8. In 2019 a competitive tender was undertaken and at the time the Clinical Commissioning Group (CCG) was approached to see if they also wished to participate, however at the time the CCG chose to invest their budget with the another IPS provider
9. On the 6th February 2020 Councillor Cazimoglu agreed to the issuing of a four-year contract with the Working Well Trust and the contract commenced on the 1st April 2020.
10. In February 2021 the CCG approached the Council with additional funding for the year 2020/21 to be added to the Enfield contract from April 2021 onwards. Financial details can be found in Restricted Annex of this report.
11. In May 2021 the CCG again approached the Council with further funding given to them from North Central London (NCL) to bolster areas where the spend and performance was not as equitable as with other boroughs in the NCL.
12. The allocation of all the additional CCG funding comes with certain conditions. Details of this and approaches to spend the additional funding can be found in Restricted Annex of this report.
13. Performance of this service is monitored through national indicators:
 - ASCOF 1F The proportion of adults in contact with secondary mental health services in paid employment
 - NI150 Percentage of Adults receiving secondary mental health services in employment

Main Considerations for the Council

14. By varying this contract to allow for the extra funding from the CCG, we can support additional individuals with Mental Health problems to find or sustain employment.

¹ Enfield Joint Adult Mental Health Strategy 2014-2019
http://www.enfield.gov.uk/download/downloads/id/8494/enfield_joint_adult_mental_health_strategy_2014

15. For further risks see the restricted section of this report.

Safeguarding Implications

16. All staff working on the contract will be DBS checked and be trained on raising safeguarding alerts.

Public Health Implications

17. Employment is protective of good mental wellbeing for all and is therefore especially important to those with pre-existing mental health conditions. Employment reduces risk of poverty and other associated factors that are also linked with poor mental health. The contract variation will enable a greater number of residents with pre-existing mental health conditions to be supported into employment. These people are likely to achieve better mental wellbeing with employment than without, therefore from a Public Health perspective this is a very positive development

Equalities Impact of the Proposal

18. There are no identified issues for this service. An EQIA was undertaken prior to the contract being formally awarded.

Environmental and Climate Change Considerations

19. This is a local service contract so has limited impact on the environment, as the service is local there is also limited environmental travel costs. Staff on this contract will either work from home or in the community.

Risks that may arise if the proposed decision and related work is not taken

20. The risk is Enfield will perform lower in the nationally published KPI in comparison to near neighbours.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

Financial Implications

21. See restricted annex

Legal Implications

22. The Council, under s.111 Local Government Act 1972 has power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. The Council also has a general power of competence under s.1(1) Localism Act 2011 to do anything that individuals generally may do, provided it is not prohibited by legislation and subject to Public Law principles.

23. At the time of award, the contract's total value was below the Public Contracts Regulations 2015 threshold for Social and Other Specific Services (Light Touch Regime) threshold. An open tender process was followed in accordance with the Council's Contract Procedure Rules. As fewer than five quotes had been obtained, the award required the approval of the Procurement & Commissioning Hub.
24. The proposed variation brings the contract within the scope of the Public Contracts Regulations 2015 ("Regulations"). The Council must ensure compliance with the Regulation, the Council's Constitution and Contract Procedural Rules. Further advice is contained in the Restricted Annex of this report.
25. The Council must also adhere to the Duty of Best Value in accordance with the Local Government Act 1999.
26. The Council must further ensure that all legal agreements entered into in consequence of the approval of the proposals set out in this report must be approved by the Director of Law and Governance.

(Legal implications provided by E.M. 28/07/2021 based on the version of the report circulated on 23/07/2021 at 12:46pm)

Workforce Implications

27. None. Enfield Council will not employ the staff.

Property Implications

28. None, staff on this contract will work from home, meet clients in the community or occasionally visit the MH Community Rehab Team. (e.g. attend team meetings).

Other Implications (Procurement)

29. Any procurement must be undertaken in accordance with the Councils Contract Procedure Rules (CPR's) and the Public Contracts Regulations (2015).

The award of the contract, including evidence of authority to award, promoting to the Councils Contract Register, and the uploading of executed contracts must be undertaken on the London Tenders Portal including future management of the contract, including variations.

All awarded projects must be promoted to Contracts Finder to comply with the Government's transparency requirements. This contract is registered on the Contract Register DN417516. The variation and contract value must be updated on the contract register to ensure transparency.

Variation of contracts is covered under rule 72 of the Public Contract Regulations 2015, and within the Councils' CPRs rule 11. The rule states that contracts may only be varied if it meets all three of the stated criteria and no more than 50% of the original value.

If the contract is varied, then rule 26 of the CPR's states that contracts over £100,000 must have a nominated contract manager in the LTP, and for contracts over £500,000 there must be evidence of contract management uploaded into the LTP. This should include operational & performance management, supplier resilience (financial risk management), regular risk management, and commercial elements of the contract.

Options Considered

30. Increase the funding with the aim to drive up performance in this area.

Do not accept the funding. NCL CCG may choose to work with a neighbouring borough (Haringey or Barnet) to add support for Enfield residents to their own employment support contracts.

Vary the contract for a period of 12 months with the overall variation representing less than 50% of the total contract value. This options allows little time for scaling up the service and evaluation and hinders the organisation's ability to appropriately plan for the future development of the service.

Conclusions

31. That the Cabinet Member for Health and Adult Social Care agree with the recommendations of increasing the contract for a period of 3 years.

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Date of report 29th June 2021

Appendices- Restricted Annex

Background Papers

The following documents have been relied on in the preparation of this report:

None.

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