



London Borough of Hackney – Decisions taken by the Cabinet Procurement Committee on Monday, 7 September 2020

Decisions listed below that are Key Decisions will come into force and may then be implemented on the expiry of 5 clear working days after unless called-in by at least 5 non-executive members in writing and submitted to the Monitoring Officer.

Agenda Item No	Topic	Decision
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Part A – Items considered in public

1	APOLOGIES FOR ABSENCE	There were no apologies for absence. <b>NOTED</b>
2	Urgent Business	There were no items of urgent business. <b>NOTED</b>
3	DECLARATIONS OF INTEREST - Members to declare as appropriate	There were no declarations of interests. <b>NOTED</b>
4	NOTICE OF INTENTION TO CONDUCT BUSINESS IN PRIVATE, ANY REPRESENTATION RECEIVED AND THE RESPONSE TO ANY SUCH REPRESENTATIONS	There were no representations received. <b>NOTED</b>
5	DEPUTATIONS/PETITIONS/QUESTIONS	There were no deputations, petitions or questions. <b>NOTED</b>
6	UNRESTRICTED MINUTES OF THE	<b>RESOLVED</b>

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	PREVIOUS MEETING OF CABINET PROCUREMENT COMMITTEE HELD ON 6 JULY 2020	<b>That the unrestricted minutes of the Cabinet Procurement Committee held on 6 July 2020 be confirmed as an accurate record of the proceedings.</b>
7	REQUEST TO ACCESS WALTHAM FOREST FRAMEWORK: FOR SUPPORTED LIVING SERVICES FOR PEOPLE WITH LEARNING DISABILITIES, MENTAL HEALTH AND/OR PHYSICAL DISABILITIES. - KEY DECISION NO. CACH Q98	<p><b>RESOLVED</b></p> <p>i. <b>That approval be given for London Borough of Hackney (LBH) to join and call off from the London Borough of Waltham Forest’s (LBWF) four year supported living framework; and</b></p> <p>ii. <b>That authority be delegated to the Director of Adult Social Care to call off from the framework to the Director of Adult Social Care.</b></p> <p><b>RELATED DECISIONS</b></p> <p><b>There are no related decisions.</b></p> <p><b>ALTERNATIVE OPTIONS (CONSIDERED AND REJECTED)</b></p> <p><b>Option 2: Do nothing (continue with spot provision)</b> Benefits:</p> <ul style="list-style-type: none"> <li>● Service users would still have access to their current providers via spot purchase arrangements.</li> </ul> <p>Issues:</p> <ul style="list-style-type: none"> <li>● No consistent contractual arrangements in place.</li> <li>● No consistent purchasing mechanism or pricing structure</li> </ul>

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		<ul style="list-style-type: none"> <li>Continued lack of opportunity to strategically develop the supported living market more widely</li> </ul> <p>The use of this framework does not mean in-house provision cannot be sought for supported living placements. It provides an alternative provision readily available for a range of needs. A framework model also helps stimulate the market in line with Care Act requirements.</p> <p>There are no TUPE Implications. Joining the framework offers an opportunity to make and formalise new placements.</p> <p>There are no related decisions.</p>
8	SINGLE HOMELESS PATHWAY SERVICE - CONTRACT AWARD REPORT - KEY DECISION CACH. Q.94	<p><b>RESOLVED</b></p> <p><b>That approval be given to the award to St Mungos of the single homeless pathway contract for a term of five years with the option to extend for one plus one years (5 + 1 + 1), with the total contract value being £6,091,050 for five years and £8,527,470 if extended to seven years, following a direct negotiation as approved by Cabinet Procurement Committee in September 2018.</b></p> <p><b>RELATED DECISIONS</b></p> <p><a href="#">CACH P9 Re-tendering of Housing Related Support Contracts.</a></p> <p><b>REASONS FOR DECISION/OPTIONS APPRAISAL</b></p>

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		<p>The report seeks to gain approval for the award of a contract following a direct negotiation process which was approved by Cabinet Procurement Committee in September 2018.</p> <p>This award is in relation to Key Decision CACH P9, Recommendation 3:</p> <p><i>Agree to the direct negotiation of a contract for a single homeless pathway which will include hostel-based services provision for ex-offenders and people who need step-down support. The contract term will be for 5 years with an option to extend for a further 2 years (5 + 1 + 1 years). The annual contract value is £1.4m per annum; equivalent to a £9.8m total contract value. On completion of the negotiation, a Single Tender Action will be submitted to Cabinet Procurement Committee for approval.</i></p> <p>The contract award is for an accommodation based scheme delivering support to adult single homeless and rough sleepers with complex needs around substance misuse, mental health and physical health needs, particularly those associated with entrenched rough sleeping. The service is to provide support that will allow people to prepare for options through and out of the Pathway, facilitating the <b>Assessment, Engaging Support</b> and <b>Move Through</b> stages of the Pathway, depending on service user needs.</p> <p>The Provider shall work with a range of adult single homeless service users who may or may not present a risk to themselves or others. The service will focus on both stabilising clients with previously chaotic lifestyles, including those engaged in street activity, and preparing a clear route to independent living.</p> <p>The service will be flexible and responsive to the multiple and complex needs of service users including:</p>

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		<ul style="list-style-type: none"> <li>● People with substance misuse issues, including those who are in the pre-contemplative and contemplative stages of addressing those issues</li> <li>● People with very chaotic lifestyles, including those displaying anti-social behaviour</li> <li>● People with low level and/or undiagnosed mental health needs who may or may not be addressing those issues</li> <li>● People at risk of offending</li> <li>● People with health issues associated with entrenched rough sleeping</li> </ul> <p>It is expected that the service will offer flexibility in response to the needs of service users. It is expected that service users with high level support needs will receive 24 hour staffing; those service users with medium level support needs will require staffing that does not conform to a normal 9 to 5 working day.</p> <p>The service will provide high/medium and medium support to:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th align="center">Support Level</th> <th align="center">Capacity</th> <th align="center">Service</th> </tr> </thead> <tbody> <tr> <td align="center">High/medium</td> <td align="center">68 adult single male/female</td> <td align="center">146 Mare Street, London E8 3SG</td> </tr> <tr> <td align="center">High/medium</td> <td align="center">33 adult single female only</td> <td align="center">136 Church Walk N16 8QQ</td> </tr> <tr> <td align="center">Medium</td> <td align="center">24 adult single male/female</td> <td align="center">144-148 Lansdowne Drive E8 4NF</td> </tr> </tbody> </table>	Support Level	Capacity	Service	High/medium	68 adult single male/female	146 Mare Street, London E8 3SG	High/medium	33 adult single female only	136 Church Walk N16 8QQ	Medium	24 adult single male/female	144-148 Lansdowne Drive E8 4NF
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		<table border="1" data-bbox="965 448 1960 614"> <tr> <td data-bbox="974 454 1216 608">Move on-Enhanced Housing Management</td> <td data-bbox="1216 454 1565 608">47 adult single male/female</td> <td data-bbox="1565 454 1951 608">Various sites in LB Hackney</td> </tr> </table> <p data-bbox="936 651 2018 751">People accessing the service may occasionally engage in illegal activity and the Provider is expected to work in partnership with the police and probation services to explore enforcement options where appropriate.</p> <p data-bbox="936 783 2078 986">Entrenched rough sleepers typically experience poor health outcomes and ill health; it is anticipated that the majority of service users will be supported by the Provider to address those needs. There will be a minority who are diagnosed with a terminal illness; for those individuals, the service shall provide practical and emotional support if they choose to remain in the scheme. The Provider will work in partnership with the appropriate health services to implement an end of life care plan.</p> <p data-bbox="936 1023 2069 1358">Concerning the legal powers on which the Council relies to carry out this course of action, Regulation 32 of the Public Contracts Regulations 2015 allows the use of the Negotiated Procedure without Prior Publication and the awarding of contracts without competition on certain limited grounds. In this case, it is proposed that (Reg. 32(2)(ii)) applies “competition is absent for technical reasons... but only, in the case of paragraphs (ii) and (iii), where no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement”. Reliance on the above Regulation was justified at Business Case stage on the basis that the land and building is unique and necessary to the project. No other provider has this type of property available.</p> <p data-bbox="936 1394 2056 1426">To support the Best Value duty to promote efficiency, the Directorate committed to use</p>	Move on-Enhanced Housing Management	47 adult single male/female	Various sites in LB Hackney
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		<p>the open procurement process undertaken for related Mental Health HRS accommodation contracts to benchmark current market rates and inform negotiations.</p> <p>The contract will be funded through the existing London Borough of Hackney Adult Commissioning Housing Related Support budget. No additional funding is required.</p> <p><b>ALTERNATIVE OPTIONS (CONSIDERED AND REJECTED)</b></p> <p>The options considered and rejected at Business Case stage were:</p> <p>Do nothing. CPC stated that no further contract extensions would be agreed. Therefore this was not an option.</p> <p>Outsourcing via competitive procurement. It is unlikely the Council would secure properties to match the existing local facilities which allows for a large number of beds. The properties used by the current provider have a covenant placed upon them which means the current properties cannot be used for any other purpose. The flagship property on Mare Street is ideally situated and has recently undergone a very expensive refurbishment and is of a high standard. The property is owned by the service provider who will not allow other services to run from the property.</p> <p>Insourcing. The council would not be able to source the appropriate required property. The provider owns the existing premises and has communicated their unwillingness to lease property to the Council for the Council to then provide services. Insourcing could be explored when commissioning this service in the future, however consideration must be given to acquiring or building a suitable property as well as a staffing team with the relevant skills.</p>

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		Outsourcing via direct negotiation was the chosen option as the current provider has purpose built properties in the local area, refurbished to a good standard. Market testing identified no other provider with access to such properties suitable to use as hostel provision.
9	ENERGY PROCUREMENT BUSINESS CASE - KEY DECISION NO. FCR Q.99	<p><b>RESOLVED</b></p> <ul style="list-style-type: none"> <li>i. That it be noted that PBO A's costs and services had been compared against PBO B, and that it was deemed that PBO B was more cost effective and better aligned to the Council's current and future energy procurement ambitions;</li> <li>ii. That approval be given to the appointment of PBO B to act on behalf of the London Borough of Hackney to secure all 12month's supplies contracts for Natural Gas, Non-Half Hourly electricity, Half Hourly and Unmetered electricity covering the period April 2021 to March 2022;</li> <li>iii. that the Group Director of Finance and Resources be delegated authority to engage PBO B for provision of the service in (ii) above by means of three further annual contracts to commence in April 2022 for all supplies contracts for Gas, Non-Half Hourly electricity, Half Hourly and Unmetered electricity and subject to resolution (v) below;</li> <li>iv. that it be noted that retrospective Contract Award (CA) reports would be presented to Cabinet Procurement Committee by June of each year, detailing contract costs and for each year and giving the Cabinet Procurement Committee the opportunity to confirm it remains content for the Group Director of Finance and Corporate Resources to exercise the delegated authority sought by resolution (iii) above; and</li> </ul>



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		<p>v. <b>that officers would continue to appraise the options for securing the Council’s energy contract through PPA with energy generators and present a Business Case report to the Cabinet Procurement Committee once the PPA purchasing options were fully explored and officers were able to recommend an approach that best meets the needs of the Council.</b></p> <p><b>RELATED DECISIONS</b></p> <p>Business Case Report presented to the Cabinet Procurement Committee in March 2016.</p> <p><b>OPTIONS APPRAISAL AND BUSINESS CASE (REASONS FOR DECISION)</b></p> <p>As part of essential commodities deployed in the delivery of Council services, the Council has an ongoing requirement to purchase gas and electricity. For over 10 years, the Council has engaged the services of a Public Buying Organisation (who buys on behalf of several public sector bodies) to procure its annual energy supplies contracts.</p> <p>At its meeting in March 2016, Cabinet Procurement Committee agreed the appointment of Crown Commercial Service (CCS) to procure energy contracts for the year commencing October 2016 and also authorised the Group Director of Finance and Corporate Resources to engage this organisation to procure the energy supplies contracts for four subsequent years.</p> <p>This delegated authority has been exercised since 2016 when PBO A were appointed to secure 12 months contracts prices for Gas, Non-Half Hourly (NHH), Half-Hourly (HH) and Unmetered (UMS) electricity supplies for the contract years .</p>

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		<p>As the delegated authority given to the Group Director of Finance and Corporate Resources expires this year and in the light of the Council’s ongoing effort to source renewable energy supplies and secure its contracts through PPA with renewable energy generators, this Business Case report is written to provide Members with information on current developments in the energy market with regards to the purchasing options for the Council and to also recommend the procurement approach that best meets the needs of the Council for the foreseeable future.</p> <p>Within this report, it is recommended that until the Council is able to secure its energy contracts through PPA, we continue to procure the Council’s energy supplies contracts using the locked prices purchasing in advance (PIA) methodology and appoint PBO B. The rationale for this recommendation is further discussed in other sections of this report.</p> <p><b>ALTERNATIVE OPTIONS (CONSIDERED AND REJECTED)</b></p> <p>Most public sector organisations adopt the “aggregated, flexible and risk managed energy procurement”; these are typically known as Purchase in Advance/Locked (PIA) Strategy. There are other options such as Direct Tender and Procurement through a private sector third party intermediary (TPI) but these are discounted as they would not deliver the best value for the Authority.</p> <p>The Purchase in Advance Strategy delivers contract price certainty prior to the start of the 12 months delivery period. There is also the option to Purchase within Period (PwP) meaning final prices will not be known before the contract starts. The features of this option include:</p> <ul style="list-style-type: none"> <li>• Lack of cost certainty for budgeting purposes as final commodity prices will not be determined until the end of the year when the products are being bought and used simultaneously.</li> </ul>

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		<ul style="list-style-type: none"> <li>● Billing is based on a monthly reference price.</li> <li>● A Variable Report will provide a forward price every month before bills are presented.</li> </ul> <p>The characteristics of PwP described above and the associated administrative burden of reconciling actual spend against the budgets particularly for Housing and Schools accounts makes it less suitable for the Council.</p> <p>The PIA is provided by Professional Buying Organisations (PBOs) under framework contracts. PBO's offer an OJEU compliant, flexible and risk managed approach to energy procurement. They employ staff who possess the relevant category expertise and energy trading skills to deliver effective price risk management and value for money supply contracts consistently, over a period of time. The primary benefits of this approach are reliant upon being able to secure favorable T &amp; Cs, better management of the wholesale element of the delivered energy bill; helping to manage the risk exposure to the energy market.</p> <p>The two main Public Buying Organisations referenced in this report procure energy contracts on behalf of the majority of the public sector organisations.). Due to the flexible procurement strategies employed by both organisations, their large portfolio and longer-term supply periods, they are able to absorb variances in volumes and in doing so critically provide the flexibility for the customer to reduce its purchased consumption significantly.</p> <p>These organisations have been assessed against their long term expertise, strategy to provide effective price risk management, value for money and framework set up for other value added services including green energy procurement. The green power element is particularly important to support the Authority's priority on renewable energy</p>

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		<p>procurement. Whilst the Council currently buys REGO backed electricity, REGOs don't have an explicit link with the “green power” produced by renewable plants, which mean and there are questions on the extent to which REGO-backed renewable tariffs are supporting the deployment of additional renewable generation. For this purpose the Authority is exploring the deployment of Power Purchase Agreements for its electricity supply.</p> <p>Whilst the two Public Buying Organisations (PBOs) provide similar service as a central purchasing body; their services differ in terms of scope, method of delivery, cost of service and choice of purchasing baskets for Gas, Half-hourly (HH), Non-Half-Hourly (NHH) and Unmetered (UMS) electricity supplies. The relative merits of both PBOs are discussed under the following headings:</p> <p><b>Purchase in Advance (PIA) Strategy:</b> Both PBOs have significant experience of procuring energy supply contracts for public sector organisations using this methodology. As detailed in 5.4.2, this method is preferred by the Council and its partners as it provides greater spend and budget certainty particularly for Housing. By using this method, a year's worth of gas and electricity is procured over the 6 months preceding the year of energy consumption.</p> <p><b>Green Energy Supply:</b> Both PBOs source REGO backed renewable power within their frameworks, PBO A at costs quoted between 0.05 to 0.08p/kWh and PBO B at ~0.08p/kWh for electricity and ~1p/kWh for gas. PBO B also provides a Biomethane Certification Scheme (BMC) for gas whilst PBO A does not have a framework for renewables gas certificates due to lack of availability and potential to increase overall gas budgets by up to 50%. Both parties provide sleeving/ Corporate PPA services. PBO A incorporates the ability to 'sleeve' PPA into energy supplies as a 'one off' activity and has a framework set up to support the procurement of specialist PPA. The flexibility offered by the PBO B Framework Agreement allows the Council to benefit</p>

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		<p>from PPAs earlier than would otherwise be possible under a conventional two year contract - as it provides the potential to switch to a Power Purchase Agreement mid-way through the contract.</p> <p><b>Contract Term:</b> Both PBOs have an option to procure annual energy contracts.</p> <p><b>Pricing:</b> Independent benchmarking undertaken by Major Energy Users Council (MEUC)-an independent consumer organisation representing a large number of users in the public sector, industry and commerce, for 2018/19 period. show that PBO B delivered an outturn price 4.5% below the MEUC members average for gas and 10.4% less for electricity.</p> <p><b>Management Fees:</b> The service cost (commission charges for services provided) for PBO B is lower than that of PBO A (Exempt Appendix 1). This cost is relatively small when compared to the total energy cost of the Council and it is normally accounted for as part of the overall fully delivered energy contract prices which also includes: raw commodity cost, energy supplier margin and regulated charges. The fully delivered energy prices achieved by PBO B were compared against industry benchmarks, provided by the Major Energy Users Council (MEUC), and PBO B has performed better. The summary is detailed in Exempt Appendix 2.</p> <p><b>Value Added Service:</b> Additional benefits such as Managed Service (bill validation and invoicing) and a net zero carbon solutions procurement framework that enables the Council to access a wider range of services such as the following: Renewables Energy, GPA and PPA, Demand Side Response, Battery Storage, Solar PVs, Electric Vehicles, Low Carbon heat sources such as Ground Source Heat Pumps, Air Source Heat Pumps etc) are available under Lot 2 Services at a cost.</p>

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		<p>Apart from the relative advantage of PBO B discussed above, the organisation also has a relatively large number of public sector organisations customers including local authorities, all of whom have indicated a satisfaction with its level of service.</p> <p>The Framework agreement currents set up between 2020 to 2024, is set up for the different energy commodities, i.e gas and electricity and identified as Electricity-Lot 1 and Gas-Lot 1. Lot 2 covers the purchase of optional additional services such as renewable energy, AMR, data aggregation, data collection, demand side response, power purchase agreements, battery storage, electric vehicle facilities and energy services if required</p> <p>Therefore, this report seeks approval for the award of a contract under Lot 1 of the new PBO B electricity Framework for flexible procurement and supply of half hourly, non-half hourly metered and unmetered supply of electricity with meter operations and additional services. The Council will seek to contract with the first place supplier under Electricity-Lot 1.</p> <p>Concerning the gas supply and services, the Council is seeking permission to buy into Lot 1 of the PBO B gas supply and services framework for flexible procurement and supply of gas for daily metered and non-daily metered products including product class 1, 2, 3 and 4 with additional services. This Lot allows for the purchase of optional additional services such as green gas, AMR, gas purchase agreements, and energy services, if required. The Council will seek to contract with the first place supplier under Lot 1 of Gas Framework.</p> <p>The Council's current gas supplier is appointed in the Lot 1 Framework and this should make the process of onboarding the Gas supplies seamless. The current Electricity suppliers will need to be changed.. The transfer of the Electricity supplies will place an</p>

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		<p>administrative burden, however, the Council will benefit from one supplier across its Electricity contract.</p> <p>In order to participate in the consortium and framework buying arrangements referred to in this report; the Council is required to enter into an Access Agreement with PBO B. The Access Agreement will permit the Council to access those gas and electricity supplies and services referred to in this report. It also records those obligations that will underpin the Council and PBO B's relationship for the duration of the Call Off Contracts/Order.</p>
10	ANY OTHER UNRESTRICTED BUSINESS THE CHAIR CONSIDERS TO BE URGENT	<p>There were no items of unrestricted urgent business.</p> <p><b>NOTED</b></p>
11	DATE OF FUTURE MEETINGS	<p><b>NOTED</b> – meetings of the Cabinet Procurement Committee commencing at 5.00pm for the remainder of the Municipal Year 2020/21 as follows:</p> <p>5 October 2020            9 November 2020            7 December 2020            18 January 2021            8 March 2021            12 April 2021            10 May 2021</p>
12	EXCLUSION OF THE PUBLIC AND PRESS	<p><b>RESOLVED</b></p>

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	<p><b>Part b– Items considered in PRIVATE</b></p>	<p>THAT the press and public be excluded from the proceedings of the Cabinet Procurement Committee during consideration of Exempt items 13-15 on the agenda on the grounds that it is likely, in the view of the nature of the business to be transacted, that were members of the public to be present, there would be disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Local Government Act 1972 as amended.</p>
13	EXEMPT MINUTES OF THE PREVIOUS MEETING OF CABINET PROCUREMENT COMMITTEE HELD ON 6 JULY 2020	<p><b>RESOLVED</b></p> <p><b>That the exempt minutes of the Cabinet Procurement Committee held on 6 July 2020 be confirmed as an accurate record of the proceedings.</b></p>
14	SINGLE HOMELESS PATHWAY SERVICE - CONTRACT AWARD REPORT - KEY DECISION CACH. Q.94	<p><b>RESOLVED</b></p> <p><b>That exempt Appendices A &amp; B in relation to agenda item 8 in the unrestricted part of the agenda be agreed and noted.</b></p>
15	ENERGY PROCUREMENT BUSINESS CASE - KEY DECISION NO. FCR Q.99	<p><b>RESOLVED</b></p> <p><b>That exempt Appendices 1 &amp; 2 in relation to agenda item 9 in the unrestricted part of the agenda be agreed and noted.</b></p>
16	ANY OTHER EXEMPT BUSINESS THE CHAIR CONSIDERS TO BE	There were no exempt items of urgent business.



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	URGENT	NOTED
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