

**DRAFT UNRESTRICTED MINUTES OF CABINET PROCUREMENT AND
INSOURCING COMMITTEE**

MONDAY 4 OCTOBER 2021

Chair Cllr Robert Chapman, Cabinet Member for Finance

Councillors Present: Cllr Anntoinette Bramble, Deputy Mayor (Statutory) and Cabinet Member for Education, Young People and Children’s Social Care
Cllr Christopher Kennedy, Cabinet Member for Health, Adult Social Care and Leisure
Cllr Caroline Woodley, Cabinet Member for Families, Early Years, and Play

Apologies None

Officers in Attendance Rotimi Ajilore – Head of Procurement
Andrew Spragg – Governance Services Team Leader

Remote attendees

Kevin Keady – Head of Parking and Markets
Dan O’Sullivan – Service Area Manager Markets, Shop Fronts and Street Trading
Patrick Rodger – Senior Lawyer – Procurement - Legal & Governance
Lauren Wheatcroft – Senior Category Manager
Joe Wilson, Head of Special Education Needs and Disabilities (SEND)

The meeting was live-streamed here:
<https://www.youtube.com/watch?v=rGVP7JMn30g>

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST - Members to declare as appropriate

There were no declarations of Interest.

3. URGENT BUSINESS

There were no items of urgent business.

4. NOTICE OF INTENTION TO CONDUCT BUSINESS IN PRIVATE, ANY REPRESENTATION RECEIVED AND THE RESPONSE TO ANY SUCH REPRESENTATIONS

There were no representations received.

5. TO CONSIDER ANY DEPUTATIONS, QUESTIONS OR PETITIONS REFERRED TO THE CABINET BY THE COUNCIL'S MONITORING OFFICER

There were none received.

6. Unrestricted Minutes of the previous meeting of Cabinet Procurement & Insourcing Committee held on 19 July 2021..

RESOLVED:

That the unrestricted minutes of the Cabinet Procurement & Insourcing Committee held on 19 July 2021. were approved.

7. FCR S024 Procurement of External Print (Non Variable Data) Services via a Framework Agreement for Hackney Council's Print Team

7.1 Item 7 was deferred to the November 2021 meeting of the Committee.

8. CE S020 SEND Independent and Non-Maintained School Placements Pseudo Dynamic Purchasing System

8.1 Joe Wilson, Head of SEND introduced the report and outlined the benefits of the flexible model. The Committee expressed support for the proposals. Cllr Woodley highlighted that the model would be more transparent, fairer and accountable.

8.2 The Chair asked for clarification about how the proposal differed from spot purchasing. The Committee was advised that the model allowed schools to be accepted onto the Dynamic Purchasing System at any point, while the call-off procedure could operate where the placement could be made at the school then the contract could be put in place. The schools would all be signed up to the same contract terms and conditions, streamlining the approach.

8.3 The Committee was informed that the development of in-house provision was being managed through the school estate strategy, with a plan to expand special school placements. It was highlighted that there was a commitment to grow provision, but it took time to implement across the school estate in the borough.

RESOLVED:

To seek approval to establish a three year Pseudo Dynamic Purchasing System (PDPS) in compliance with the Light Touch Regime outlined in the Public

Contracts Regulations 2015. The total estimated value of the PDPS across the 3 year period is £4.5m.

REASONS FOR DECISION

Hackney Council aims to commission suitable high quality Independent Non Maintained Schools (INMSS) placements through effective commissioning, quality assurance processes and partnership working with key stakeholders such as service users, practitioners, other local authorities and the provider market. This is currently being achieved through due diligence checks and the implementation of the National Schools and Colleges Contract for existing providers. Officers have developed a rigorous accreditation process that all current providers are in the process of completing prior to signing up to the National Schools and Colleges Contract from the 1st October 2021. The criteria on the accreditation process includes the requirement for schools to confirm whether they recognise trade unions and if they are adhering to the Statutory School Teachers' Pay and Conditions Document (STPCD) to determine their teachers' pay and conditions, in addition to insurance checks, financial viability checks among other criteria.

The accreditation process will be transposed into an online form for any new INMSS providers commissioned in the future to complete via the London Tenders Portal.

This will result in the provider becoming part of the Hackney Council INMSS PDPS and each individual placement will subsequently be called off against the PDPS and National Schools Contract terms and conditions.

The PDPS will be inclusive of the existing and future providers, and will be awarded for a period of 3 years from 1st October 2021 until 30th September 2024. The contractual period will provide proof of concept to future procurement exercises with this market.

Since the total contract value exceeds the £2m threshold the department is seeking approval to implement this process from Cabinet Procurement and Insourcing Committee, following approval from the Hackney Education Senior Leadership Team on 11 June 2021 and the Children & Young People Scrutiny Commission on 12 July 2021.

9. NH S025 Insourcing Market Stalls operations

9.1 Kevin Keady, Head of Parking and Markets introduced the report. The Committee expressed support for the insourcing of the operations. Cllr Kennedy asked what possible recourse previous contractors might have if they wished to challenge the Committee's decision. Dan O'Sullivan, Service Area Manager Markets, Shop Fronts and Street Trading, set out the process by which the previous operator had ceased operations with the Council. He highlighted that the service had worked with the Council's Legal Services and was confident that there was little to no risk of challenge from previous operators.

9.2 The Committee was informed that a series of Key Performance Indicators (KPIs) were in place to ensure that there was confidence in the set-up and trading sites were fit for purpose. It was highlighted that different market sites

had different requirements with regard to the Council's responsibilities. Appendix 6 of the report set out the KPI process, and the Committee was informed that there were regular meetings with the trading groups, residents and other business groups to gather feedback. The insourcing would provide an additional level of transparency and further opportunities to improve the services.

RESOLVED:

- i) To approve the insourcing of the stall management service from the temporary external contractor before the contract expires in December 2021 to enable greater security, accountability and transparency on behalf of the Council and protecting the integrity of our trading operations.**
- ii) To approve the Financial Business Case in Appendix 1.**
- iii) To approve the Procurement of Infrastructure specifically procurement of new vehicles to operate the new service listed in Appendix 1.**
- iv) To approve the budgetary creation and costs highlighted in Appendix 1.**
- v) To approve the new structure proposed in Appendix 2.**
- vi) To approve the new proposed job descriptions in Appendix 3.**
- vii) To approve the creation of an establishment of posts and officers to undertake activities to erect and dismantle street market stalls across all markets and street trading sites operated and managed by Hackney Council.**
- viii) To approve the replacement of the existing arrangement for erecting and dismantling street market stalls across all of Hackney Council's markets.**
- ix) To note the contents of the report and the recommendations made in relation to changes made to the current logistical arrangements for erecting and dismantling street market stalls across all of Hackney Council's markets.**
- x) To note the estimated cost saving of £70,285 per annum on a rolling 12 month basis and £351,425 over the next five years on the basis that Market Stalls Management and operations are brought in house.**
- xi) To note that the proposed change to the existing agreement will support the Council's sustainability and economic development initiatives with increased savings for traders and the council as well as increased flexibility and improved levels of service delivery.**

REASONS FOR DECISION

In line with the Mayor's 2018 Manifesto and the Sustainable Procurement Strategy 2018-2022 which included a commitment to review all outsourced services with a view to bringing them in-house an insourcing appraisal has been carried out.

The comprehensive and thorough insourcing appraisal undertaken by Council officers has concluded that an in-house stall management service under Parking &

Markets Services is the most practicable, lowest risk and cost-effective option out of all the options considered. The insourcing of the stall management service will also deliver savings to the Council.

10. Any Other Unrestricted Business the Chair Considers To Be Urgent

There was no other urgent business to consider.

11. Dates Of Future Meetings

CPIC noted the dates of future meetings.

2021

8 November

6 December

2022

17 January

14 February

7 March

11 April

12. Exclusion Of The Public & Press

The Committee agreed that items 13, 14 and 15 had been agreed and noted without requiring the public and press to be excluded from the meeting.

End of Meeting

Duration of the meeting: 5pm - 5.25pm

Contact:

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