Lancashire County Council

Executive Scrutiny Committee

Tuesday, 4th April, 2017 at 2.00 pm in Cabinet Room 'C' - The Duke of Lancaster Room, County Hall, Preston

Agenda

Part I (Open to Press and Public)

No. Item

1. Apologies

2. Disclosure of Pecuniary and Non-pecuniary Interests

Members are asked to consider any Pecuniary or Nonpecuniary Interests they may have to disclose to the meeting in relation to matters under consideration on the Agenda.

3. Minutes of the meeting held on 7 March 2017 (Pages 1 - 6)

4. Forthcoming Individual Cabinet Member Key Decisions

- (a) Procurement Report Request for Approval to (Pages 7 14) Commence Procurement Exercises
- (b) Capital Strategy for Schools Condition Led (Pages 15 26) Capital Investment Programme, 2016/17 and part 2017/18

(Appendix 'A' is not for publication - Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.)

5. Urgent Business

An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.



6. Date of Next Meeting

The next meeting of the Executive Scrutiny Committee will be held on Tuesday, 13 June 2017 at 2pm at the County Hall, Preston.

7. Exclusion of Press and Public

The Committee is asked to consider whether, under Section 100A(4) of the Local Government Act, 1972, it considers that the public should be excluded from the meeting during consideration of the following items of business on the grounds that there would be a likely disclosure of exempt information as defined in the appropriate paragraph of Part 1 of Schedule 12A to the Local Government Act, 1972, as indicated against the heading to the item.

Part II (Not Open to Press and Public)

8. Forthcoming Individual Cabinet Member Key Decisions

(a) Procurement relating to Framework (Pages 27 - 32) Agreement for Professional and Technical Services

(Not for Publication – Exempt information as defined in Paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972. It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information).

(b) Core Systems Implementations and Funding (Pages 33 - 42) Requirements

(Not for Publication - Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.)

> I Young Director of Governance, Finance and Public Services

County Hall Preston

Lancashire County Council

Executive Scrutiny Committee

Minutes of the Meeting held on Tuesday, 7th March, 2017 at 2.00 pm in Cabinet Room 'C' - The Duke of Lancaster Room, County Hall, Preston

Present:

County Councillor Bill Winlow (Chair)

County Councillors

| A Atkinson | S Holgate |
|---------------|-----------|
| A Barnes | J Oakes |
| Mrs S Charles | D O'Toole |
| B Dawson | N Penney |
| G Driver | S Perkins |
| M Green | |

1. Apologies

CC Nikki Hennessy replaced CC Matthew Tomlinson

2. Disclosure of Pecuniary and Non-pecuniary Interests

None declared

3. Minutes of the meeting held on 31 January 2017

Resolved: - That the minutes of the meeting held on 31 January 2017 be confirmed and signed by the Chair.

4. Forthcoming Individual Cabinet Member Key Decisions

The Committee considered the following reports on Key Decisions due to be taken by individual Cabinet Members, as indicated:

a. The Future of Lytham St Annes Technology and Performing Arts College's Post 16 Provision

The Committee considered a report presented to the Cabinet Member for Children, Young People and Schools on the proposal to discontinue post 16 sixth form provision, by permanently lowering the age range from 11-18 years to 11-16 years, with effect from 31 August 2018 of Lytham St Annes Technology and Performing Arts College (LSATPAC) following the conclusion of statutory consultation between 1 December 2016 and 20 January 2017. **Resolved:** - That the recommendations set out in the report to the Cabinet Member for Children, Young People and Schools be noted and that no additional comments or suggested alternative recommendations be made.

b. Determination of Admission Arrangements for Community and Voluntary Controlled Primary and Secondary Schools and Sixth Forms for the School Year 2018/19

The Committee considered a report presented to the Cabinet Member for Children, Young People and Schools on the determination of the admission arrangements for community and voluntary controlled schools for the school year 2018/19

Resolved: - That the recommendations set out in the report to the Cabinet Member for Children, Young People and Schools be noted and that no additional comments or suggested alternative recommendations be made.

c. Funding for supported housing for care leavers and young people who are homeless

The Committee considered a report for the Cabinet Member for Adult and Community Services and the Cabinet Member for Children, Young People and Schools on reviewing how we fund and procure supported accommodation services for young people.

Resolved: - That the recommendations set out in the report to the Cabinet Member for Adult and Community Services and the Cabinet Member for Children, Young People and Schools be noted and that no additional comments or suggested alternative recommendations be made.

d. **Proposed 2017/18 Highway Maintenance, Road Safety and Public Rights of Way New Starts Capital Programme**

The Committee considered a report for the Cabinet Member for Highways and Transport on the criteria used to select projects for inclusion in the 2017/18 Highways Block of the Capital programme.

Further information in relation to funding to support flood damage was requested.

It was proposed and seconded that the decision be deferred to enable the Cabinet Member to reconsider the balance of projects across the county

An amendment was then proposed and, upon a vote, carried that the original recommendation set out in the report remain

Resolved: - That the recommendations set out in the report to the Cabinet Member for Highways and Transport be noted and that no additional comments or suggested alternative recommendations be made.

e. Procurement Report - Request for Approval to Commence Procurement Exercises

The Committee considered a report to be presented to the Cabinet Member for Highways and Transport, the Cabinet Member for Adult and Community Services, the Cabinet Member for Health and Wellbeing and the Cabinet Member for Environment, Planning and Cultural Services on the commencement of six procurement exercises.

Resolved: - That the recommendations set out in the report to the Cabinet Member for Highways and Transport, the Cabinet Member for Adult and Community Services, the Cabinet Member for Health and Wellbeing and the Cabinet Member for Environment, Planning and Cultural Services be noted and that no additional comments or suggested alternative recommendations be made.

f. County Hall Complex

The Committee considered a report presented to the Deputy Leader of the County Council on the ongoing redevelopment of the County Hall Complex

Further information in relation to the fire evacuation of disabled visitors and staff was requested for the next meeting of the Committee

Resolved: - That the recommendations set out in the report to the Deputy Leader of the County Council be noted and that no additional comments or suggested alternative recommendations be made.

g. Skelmersdale Rail Link Grip 3 study

The Committee considered a report to be presented to the Cabinet Member for Highways and Transport requesting approval to commission Network Rail to undertake a feasibility study.

Resolved: - That the recommendations set out in the report to the Cabinet Member for Highways and Transport be noted and that no additional comments or suggested alternative recommendations be made.

h. Assessment of Applications for the Countryside Sites and Implications for the County Council

The Committee considered a report to be presented to the Cabinet Member for Environment, Planning and Cultural Services in relation to applications from organisations and individuals wishing to take over a number of sites.

Resolved: - That the recommendations set out in the report to the Cabinet Member for Environment, Planning and Cultural Services be noted and that no additional comments or suggested alternative recommendations be made.

5. Urgent Business

The Chair of the Committee agreed that the following report in relation to 30 Hours Extended Entitlement should be considered as an item of Urgent Business. The reason for the urgency was so that approval for the grant spend can be obtained and the agreement signed prior to the April Decision Making Session and Executive Scrutiny Meeting.

It was also agreed that the following Part II reports should be considered as an item of Urgent Business:

- Item 8c Error! Unknown document property name. that the contract needs to be in place prior to the April Decision Making Session and Executive Scrutiny Meeting.
- Item 8d Pension Fund Re-profiling the Council's Contributions that the re-profiling needs to be completed by the end of March 2017, before the next Executive Scrutiny Committee and Deputy Leader's Decision Making Session.

a. Capital Funding for 30 Hours Extended Entitlement

As mentioned above the Chair of the Committee agreed that the report in relation to 30 Hours Extended Entitlement should be considered as an item of Urgent Business. This was so that approval for the grant spend can be obtained and the agreement signed.

The Committee considered a report to be presented to the Deputy Leader of the County Council requesting approval for Education Funding Agency grant to be added to the 2017-2018 Children and Young People's block of the Capital Programme.

It was agreed that the Education Funding Agency be asked to provide feedback to the unsuccessful applications.

Resolved: - That the recommendations set out in the report to the Deputy Leader of the County Council be noted and that no additional comments or suggested alternative recommendations be made.

6. Date of Next Meeting

It was noted that the next meeting of the Executive Scrutiny Committee would be held on Tuesday 4 April 2017 at 2pm at the County Hall, Preston.

7. Exclusion of Press and Public

Resolved: - That under Section 100A(4) of the Local Government Act, 1972, the press and public should be excluded from the meeting during consideration of the following items of business on the grounds that there would be a likely disclosure

of exempt information as defined in the appropriate paragraphs of Part 1 of Schedule 12A to the Local Government Act, 1972 and that in all circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

8. Forthcoming Individual Cabinet Member Key Decisions

The Committee considered the following reports on Key Decisions due to be taken by individual Cabinet Members, as indicated.

a. Proposed Capital Programme for Regularising Primary School Admission Numbers Phase 2

The Committee considered a report to be presented to the Cabinet Member for Children, Young People and Schools seeking approval of a programme of capital expansion projects in maintained schools to provide additional places to regularise admission numbers (to make them compatible with class size 30 requirements) in areas of growth.

Resolved: - That the recommendations set out in the report to the Cabinet Member for Children, Young People and Schools be noted and that no additional comments or suggested alternative recommendations be made.

b. Operation of Household Waste Recycling Centres and Waste Transfer Stations from April 2018

The Committee considered a report to be presented to the Cabinet Member for Environment, Planning and Cultural Services and the Deputy Leader of the Council seeking approval for the recommissioning of the service from 1st April 2018, on the basis of the continuation of the current level of provision in terms of network of sites, staffing levels and existing opening hours and proposals for the recommissioning of the waste transfer stations operations.

Resolved: - That the recommendations set out in the report to the Cabinet Member for Environment, Planning and Cultural Services and the Deputy Leader of the Council be noted and that no additional comments or suggested alternative recommendations be made.

c. Procurement of Water and Wastewater Retail Services

The Committee considered a report to be presented to the Deputy Leader of the Council seeking approval for an exemption to Lancashire County Council Procurement Rules so that Lancashire County Council can enter into a regulated contract for water and wastewater retail services.

Resolved: - That the recommendations set out in the report to the Deputy Leader of the Council be noted and that no additional comments or suggested alternative recommendations be made.

d. Pension Fund - Re-profiling the Council's contributions

The Committee considered a report to be presented to the Deputy Leader of the Council on the options available to the Council and recommendation that both the deficit recovery and future service costs are paid in advance for three years.

Resolved: - That the recommendations set out in the report to the Deputy Leader of the Council be noted and that no additional comments or suggested alternative recommendations be made.

I Young Director of Governance, Finance and Public Services

County Hall Preston

Agenda Item 4a

Report to the Deputy Leader of the County Council and the Cabinet Member for Highways and Transport Report submitted by: Head of Service - Procurement Date: 6 April and 10 April 2017

Part I

Electoral Divisions affected: All

Procurement Report – Request for Approval to Commence Procurement Exercises

(Appendix 'A' refers)

Contact for further information: Rachel Tanner, (01772) 534904, Head of Service - Procurement rachel.tanner@lancashire.gov.uk

Executive Summary

This report sets out recommendations to approve the commencement of two procurement exercises for:

- (i) The provision of insurance services in respect of the Farington and Thornton Waste Recovery Parks and;
- (ii) The supply and delivery of street lighting materials.

The procurement exercises will be undertaken in line with European Union (EU) Regulations, the County Council's Procurement Rules, and as outlined in Appendix 'A' to this report.

These are deemed to be Key Decisions and the provisions of Standing order No. 25 have been complied with.

Recommendation

The Deputy Leader of the County Council is asked to approve the commencement of the procurement exercise as set out in Appendix 'A' for the provision of insurance services for the Farington and Thornton Waste Recovery Parks.

The Cabinet Member for Highways and Transport is asked to approve the commencement of the procurement exercise as set out in Appendix 'A' for the supply and delivery of street lighting materials.



Background and Advice

In July 2016, Full Council approved an amendment to the approval process for procurement exercises which are deemed to be Key Decisions in order to enhance the transparency and efficiency of decision making.

In line with the approved procurement rules, approval is required from the appropriate Cabinet Member to commence two procurement exercises detailed in Appendix 'A' of this report, which are deemed to be Key Decisions.

Appendix 'A' of this report sets out the details of the individual procurement exercises, and the basis upon which it is proposed to carry out the processes including:

- the description of the service being procured;
- the estimated annual contract value and the funding position;
- the contract duration and;
- the proposed basis for the evaluation of the tender submissions received.

Where approval has been received from the Cabinet Member to undertake a tender process which is deemed to be a Key Decision, the subsequent award of the Contract on the satisfactory completion of the tender exercise shall not be deemed a Key Decision and can be approved by the relevant Head of Service or Director.

On the conclusion of the procurement exercises, the award of the contracts will be made under the County Council's Scheme of Delegation to Heads of Service, and in accordance with the Council's procurement rules. The details of the contract awards will be reported to Cabinet on a monthly basis.

Consultations

Relevant Heads of Service and key operational staff have been consulted in drawing up the proposals to undertake the procurement exercises included within this report.

Implications:

This item has the following implications, as indicated:

Risk management

Legal/Procurement

Failure to take steps to lawfully procure new contracts and, where relevant, continuing with the current arrangements would contravene the council's procurement rules and the Public Contracts Regulations 2015. Furthermore, failure to award the contracts may result in the county council facing difficulty in delivering these services.

List of Background Papers

Paper

Contact/Tel

Procurement Rules July 2016

Date

Rachel Tanner (01772 534904)

Reason for inclusion in Part II, if appropriate

N/A

Cabinet Member

Deputy Leader of the County Council

Procurement Title

Supply of Insurance for Material Damage and Business Interruption for the Farington & Thornton Waste Recovery Parks.

Procurement Option

OJEU – Open Tender

New or Existing Provision

Existing - current contract end date 30/06/2017

Estimated Contract Value and Funding Arrangements

£2,000,000 per annum (this is an approximate value, however this may reduce due to reduced loss estimates). There is sufficient provision within the waste management budget from July 2017 to fund this contract.

Contract Duration

Initial period of 12 months, with an option to extend the contracts beyond the initial term, for any number of agreed periods, to a maximum of a further 3 years.

Lotting

The contract will not be lotted as there is a requirement to have a single policy for this insurance.

Both sites are to be considered as a single lot.

Evaluation

Quality Criteria 40%

Financial Criteria 60%

The quality element is expected to be broken down into:

- Assessment of policy cover
- Claims Service
- Added value and innovation

Contract Detail

The contract for the Council's Waste Facilities' Material Damage and Business Interruption Insurance is to be for a period of 12 months, with an option to extend up to a maximum of three years.

The previous contract Premium from July 2016 to June 2017 was £1,904,253 (plus £180,904 Insurance Premium Tax).

The two areas covered by this contract will be:

- Material Damage All risk of physical loss or damage to property owned or for which the Council is responsible, subject otherwise to the policy terms, conditions & exclusions.
- Business Interruption Interruption or interference to the business resulting in a consequential loss, defined as gross profit and additional increased cost of working.

The sites covered by this contract are the two County Council waste facilities as detailed below:

- Farington Waste Recovery Park, Sustainability Way, Leyland
- Thornton Waste Recovery Park, Enterprise Way, Cleveleys

In reviewing the options for how the County Council can insure these facilities on the expiry of the current insurance term, a key consideration has been an assessment of the financial loss that could be incurred in the event of an incident.

Baseline property and equipment valuations have been received, and have been used by commissioned Risk Engineers to calculate *maximum* and *normal* loss estimates. These figures represent estimates of financial loss as a result of a single event. The 'Maximum Foreseeable Loss' at Farington and Thornton respectively is estimated to be £27.491 million and £26.482 million, with the 'Normal Loss Expectancy' at £6.866 million and £5.304 million respectively.

The existing insurance is based on a maximum loss value of $\pounds 260m$, limited to $\pounds 100m$ cover. For the new insurance contract a cover level of $\pounds 30m$ has been selected, as this would represent the amount of funds that would need to be available in the event of an incident, on the assumption that an incident at both facilities is unlikely to occur during the same time period.

In order to ascertain the optimum deductible level, the Council will request bidders to offer prices at four different 'deductible amounts' i.e. $\pounds 500,000$; $\pounds 1,000,000$; $\pounds 2,500,000$ and $\pounds 5,000,000$. The amount is $\pounds 250,000$ in the current insurance term. There is considered to be a financial benefit in increasing this deductible limit, whereby premium costs are expected to reduce as a result, whilst the Council can limit its financial loss exposure to an amount that can be afforded through its provisions.

There are two options for the values to be insured:

Reinstatement – Insurers will pay to replace the item with a new one which is equal to but not better than the item lost or damaged

Indemnity – Insurers will pay for the second hand value of the item

The current insurance cover insures on reinstatement values for all the buildings and equipment at these two sites. This represents a higher cost option. As there is a market in used equipment, indemnity values are to be used for equipment in the new contract term, with some exceptions. Buildings are to continue to be insured on a reinstatement basis.

The current Business Interruption insurance covers a 24 months Indemnity Period on a Gross Revenue Basis. This represents £50,000,000 of lost revenue cover. Current revenue loss estimates indicate a level of £5,000,000 per site, per annum, is more appropriate for the level of lost revenue that may occur based on critical equipment downtime and the operators ability to repair/replace equipment or diversion actions being taken.

The above details represent the more significant changes from the current insurance cover, however, other changes may also be made in the interests of efficiency and effectiveness through the procurement process.

Organisations will be invited via an Open OJEU procurement process to submit bids based on the criteria outlined above.

The use of the Insurance Broker for the sites, JLT, will be involved in the production of all documents for the tender and will complete the evaluation with input from LCC and GRLOL (the Council's operator).

Throughout the period of the policy it is expected that the Council will undertake a review of its risk mitigation plans at these sites, such that risk mitigation policies, processes and infrastructure continue to be appropriate for the changing business operations at these sites.

Cabinet Member

Cabinet Member for Highways and Transport.

Procurement Title

Supply and delivery of street lighting materials.

Procurement Option

OJEU - Open Tender

New or Existing Provision

New requirement for the supply and delivery of street lighting materials.

Estimated Annual Contract Value and Funding Arrangements The estimated annual value is £1,200,000 which will be funded by Capital and Revenue budgets, the DfT Challenge Funding and external income.

Contract Duration

Four years.

Lotting

The component parts will be categorised and 'lotted' in the tender, with an estimated number of lots between 6 and 8. Suppliers will be able to bid for one or more 'Lots'.

Evaluation

The tender will be conducted as an OJEU Open tender procedure.

The industry standard Selection Questionnaire will be issued to all suppliers who express an interest to supply; Part 1 will gather basic information about the supplier, Part 2 will establish if there are grounds for exclusion and Part 3 will determine that the supplier meets the selection criteria in respect of their financial standing, technical capacity and quality before evaluating their bid on price.

Contract Detail

Street lighting materials are currently purchased via established frameworks operated by Eastern Shires Purchasing Organisation (ESPO) and the Association of Greater Manchester Authorities (AGMA), both of which are due to expire this year with no scheduled replacement.

The County Council contract will be a multi provider framework agreement which provides no guarantee of spend and no commitment to use. Purchases will be made on a call-off basis as and when required and the supplier will be selected on a ranked basis according to the lowest price submitted. The contract will also include a 30 Day Termination Notice.

Report to the Cabinet Member for Children, Young People and Schools Report submitted by: Director of Corporate Commissioning Date: 5 April 2017

Part I

Electoral Divisions affected: All

Capital Strategy for Schools – Condition Led Capital Investment Programme, 2016/17 and part 2017/18

(Appendix 'A' refers)

(Appendix 'A' is not for publication - Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information).

Contact for further information: Justin Rawcliffe, (01772) 530441, Capital Project Principal, justin.rawcliffe@lancashire.gov.uk

Executive Summary

This report sets out the proposals for the allocation of schools capital funding to address a further phase of high priority building condition repairs on Community, Voluntary Controlled and Maintained Schools in Lancashire.

This is deemed to be a Key Decision and the provisions of Standing Order No 25 have been complied with.

Recommendation

The Cabinet Member for Children, Young People and Schools is recommended to approve the proposed list of maintenance schemes in Lancashire Schools, detailed at Appendix 'A', totalling £15.950m as a further phase of high priority school repairs.

Background and Advice

This is the fifth phase of the Condition Led Programme first started in 2011. Each round of the programme has addressed the worst condition issues that have been identified.

Through a process of cross referencing asset management building condition data held by the County Council, and interrogation of premises infrastructure service



contract report information, officers have formulated a schedule of Priority 1 and Priority 2 school repairs. These are set out at Appendix 'A'.

The programme has been formulated using the most current information available to officers but, from experience on earlier programmes and the volumes and complexities of assessing the condition of existing buildings, there could be a risk that a genuine Priority 1 or Priority 2 project may have been overlooked. With this in mind, a significant contingency for the programme is being recommended which will be available to capture any justifiable projects which come to light during the delivery of already identified works and which meet the Priority 1 and Priority 2 criteria.

The criteria for schools being included in the programme is based on the Department for Education (DfE) Schools Asset Management Guidance which defines Schools Priority 1 and Priority 2 repairs as:

Priority 1. Urgent work that will prevent immediate closure of premises and/or address an immediate high risk to the health and safety of occupants and/or remedy a serious breach of legislation.

Priority 2. Essential work required within two years that will prevent serious deterioration of the fabric or services and/or address a medium risk to the health and safety of occupants and/or remedy a less serious breach of legislation.

Due to the finite budget, it will not be possible to address all 'Priority 2' issues in all schools. Any remaining Priority 2 issues will be reviewed and considered for any future condition led programmes.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

If the recommended work is not undertaken the risk would be managed by further regular reactive maintenance to 'patch' the problems. However, in some cases, further deterioration of the building fabric or discontinued components would result in closure of parts of, or the whole school, until significant emergency repairs could be undertaken.

Due to the nature of building maintenance works, the full extent of repairs required may not be apparent until the building infrastructure is exposed, which may result in the need to undertake additional work and therefore increased project costs. Furthermore, there may also be genuine severe condition need projects that come to light, and it is recommended therefore that a risk contingency is included to be approved and managed by the Asset Management Service. This contingency figure is included in the overall programme value.

Financial

The Education Funding Agency School Condition allocations are as follows:

| 2016/17 £11.209m (confirmed) |
|--|
| 2017/18 £11.209m (indicative only - announcement due before end of March 2017) |
| Anticipated total across two years £22.418m |
| Programme as at Appendix 'A' £15.950M |
| Risk Contingency £6.468m (subject to change of 2017/18 indicative allocation) |

The programme will be reviewed if there is a significant variance from the indicative amount. A report for a further programme of schools condition work will be submitted to seek approval to allocate the remaining funding.

Additional financial implications are set out at Appendix 'A' and are deemed to be **Part II** for the reasons set out below.

List of Background Papers

Paper

Date

Contact/Tel

None

Reason for inclusion in Part II, if appropriate

Appendix 'A' contains exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. This section of the report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considering that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

(NOT FOR PUBLICATION: By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972. It is considered that all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information)



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