



# AGENDA

## MAYOR AND CABINET (CONTRACTS)

**Date: WEDNESDAY, 1 OCTOBER 2014 at 5.58 pm**

**Committee Rooms 1 & 2  
Civic Suite  
Lewisham Town Hall  
London SE6 4RU**

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### **MEMBERS**

Sir Steve Bullock	<b>Mayor</b>	(L)
Councillor Alan Smith	<b>Deputy Mayor - Growth &amp; Regeneration</b>	(L)
Councillor Chris Best	<b>Health, Well-Being and Older People</b>	(L)
Councillor Kevin Bonavia	<b>Resources</b>	(L)
Councillor Janet Daby	<b>Community Safety</b>	(L)
Councillor Joe Dromey	<b>Policy and Performance</b>	(L)
Councillor Damien Egan	<b>Housing</b>	(L)
Councillor Paul Maslin	<b>Children &amp; Young People</b>	(L)
Councillor Joan Millbank	<b>Third Sector and Community</b>	(L)
Councillor Rachel Onikosi	<b>Public Realm</b>	(L)

**Members are summoned to attend this meeting**

**Barry Quirk  
Chief Executive  
Lewisham Town Hall  
Catford  
London SE6 4RU  
Date: Tuesday, 23 September 2014**



INVESTOR IN PEOPLE

The public are welcome to attend our committee meetings, however occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

## ORDER OF BUSINESS – PART 1 AGENDA

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<b>MAYOR &amp; CABINET (CONTRACTS)</b>		
<b>Report Title</b>	Declarations of Interests	
<b>Key Decision</b>	No	Item No. 1
<b>Ward</b>	n/a	
<b>Contributors</b>	Chief Executive	
<b>Class</b>	Part 1	Date: October 1 2014

## **Declaration of interests**

Members are asked to declare any personal interest they have in any item on the agenda.

### **1 Personal interests**

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests

### **2 Disclosable pecuniary interests** are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person\* for profit or gain
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person\* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.

- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member’s knowledge, the Council is landlord and the tenant is a firm in which the relevant person\* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:-
  - (a) that body to the member’s knowledge has a place of business or land in the borough; and
  - (b) either
    - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
    - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person\* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

\*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

### **(3) Other registerable interests**

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council
- (b) Any body exercising functions of a public nature or directed to charitable purposes , or whose principal purposes include the influence of public opinion or policy, including any political party
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25

### **(4) Non registerable interests**

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members’ Interests (for example a matter concerning the closure of a school at which a Member’s child attends).

## **(5) Declaration and Impact of interest on members' participation**

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.
- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

## **(6) Sensitive information**

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

## **(7) Exempt categories**

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception)

# Agenda Item 2

MAYOR AND CABINET (CONTRACTS)		
<b>Report Title</b>	Minutes	
<b>Key Decision</b>		Item No.
<b>Ward</b>		
<b>Contributors</b>	Chief Executive	
<b>Class</b>	Part 1	Date: October 1 2014

**Recommendation**

It is recommended that the minutes of that part of the meeting of the Mayor and Cabinet (Contracts) which were open to the press and public, held on September 3 2014 be confirmed and signed as a correct record. (copy attached).

# MINUTES OF THE MAYOR AND CABINET (CONTRACTS)

Wednesday, 3 September 2014 at 5.50 pm

PRESENT: Sir Steve Bullock (Chair), Councillors Chris Best, Kevin Bonavia, Janet Daby, Joe Dromey, Damien Egan, Paul Maslin, Joan Millbank and Rachel Onikosi

Apologies for absence were received from Councillor Alan Smith

## 19. Declaration of interests

There were none.

## 20. Minutes

RESOLVED that the minutes of the meeting held on July 16 2014 be confirmed and signed as a correct record.

## 21. Exclusion of Press and Public

RESOLVED that in accordance with Regulation 4(2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information)(England) Regulations 2012 and under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs [3, 4 and 5] of Part 1 of Schedule 12(A) of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information

4. Highways Resurfacing Contract
5. Adult Social Care Extension of Block Contract
6. Adult Social Care Extension of Domicillary Care Framework

## 22. Highways Resurfacing Contract

Councillor Onikosi reported she was aware of a large number of complaints relating to the proposed contractor and she was briefed on the changes that had been made to council procedures at the start of the year following earlier consideration of the issues raised. The Executive Director for Resources and Regeneration added that the evaluation was on a 50-50 price and quality evaluation whereas previous contracts had been on a 60-40 price and quality basis.

Having considered a confidential officer report and a presentation by the Cabinet Member for Resources, Councillor Kevin Bonavia, the Mayor and Cabinet (Contracts) for the reasons set out in the report.



RESOLVED that the Contract be awarded to FM Conway Ltd as the tenderer that scored the highest in the analysis when considering price and quality in the ratio of 50:50 and that the contract commence on the 1 October 2014 for 1 year with an option to extend for a further year.

### **23. Adult Social Care Extension of Block Contract**

Councillor Millbank asked to be updated about the timeframe to review performance and investigate safeguarding issues. She was informed safeguarding issues would be reviewed within a month and an Improvement Plan would be reported within 2 weeks.

Having considered a confidential officer report and a presentation by the Cabinet Member for Health, Wellbeing & Older People, Councillor Chris Best, the Mayor and Cabinet (Contracts) for the reasons set out in the report:

RESOLVED that:

(i) a nine month extension of contracts be approved to the following organisations, from September 2014 to end May 2015 extending a total number of 36 block beds;

- Brymore House
- Oakcroft Nursing Home
- Fieldside Care Home
- Glebe Court @ Morton House

(ii) authority be delegated to the Executive Director for Community Services to approve an extension to the block contract with the Ranyard Charitable Trust care homes for the reasons set out;

(iii) authority be delegated to the Executive Directors for Resources and Regeneration and Community Services to make a decision on any inflationary increase in September 2014.

### **24. Adult Social Care Extension of Domicillary Care Framework**

Councillor Joe Dromey received assurances relating to the payment of the London Living Wage.

Having considered a confidential officer report and a presentation by the Cabinet Member for Health, Wellbeing & Older People, Councillor Chris Best, the Mayor and Cabinet (Contracts) for the reasons set out in the report:

RESOLVED that:

(i) a one year (1 year) extension of the Framework Agreement be approved with the organisations listed below, from November 2014 to November 2015;

1. Westminster Homecare
2. CarePoint Agency Ltd
3. Care Outlook Ltd

- 4.Carewatch Ltd
- 5.Sevacare (UK) Ltd
- 6.MiHomeCare Ltd (previously known as Enara Community Care)
- 7.London Care
- 8.Eleanor Homecare
- 9.BS Homecare
- 10.Plan Care
- 11.Allied Healthcare (acquired SAGA)
- 12.Care UK
- 13.Guardian Homecare
- 14.Beverley Martin (domestic only)
- 15.Age Concern
- 16.Jay Homecare
- 17.AG Care (Rehab Only)

(ii) authority be delegated to the Executive Directors for Resources and Regeneration and Community Services to make a decision on any inflationary increase in November 2014 and take into account any additional increase in the London Living Wage in 2015/2016.

The meeting ended at 6.00pm.

<b>MAYOR &amp; CABINET (CONTRACTS)</b>		
<b>Report Title</b>	Exclusion of the Press and Public	
<b>Key Decision</b>	No	Item No.
<b>Ward</b>		
<b>Contributors</b>	Chief Executive (Head of Business & Committee)	
<b>Class</b>	Part 1	Date: October 1 2014

### **Recommendation**

It is recommended that in accordance with Regulation 4(2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information)(England) Regulations 2012 and under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs [3, 4 and 5] of Part 1 of Schedule 12(A) of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information

4. Matters Raised by Scrutiny – Highways Resurfacing Contract

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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