

Notice of Meeting



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Executive

Thursday 21 November 2019 at 5.00pm

**in the Council Chamber, Council Offices,
Market Street, Newbury**

Note: The Council broadcasts some of its meetings on the internet, known as webcasting. If this meeting is webcast, please note that any speakers addressing this meeting could be filmed. If you are speaking at a meeting and do not wish to be filmed, please notify the Chairman before the meeting takes place. Please note however that you will be audio-recorded.

Date of despatch of Agenda: Wednesday 13 November 2019

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Democratic Services Team on (01635) 519462

e-mail: executivecycle@westberks.gov.uk

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk



WestBerkshire
C O U N C I L

To:	Councillors Steve Ardagh-Walter, Dominic Boeck, Graham Bridgman, Hilary Cole, Lynne Doherty, Rick Jones, Ross Mackinnon, Richard Somner and Howard Woollaston
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Agenda

Part I

Pages

- 1. Apologies for Absence**
To receive apologies for inability to attend the meeting (if any).
- 2. Minutes**
To approve as a correct record the Minutes of the meeting of the Executive held on 17 October 2019.
- 3. Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
- 4. Petitions**
Councillors or Members of the public may present any petition which they have received. These will normally be referred to the appropriate Committee without discussion.

5 - 12

Items as timetabled in the Forward Plan

Pages

- 5. 0-19 (up to 25 for those with special educational needs and disabilities) Public Health Nursing Service Contract Award (EX3816)**
CSP: PC1 and PC2
Purpose: To inform Members of the tender process and to seek delegated authority for the Head of Public Health & Wellbeing, in consultation with the Executive Director of Resources and the Portfolio Holder for Public Health & Community Wellbeing, to award the contract for the provision of 0-19 (up to 25 years for young people with special educational needs and disabilities) Public Health Nursing Services.

13 - 22

6. **Sexual and Reproductive Health Contract Award (EX3817)** 23 - 32
CSP: PC1 and PC2
Purpose: To inform Members of the tender process for sexual and reproductive health services in Berkshire West and to request approval to award the contract. The joint procurement of this service is conducted by the Berkshire Public Health Shared Service on behalf of West Berkshire, Reading and Wokingham Councils.
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7. **Exclusion of Press and Public**
RECOMMENDATION: That members of the press and public be excluded from the meeting during consideration of the following items as it is likely that there would be disclosure of exempt information of the description contained in the paragraphs of Schedule 12A of the Local Government Act 1972 specified in brackets in the heading of each item. [Rule 8.10.4 of the Constitution refers.](#)
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Part II

8. **1A Bath Road Asset Proposal (EX3589)** 33 - 48
(Paragraph 3 – information relating to financial/business affairs of particular person)
CSP: GP1
Purpose: To seek approval to the disposal of the freehold of 1A Bath Road, Calcot.

Sarah Clarke
Head of Legal and Strategic Support

West Berkshire Council Strategy Priorities

Council Strategy Priorities:

PC1: Ensure our vulnerable children and adults achieve better outcomes
PC2: Support everyone to reach their full potential
OFB1: Support businesses to start, develop and thrive in West Berkshire
GP1: Develop local infrastructure to support and grow the local economy
GP2: Maintain a green district
SIT1: Ensure sustainable services through innovation and partnerships

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



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DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

EXECUTIVE

MINUTES OF THE MEETING HELD ON THURSDAY, 17 OCTOBER 2019

Councillors Present: Steve Ardagh-Walter, Dominic Boeck, Graham Bridgman, Jeff Cant, Hilary Cole, Lynne Doherty, Rick Jones, Richard Somner and Howard Woollaston

Also Present: Paul Anstey (Head of Public Protection and Culture), John Ashworth (Corporate Director - Environment), Nick Carter (Chief Executive), Sarah Clarke (Head of Legal and Strategic Support), Tess Ethelston (Group Executive (Cons)), Tandra Forster (Head of Adult Social Care), Joseph Holmes (Executive Director - Resources), Olivia Lewis (Group Executive (Lib Dem)), Carolyn Richardson (Civil Contingencies Manager), Councillor Adrian Abbs, Councillor Jeff Brooks, Stephen Chard (Principal Policy Officer), Councillor Carolyne Culver, Councillor Owen Jeffery, Councillor Alan Macro, Councillor David Marsh and Councillor Steve Masters

Apologies for inability to attend the meeting: Councillor Lee Dillon and Councillor Erik Pattenden

PART I

46. Minutes

The Minutes of the meeting held on 5 September 2019 were approved as a true and correct record and signed by the Leader.

47. Declarations of Interest

Councillor Adrian Abbs declared an interest in Agenda Item 7(e) (his question relating to the Sandleford development) by virtue of the fact that he was Ward Member for the area, but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate.

48. Public Questions

A full transcription of the public and Member question and answer sessions are available from the following link: [Transcription of Q&As](#).

(a) **Question submitted to the Portfolio Holder for Transport and Countryside by Mr Alan Pearce**

A question standing in the name of Mr Alan Pearce on the subject of whether the A339 road junction for the new access into the London Road Industrial Estate had been constructed with a sustainable drainage system, was answered by the Portfolio Holder for Transport and Countryside.

(b) **Question submitted to the Portfolio Holder for Public Health and Community Wellbeing by Mr Paul Morgan**

A question standing in the name of Mr Paul Morgan on the subject of the availability of a Step 5 ground in Newbury was answered by the Portfolio Holder for Public Health and Community Wellbeing.

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(c) **Question submitted to the Portfolio Holder for Public Health and Community Wellbeing by Mr Jack Harkness**

A question standing in the name of Mr Jack Harkness on the subject of playing facilities for Newbury Ladies FC, should they achieve promotion to the FA Women's National League, was answered by the Portfolio Holder for Public Health and Community Wellbeing.

(d) **Question submitted to the Portfolio Holder for Public Health and Wellbeing by Mr Jason Braidwood**

A question standing in the name of Mr Jason Braidwood on the subject of children's football training venues in Newbury was answered by the Portfolio Holder for Public Health and Wellbeing.

(e) **Question submitted to the Portfolio Holder for Public Health and Wellbeing by Mr Lee McDougall**

A question standing in the name of Mr Lee McDougall on the subject of how the Council was meeting the aim and objective in the Health and Wellbeing Strategy in relation to supporting residents to be more physically active, achieve a healthy weight and eat a healthy diet was answered by the Portfolio Holder for Public Health and Wellbeing.

(f) **Question submitted to the Leader of the Council by Dr Julie Wintrup**

A question standing in the name of Dr Julie Wintrup on the subject of when and in what detail would the assessment of the effects of a no deal Brexit be shared with local residents and businesses was answered by the Leader of the Council.

(g) **Question submitted to the Portfolio Holder for Finance by Dr Julie Wintrup**

A question standing in the name of Dr Julie Wintrup on the subject of how many families and individuals were living in West Berkshire who were considered to have No Recourse to Public Funds was answered by the Portfolio Holder for Finance.

(h) **Question submitted to the Portfolio Holder for Children, Young People and Education by Dr Julie Wintrup**

A question standing in the name of Dr Julie Wintrup on the subject of the Council's policy on free school meals entitlement of children from families that had No Recourse to Public Funds was answered by the Portfolio Holder for Children, Education and Young People.

(i) **Question submitted to the Portfolio Holder for Children, Young People and Education by Ms Caroline French Blake:**

A question standing in the name of Ms Caroline French Blake on the subject of how and when the Council would reverse the 97% cuts in Youth Services since 2010, and re-establish or preferably exceed its 2010 funding level to meet the urgent need of young people for support was answered by the Portfolio Holder for Children, Education and Young People.

49. **Petitions**

There were no petitions presented to the Executive.

50. **Key Accountable Performance 2019/20: Quarter One (EX3713)**

The Executive considered a report (Agenda Item 6) concerning quarter one outturns for the core business measures which monitored performance against the 2019/20 Council Performance Framework. The report sought to provide assurance that the core business areas set out in the Council Strategy 2019-2023 were being managed effectively and presented, by exception, those measures which were predicted to be 'amber' (behind

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schedule) or 'red' (not achievable) at the end of the quarter, and provided information on remedial action taken and the impact of that action.

Councillor Howard Woollaston commended the report to the Executive. While the Council would by no means be complacent, performance was in a good place and much was owed to officers for their continued hard work.

Quarter one results showed that performance levels were in line to achieve the end of year targets for the majority of the measures of the core business areas. An analysis of the measures RAG rated Amber or Red, showed that actions had been implemented to improve performance, which in one of the two cases was just below the target set – average number of days taken to make a full decision on changes in a benefit claimants circumstances.

The area of underperformance concerning the timeliness of reviews of clients with an Adult Social Care long term service (LTS) had already been referred by the Executive at Q4 for more in depth scrutiny by the Overview and Scrutiny Management Commission (OSMC).

Councillor Woollaston highlighted that there had been a decrease in demand in Q1 in Children and Family Services; and an increase in demand in Adult Social Care services which had a particular impact on the Locality Teams.

Issues encountered with major ICT projects had been or were in the process of being resolved.

Councillor Graham Bridgman highlighted points relating to Adult Social Care. He welcomed the good performance reported regarding reablement/ rehabilitation following discharge of clients from hospital. Excellent performance had also been maintained for the timeliness in conducting financial assessments despite the number and complexity of financial assessments and reviews increasing.

Councillor Bridgman next made reference to adult safeguarding enquiries. The number of enquiries opened, whilst below the previous two quarters, was still 10.6% higher than the same quarter last year. Councillor Bridgman clarified that these enquiries related to externally run services and did not relate to the Council's own services. The Council held safeguarding responsibility for all its residents in receipt of social care services including from external providers. The practice followed by the Council on receiving a report was to hold a safeguarding enquiry for each individual client rather than the external establishment concerned which was the practice employed in other areas.

There had been a particular increase in reports relating to two external providers and it had therefore been necessary to open safeguarding enquiries.

Councillor Bridgman very much welcomed the fact that people were reporting their concerns.

As already explained, reviews of people with a LTS was reported 'red'. Councillor Bridgman acknowledged that the numbers provided in the report were disappointing: 61.1% at Q1 against the 70% target. However, Councillor Bridgman was able to report an improvement. The data made available in October 2019 showed that performance had increased to 69.01%. This news was welcomed, it showed the service was moving in the right direction. Improvements had been aided by the changes made by the service to the methodology used for conducting reviews. He looked forward to presenting this latest information to the forthcoming OSMC.

Councillor Bridgman also reported the outcome of work to identify the longest period of time clients were waiting for a review (worse case). The longest waits only concerned

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one or two clients. At June 2019 this was 30 months, but this period of time had since reduced to 23 months worse case.

Councillor Hilary Cole drew the Executive's attention to the graph reporting the number of qualifying households on the Common Housing Register (page 37 of the agenda papers). This contained the Q1 comment that the backlog had been reduced to approximately five weeks. However, Councillor Cole was able to share the excellent news that this backlog had been completely removed. She gave thanks to Janet Weekes and the Housing Team for clearing this backlog. Councillor Lynne Doherty added her thanks for this.

Councillor Richard Somner took the opportunity to commend the hard work undertaken by Highways officers. He particularly highlighted that 98.8% of pothole and road repairs were being completed within the 28 day deadline; the successful prosecution of contractors for the disruption caused by the failure to manage traffic signals in Parkway at the beginning of the year; and the excellent work in engaging with parishes on road safety and speed management. This included ongoing discussions that had the potential for parishes to form their own speed watch programmes.

Councillor Jeff Brooks noted the expectation in paragraph 2.16 of the supporting information (providing benefits) that the service would be on target at Q2. He queried the level of confidence that this would be the case. Councillor Woollaston explained that staff had returned from sickness absence and the time taken for making decisions on benefit claims was being reduced. The expectation was to be on target by Q2.

Councillor Alan Macro pointed out that the production of the Local Plan was delayed and it was therefore 'red'. He questioned why this was not mentioned in the report.

Councillor Macro also questioned the absence of information on affordable housing completions and homeless prevention. These were both reported 'red' at Q4 2018/19.

Councillor Cole explained that the number of affordable homes was reported annually. Councillor Macro acknowledged this point but highlighted that affordable homes data was not available at Q4. Councillor Cole gave an assurance that this data would be made available and provided in a future report. There had been a delay due to sickness absence in Planning Policy.

Councillor Cole then reported that homeless prevention was working particularly well and was not a 'red' indicator. A Homelessness Strategy was being produced and would soon be circulated for consultation prior to being considered by the Executive.

Councillor Macro next referred to the Corporate Programme section of the report which explained that 14 infrastructure projects were currently underway, but the progress being made was mixed. He queried which of the projects were behind schedule and the actions taken to improve this. It was noted that the Corporate Programme would be presented to the OSMC on 29 October 2019 when this further detail could be considered.

Councillor Carolyn Culver queried whether the delay in reviews for people receiving a LTS impacted on the care they received. Councillor Bridgman advised that this should not be the case. He commented that the team knew their clients well and he was confident that reviews were targeted to those in most need. As well as planned service reviews, unplanned reviews were also undertaken if a care worker/carer felt this was needed. Delays should not impact on care and Councillor Bridgman was not aware of issues having arisen where there had been a delay. However, efforts would continue to be made to reduce delays.

Councillor Culver noted a continued increase in the number of empty business rated properties. She asked if this had been investigated and what action was being taken to reduce this number. Councillor Cole explained that there was awareness of the situation

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and efforts were being made. A number of the properties were retail. There was also some inadequate office accommodation which was difficult to put into use as better quality accommodation was being sought by businesses.

Councillor Owen Jeffery noted, in paragraph 2.18 of the report, that the number and complexity of assessments was increasing and he asked Councillor Bridgman to comment on that. Councillor Bridgman clarified that these were financial assessments to assess whether clients could contribute to the cost of their care. There were a number of complexities to consider that made this a challenge, such as capital depleters and the ability to assess an individual's finances and assets.

Councillor Jeffery commended the efforts of the service. He was particularly pleased to note that performance on LTS reviews was close to the 70% target. However, he questioned whether there was confidence that this positive direction of travel could be maintained. Councillor Bridgman was confident that performance levels would be maintained and he would be working with officers to ensure that. He had already congratulated the officers concerned on this improvement.

Councillor Adrian Abbs turned to major ICT projects and asked why 7 of the 14 projects were behind schedule. Councillor Woollaston explained that any ICT issue fell within the ICT grouping. However, for many projects, there was minimal ICT involvement, i.e. those involving Gigaclear. He felt this gave an unfair poor impression of the service.

Councillor Abbs felt that further detail was required in the report to explain this. He queried the issues with Gigaclear. Councillor Woollaston explained that there had been a range of issues but the majority had been resolved. He was confident these issues would be fully resolved by the spring.

Councillor Abbs stated that he would like to be more involved to better understand the issues being faced. Councillor Woollaston stated he would welcome this input.

Councillor Dominic Boeck added that officers were very open to discussing projects/programmes with Members if this was required.

Councillor Doherty queried whether further detail should be provided in the report to explain why, for example, major ICT projects were reported as amber. Nick Carter explained that those officers who produced the performance report and its appendices were also currently working on the Council Strategy Delivery Plan impacting on their capacity. Further detail could be provided in future reports.

Councillor Steve Masters referred to the minutes of the last Executive on 5 September 2019 when the MEAM (Making Every Adult Matter) approach was praised. He queried whether the approach would be continuing and whether this was likely to be affected by the work of Ridgeway Associates.

Councillor Cole explained that the Ridgeway Associates report was due out for consultation. The structure of the Housing Team was being reviewed following the peer review, but the MEAM approach was being incorporated into all aspects of housing work. Councillor Cole took the opportunity to advise that the number of rough sleepers was six. It was hoped that these individuals could be housed, potentially via the Housing First scheme.

Councillor Masters followed this by asking if the necessary resources would continue to be in place for this work. Councillor Cole advised that the work continued. Central Government funding had been received, but consideration was being given to contingency plans should this funding cease. She continued by explaining that funding bids were submitted for eligible sums and she was unaware of bids being refused, with funding awarded at least in part.

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RESOLVED that:

- Progress against the core business measures be noted;
- Those areas reported as 'amber' or 'red' had been reviewed to ensure that appropriate actions were in place and were making a difference, in particular for the measure relating to the timeliness of reviews of clients with ASC long term service which had been referred to the OSMC by the Executive at Q4.
- The decrease in demand in Q1 in Children and Family Services be noted.
- The increase in demand and its subsequent impact on performance and financial commitment in Adult Social Care services, in particular on the Locality Teams, be noted.

Other options considered: None.

51. **Members' Questions**

A full transcription of the public and Member question and answer sessions are available from the following link: [Transcription of Q&As](#).

(a) **Question submitted to the Portfolio Holder for Transport and Countryside by Councillor Alan Macro**

A question standing in the name of Councillor Alan Macro on the subject of the Council being more responsive to requests for speed limit changes from Councillors and members of the public was answered by the Portfolio Holder for Transport and Countryside.

(b) **Question submitted to the Portfolio Holder for Environment by Councillor Carolyne Culver**

A question standing in the name of Councillor Carolyne Culver on the subject of whether the Council's draft Environment Strategy would be shared at the conference on Monday 28 October was answered by the Portfolio Holder for Environment.

(c) **Question submitted to the Portfolio Holder for Environment by Councillor Carolyne Culver**

A question standing in the name of Councillor Carolyne Culver on the subject of how the Council would determine the questions asked in its online public consultation about the Environment Strategy was answered by the Portfolio Holder for Environment.

(d) **Question submitted to the Portfolio Holder for Environment by Councillor Carolyne Culver**

A question standing in the name of Councillor Carolyne Culver on the subject of how the Council would ensure that the draft Environment Strategy and public consultation would be widely publicised to stakeholders and the public was answered by the Portfolio Holder for Environment.

(e) **Question submitted to the Portfolio Holder for Economic Development and Planning by Councillor Adrian Abbs**

A question standing in the name of Councillor Adrian Abbs on the subject of how much Council resource, in terms of officer hours, had been spent on the Sandleford development applications to date was answered by the Portfolio Holder for Economic Development and Planning.

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(f) **Question submitted to the Portfolio Holder for Finance by Councillor Adrian Abbs**

A question standing in the name of Councillor Adrian Abbs on the subject of how much of the £750k invest to save money had been spent to date was answered by the Portfolio Holder for Finance.

(g) **Question submitted to the Portfolio Holder for Environment by Councillor Adrian Abbs**

A question standing in the name of Councillor Adrian Abbs on the subject of whether the Environment Advisory Group needed to meet more frequently in order to get the new Environment Strategy completed was answered by the Portfolio Holder for Environment.

(h) **Question submitted to the Portfolio Holder for Transport and Countryside by Councillor Alan Macro**

A question standing in the name of Councillor Alan Macro on the subject of what the Council was planning to do to ameliorate the extra traffic congestion and resulting pollution likely to be caused on the roads leading to the Thatcham level crossing by the extra passenger train services to be introduced in December was answered by the Portfolio Holder for Transport and Countryside.

(i) **Question submitted to the Portfolio Holder for Transport and Countryside by Councillor Alan Macro**

A question standing in the name of Councillor Alan Macro asking what negotiations had taken place between the Council and the railway companies to request that the extra passenger train services to be introduced in December should call additionally at Thatcham and Theale was answered by the Portfolio Holder for Transport and Countryside.

(The meeting commenced at 5.00pm and closed at 6.23pm)

CHAIRMAN

Date of Signature

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0-19 (up to 25 for those with special educational needs and disabilities) Public Health Nursing Service Contract Award

Committee considering report:	Executive on 21 November 2019
Portfolio Member:	Councillor Rick Jones
Date Portfolio Member agreed report:	7 November 2019
Report Author:	Zoe Campbell
Forward Plan Ref:	EX3816

1. Purpose of the Report

This paper seeks to inform Members of the tender process and seeks delegated authority to the Head of Public Health & Wellbeing, in consultation with the Executive Director of Resources and the Portfolio Holder for Public Health & Community Wellbeing, to award the contract for the provision of 0-19 (up to 25 years for young people with special educational needs and disabilities) Public Health Nursing Services from the Executive.

2. Recommendation

The Executive resolves to delegate authority to the Head of Public Health & Wellbeing in consultation with the Executive Director of Resources and the Portfolio Holder for Public Health & Community Wellbeing to award the contract to the successful bidder following the evaluation process for the provision of 0-19 (up to 25 years for young people with special educational needs and disabilities) Public Health Nursing Services from 1st April 2020. This procurement has been carried out to align commissioning timescales for a joint contract with Wokingham and Reading Borough Council from 1st April 2021 and align with the emerging Integrated Care Partnership.

3. Implications

- 3.1 **Financial:** From 1st April 2020, the contract will be capped up to a maximum of £1,874,700 per annum for three years. The price of the winning tender is to be confirmed following the evaluation process and will be fixed in years 1 to 3. Subsequent years will be subject to CPI.
- West Berkshire Council made a saving of £19,544.00 per annum on this contract of through inclusion of a specialist continence and enuresis service within the service specification which is currently at an additional cost.

- 3.2 **Policy:** n/a
- 3.3 **Personnel:** TUPE of staff from incumbent provider will be a requirement if the contract is awarded to a new provider, dependant on the outcome of the evaluation.
- 3.4 **Legal:** Contract award process should be in accordance with the PCR 2015 with contracts in place prior to commencement.
- 3.5 **Risk Management:** N/A
- 3.6 **Property:** N/A
- 3.7 **Other:**

4. Other options considered

- 4.1 Commission a joint contract from 2020. This would not be possible due to Reading and Wokingham's commissioning timescales.
- 4.2 Extend the current contract. This was explored but the legal risk of challenge was deemed too high as there was no further provision for extension within the contract.
- 4.3 Do nothing, this is not an option as it is a mandated service.

Executive Summary

5. Introduction / Background

- 5.1 West Berkshire carried out a procurement exercise for the delivery of 0 – 19 (up to 25 for young people with special educational needs and disabilities) Public Health Nursing Services in accordance with national guidance. The current 0 – 19 (25) Public Health Nursing Service was tendered in 2016/17 and awarded to Berkshire Healthcare NHS Foundation Trust (BHFT).
- 5.2 It has been agreed by the Chief Executives from West Berkshire Council, Reading Borough Council and Wokingham Borough Council that the 0-19 (25) contract will be jointly commissioned from 1st April 2021 and this was agreed by Procurement Board on June 7th 2019.
- 5.3 The current West Berkshire contract ends on the 31st March 2020 and there was no provision for extension within the current contract, therefore there was a requirement to tender a one year contract from 1st April 2020 to 31st March 2021.
- 5.4 The tender was published on 9th September 2019, 6 expressions of interest and 2 bids have been received. The results of the evaluation process will be finalised by the end of October 2019.

6. Proposals

- 6.1 The Executive resolves to delegate authority to the Head of Public Health & Wellbeing in consultation with the Executive Director of Resources and the Portfolio Holder for Public Health & Community Wellbeing to award the contract to the successful bidder following the evaluation process for the provision of 0-19 (up to 25 years for young people with special educational needs and disabilities) Public Health Nursing Services from 1st April 2020.
- 6.2 It is anticipated that the procurement of this contract will achieve a saving of £19.5k. As Public Health are funded through a national ring-fenced grant, any identified savings will not be cashable, but can be used to contribute toward other services which improve public health outcomes. As the contract value will be fixed in years 1-3 this will lead to cost avoidance savings at an average 2.5% CPI which equates to £46,867.50 per annum, as there will be no rise with inflation.
- 6.3 As part of the new Berkshire West Integrated Care Partnership (ICP) and drive to establish closer working arrangements with the CCG and neighbouring authorities, West Berkshire Council has agreed to jointly commission the 0-19 (25) Public Health Nursing Service across the West of Berkshire with Reading and Wokingham Borough Council from April 2021. It has been agreed that the joint procurement will be undertaken by the Berkshire Public Health Shared Team with a contract start date of 1st April 2021. In order to align with this procurement timeline, it was a requirement for West Berkshire to tender a 0-19 (25) Public Health Nursing Service to commence on 1st April 2020.

7. Appendices

- 7.1 Appendix A – Equality Impact Assessment
- 7.2 Appendix B – Supporting Information

Appendix A

Equality Impact Assessment – Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:***
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;***
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:***
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;***
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;***
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.***
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.***
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”***

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:		This paper seeks to inform Members of the tender process and seek delegated authority to award the contract from the Executive.	
Summary of relevant legislation:		2012 Health and Social Care Act	
Does the proposed decision conflict with any of the Council's key strategy priorities?		No	
Name of assessor:		Z Campbell	
Date of assessment:		03/10/19	
Is this a:		Is this:	
Policy	/No	New or proposed	/No
Strategy	/No	Already exists and is being reviewed	Yes/
Function	/No	Is changing	/No
Service	Yes/		
1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?			
Aims:		Re-tender services to meet service user needs	
Objectives:		Secure new supplier that can deliver specified services	
Outcomes:		Supplier award	
Benefits:		Provision of 0-19 (25) Public Health Nursing Services in line with mandated Public Health Functions to meet the needs of families in West Berkshire.	
2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.			
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)			
Group Affected	What might be the effect?	Information to support this	
Age	No change to proposed service model		
Disability	No change to proposed service model		
Gender Reassignment	No change to proposed service model		

Marriage and Civil Partnership	No change to proposed service model	
Pregnancy and Maternity	No change to proposed service model	
Race	No change to proposed service model	
Religion or Belief	No change to proposed service model	
Sex	No change to proposed service model	
Sexual Orientation	No change to proposed service model	
Further Comments relating to the item:		
3 Result		
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?		/No
Please provide an explanation for your answer:		
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?		/No
Please provide an explanation for your answer:		

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Z Campbell

Date: 03/10/2019

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

0-19 (up to 25 for those with special educational needs and disabilities) Public Health Nursing Service Contract Award – Supporting Information

1. Introduction/Background

- 1.1 West Berkshire carried out a procurement exercise for the delivery of 0 – 19 (up to 25 for young people with special educational needs and disabilities) Public Health Nursing Services in accordance with national guidance. The current 0 – 19 (25) Public Health Nursing Service was tendered in 2016/17 and awarded to Berkshire Healthcare NHS Foundation Trust (BHFT). A two year contract commenced 1st April 2017, ending 31st March 2019. An exception was granted by Executive in October 2018 for a one year extension to 31st March 2020.
- 1.2 The Head of Public Health & Wellbeing presented a paper to the Chairs of the Health and Wellbeing Board which highlighted the potential to jointly commission the 0-19 (25) contract across Berkshire West from 1st April 2021 and align with the emerging Integrated Care Partnership. It was subsequently agreed by the Chief Executives from West Berkshire Council, Reading Borough Council, Wokingham Borough Council and the chairs of the Health and Wellbeing Board in May 2019 that the 0-19 (25) contract will be jointly commissioned from 1st April 2021. This was presented and agreed within the Procurement Strategy for this tender.
- 1.3 The current West Berkshire contract ends on the 31st March 2020 and there was no provision for extension, in order to ensure that West Berkshire were in a position to jointly commissioning a new joint contract with Reading and Wokingham Council from 1st April 2021, there was a requirement to tender a West Berkshire contract commencing 1st April 2020.
- 1.4 The tender was published on 9th September 2019, 6 expressions of interest and 2 bids have been received.

2. Supporting Information

- 2.1 The Procurement Strategy recommended a route to market for a West Berkshire 3+2 0-19(25) Public Health Nursing Service from 1st April 2020 with a 6 month termination clause to allow for a joint procurement with Reading and Wokingham Borough Council from 1st April 2021. This strategy was agreed by Procurement Board on 7th June 2019. Although the requirement for West Berkshire's service to align with this timescale is for one year, a longer contract duration with a 6 month termination clause was agreed by Procurement Board to mitigate risk to West Berkshire Council and increase flexibility should joint commissioning requirements change.
- 2.2 The tender clearly specified that the contract may terminate on the first anniversary to allow for a joint contract with Reading and Wokingham Council.

- 2.3 Following a market engagement exercise and Prior Information Notice published in May 2019, the tender was published on 9th September 2019. There were 6 expressions of interest and 2 bids for the contract.
- 2.4 The evaluation process will be concluded by October 31st 2019.

Tender timetable:

Issue (OJEU/non-OJEU) Contract Notice	09/09/2019
Closing Date and Opening of SQ/Technical Questionnaire/ITT	09/10/2019
Award Decision	22/11/2019
Standstill Period	23/11/2019 – 2/12/2019
Contract Award	03/12/2019
Contract Work starts	01/04/2020

3. Options for Consideration

- 3.1 Commission a joint contract from 2020. This would not be possible due to Reading and Wokingham's commissioning timescales.
- 3.2 Extend the current contract. This was explored but the legal risk of challenge was deemed too high as there was no further provision for extension within the contract.
- 3.3 Do nothing, this is not an option as it is a mandated service.

4. Proposals

Following an open competitive procurement exercise, approval is sought to award the contract to the successful bidder following completion of the evaluation process. There is scope to award this contract for up to 5 years from 1st April 2020 (3+2).

5. Conclusion

West Berkshire Council has agreed to jointly commission the 0-19 (25) Public Health Nursing Service across the West of Berkshire with Reading and Wokingham Borough Council. It has been agreed by Public Health Consultants that the joint procurement will be undertaken by the Berkshire Public Health Shared Team with a contract start date of April 2021. In order to align with this procurement timeline, it was a requirement for West Berkshire to tender a 0-19 (25) Public Health Nursing Service commencing 1st April 2020 with a 6 month termination clause to allow for joint commissioning.

6. Consultation and Engagement

Service Users, Children's Services, Family Hubs, Health Visitors, School Nurses, Public Health & Wellbeing, Commissioning, Legal Services

Subject to Call-In:

No: ☒

Delays in implementation could have serious financial implications for the Council ☒

Delays in implementation could compromise the Council's position ☒

Strategic Priorities Supported:

The proposals contained in this report will help to achieve the following Council Strategy priorities:

☒ **PC1: Ensure our vulnerable children and adults achieve better outcomes**

☒ **PC2: Support everyone to reach their full potential**

Officer details:

Name: Zoe Campbell

Job Title: Public Health Category Manager

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Sexual and Reproductive Health Contract Award

Committee considering report:	Executive on 21 November 2019
Portfolio Member:	Councillor Rick Jones
Date Portfolio Member agreed report:	7 November 2019
Report Author:	Zoe Campbell
Forward Plan Ref:	EX3817

1. Purpose of the Report

This paper seeks to inform Members of the outcome for the tender process for sexual and reproductive health services in Berkshire West and approval to award the contract from the Executive. The joint procurement of this service is conducted by the Berkshire Public Health Shared Service on behalf of West Berkshire, Reading and Wokingham Council.

2. Recommendation

The Executive resolves to delegate authority to the Head of Public Health & Wellbeing in consultation with the Executive Director of Resources and the Portfolio Holder for Public Health & Community Wellbeing to award the contract for the provision of an integrated sexual and reproductive health service to the winning Provider following the evaluation process from 1st April 2020 aligning with the emerging Integrated Care Partnership. The contract will be 10 years in length.

3. Implications

- 3.1 **Financial:** The contract value is in line with Council's Public Health & Wellbeing budget available for this service, capped for the life of the contract. This represents a cost avoidance saving on CPI at an average of 2.5% per annum over the life of the contract. Cost avoidance savings are intangible cost savings, avoidance of incurring costs or potential increases in costs averted through pre-emptive actions.
- The new service will incorporate an improved digital offer and additional sexual health services including online chlamydia and HIV testing. This will offer savings of approximately £10,000 per annum for West Berkshire. This saving will be used to reinvest in Public Health & Wellbeing services for West Berkshire residents.
- 3.2 **Policy:** n/a
- 3.3 **Personnel:** Sexual health service providers across the country are struggling to recruit and retain specialist trained staff and many are closing sites. Any further reductions in

service budgets will likely increase the fragility of this mandated service.

- 3.4 **Legal:** The tender process conducted by Bracknell proposes several extension to the term and price mechanisms which are not detailed in the proposed form of contract by Bracknell. It would be necessary to include and agree these prior to award.
- 3.5 **Risk Management:** N/A
- 3.6 **Property:** N/A
- 3.7 **Other:** An additional outreach spoke clinic in Lambourn has been included within the service specification within the same budget. It is anticipated that this will help to reduce the need for residents to access sexual health services outside of Berkshire.

4. Other options considered

- 4.1 Tender for a West Berkshire only sexual health service. This decision was not taken due to disadvantages in relation to the value and attractiveness to providers of a smaller contract. Costs would be higher for a West Berkshire only service due to duplication of senior management, clinical posts and facilities across Berkshire West.
- 4.2 Doing nothing is not an option as this is a mandated service.

Executive Summary

5. Introduction / Background

- 5.1 Local Authorities are mandated requirement to provide open access sexual and reproductive health services for local residents.
- 5.2 The current contract for the integrated sexual and reproductive health services expires in March 2020.
- 5.3 In order to secure greater cost efficiencies, a joint procurement exercise has been undertaken with Reading and Wokingham Council which aligns with the new Integrated Care Partnership (ICP). The procurement was subject to the “light touch regime”; the opportunity was advertised in OJEU and on the South East Business Portal and Contracts Finder in April and May 2019.
- 5.4 Three organisations expressed an interest and two tenders were received. Tenders were assessed against an agreed evaluation criteria approved as part of the procurement strategy, with a price to quality weighting of 40:60.
- 5.5 A successful provider has been agreed following the evaluation process.

6. Proposals

- 6.1 The Executive resolves to delegate authority to the Head of Public Health & Wellbeing in consultation with the Executive Director of Resources and the Portfolio holder for Public Health & Community Wellbeing to award the contract for the provision of an integrated sexual and reproductive health service to the winning Provider following the evaluation process from 1st April 2020.
- 6.2 West Berkshire Council has previously agreed to continue to jointly commission the integrated sexual health service across the West of Berkshire, with the Berkshire Public Health Shared Team leading the procurement. A Light Touch Regime tender has been undertaken and a provider has been selected.

7. Appendices

- 7.1 Appendix A – Equality Impact Assessment
- 7.2 Appendix B – Supporting Information

Appendix A

Equality Impact Assessment – Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:		This paper seeks to inform Members of the tender process and seek delegated authority to award the contract from the Executive.	
Summary of relevant legislation:		2012 Health and Social Care Act	
Does the proposed decision conflict with any of the Council's key strategy priorities?		No	
Name of assessor:			
Date of assessment:			
Is this a:		Is this:	
Policy	/No	New or proposed	/No
Strategy	/No	Already exists and is being reviewed	Yes/
Function	/No	Is changing	/No
Service	Yes/		
1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?			
Aims:		Re-tender services to meet service user needs	
Objectives:		Secure new supplier that can deliver specified services	
Outcomes:		Supplier award	
Benefits:		Provision of an integrated sexual and reproductive health service in order for residents to achieve good sexual and reproductive health and wellbeing	
2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.			
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)			
Group Affected	What might be the effect?	Information to support this	
Age	No change to proposed service model		
Disability	No change to proposed service model		
Gender Reassignment	No change to proposed service model		
Marriage and Civil	No change to proposed		

Partnership	service model	
Pregnancy and Maternity	No change to proposed service model	
Race	No change to proposed service model	
Religion or Belief	No change to proposed service model	
Sex	No change to proposed service model	
Sexual Orientation	No change to proposed service model	

Further Comments relating to the item:

3 Result

Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?

/No

Please provide an explanation for your answer:

Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?

/No

Please provide an explanation for your answer:

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:

Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Zoe Campbell

Date: 10/10/19

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Sexual & Reproductive Health Contract Award - Supporting Information

1. Introduction/Background

- 1.1 The current jointly commissioned integrated sexual health service provides cost-effective, high quality provision to improve sexual health for Wokingham, Reading and West Berkshire Council. The contract for this service expires on 31st March 2020.
- 1.2 Following a sexual health needs assessment, a service specification for an integrated sexual and reproductive health service across the three Berkshire West Authorities was developed to ensure that the service would be responsive to current needs and flexible enough to adapt to changing needs.
- 1.3 The new service will incorporate an improved digital offer and additional sexual health services including online chlamydia and HIV testing. This will offer savings of approximately £10,000 per annum for West Berkshire. This service was commissioned separately and the requirement has been built into the service specification within the overall budget.
- 1.4 From year 3 the contract will be subject to negotiation based on demand. In advance of year 3, a joint review of the contract to date (actual activity levels and costs of delivering the service in line with the jointly agreed service specification) will be held. Through this process an agreed, and revised if necessary, service specification and cost model can be agreed for years 3-5. If the Local authority wishes to keep the budget the same and costs are proven to rise, the commissioners will need to agree an appropriate change to the service specification. The basis of moving forward will remain in line with the terms of the contract (12 months' notice) and any revision of terms of agreement (volumes, price, specification) will need to be jointly agreed by both parties. This means beyond year 2 there will be a mechanism to ensure that the maximum budget is not exceeded.

2. Supporting Information

- 2.1 Diagnosis rates of all new STIs are lower than national and regional averages in West Berkshire. New diagnosis and re-infection rates are highest among young adults. Attendance rates at sexual health services for STI related care are the lowest out of all Berkshire local authorities.
- 2.2 Sexual health services include; free testing and treatment for sexually transmitted infections (STIs), notification of sexual partners of infected persons and advice on, and access to a range of contraception, and advice on preventing unplanned pregnancy.
- 2.3 An integrated sexual health service model aims to improve sexual health by providing non-judgmental and confidential services through open access, where the

majority of sexual health and contraceptive needs can be met at one site, often by one health professional, usually within a single attendance.

- 2.4 Extended opening hours and accessible locations are offered operating on a 'hub and spoke' model with a central specialist service for more complex care and smaller satellite clinics providing more routine services across Berkshire West. The service also provides three specialist nurses delivering outreach services to young people, vulnerable older women, men and at risk groups.
- 2.5 The key aims of these services are to support good sexual and reproductive health, increase the proportion of pregnancies that are planned, reduce unplanned pregnancy, prevent onward transmission of STIs and blood borne viruses, reduce late diagnosis of HIV, improve the diagnosis of HIV and the sexual health of those with HIV.
- 2.6 Tender timetable carried out by the Shared Public Health Team:

Issue (OJEU/non-OJEU) Contract Notice	08/05/2019
Closing Date and Opening of SQ/Technical Questionnaire/ITT	05/06/2019
Award Decision	22/11/2019
Standstill Period	23/11/2019 – 2/12/2019
Contract Award	03/12/2019
Contract Work starts	01/04/2020

3. Options for Consideration

- 3.1 Tender for a West Berkshire only sexual health service. This decision was not taken due to disadvantages in relation to the value and attractiveness to providers of a smaller contract. Costs would likely be higher for a West Berkshire only service due to duplication of senior management, clinical posts and facilities across Berkshire West.
- 3.2 Doing nothing is not an option as this is a mandated service.

4. Proposals

The Executive resolves to delegate authority to the Head of Public Health & Wellbeing in consultation with the Executive Director of Resources and the Portfolio Holder for Public Health & Community Wellbeing to award the contract for the provision of an integrated sexual and reproductive health service to the winning Provider following the evaluation process from 1st April 2020.

Following a procurement exercise subject to the Light Touch Regime carried out by the Shared Public Health Team. There is scope to award this contract for up to 10 years from April 2020. The Public Health Consultant's from each local authority agreed a rolling contract for flexibility over the ten year period to allow for review and notice to be given in case of changes to mandated services or reductions in funding.

5. Conclusion

West Berkshire Council has previously agreed to continue to co-commission the integrated sexual health service across the West of Berkshire, with the Berkshire Public Health Shared Team leading the procurement exercise subject to Light Touch Regime, a preferred provider has been chosen.

6. Consultation and Engagement

Service Users, Public Health & Wellbeing, Commissioning, Legal Services

Subject to Call-In:

No: ☒

Delays in implementation could have serious financial implications for the Council ☒

Delays in implementation could compromise the Council's position ☒

Strategic Priorities Supported:

The proposals contained in this report will help to achieve the following Council Strategy priorities:

☒ **PC1: Ensure our vulnerable children and adults achieve better outcomes**

☒ **PC2: Support everyone to reach their full potential**

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Agenda Item 8.

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