

Thurrock - An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future

Cabinet

The meeting will be held at **7.00 pm** on **9 November 2022**

Committee Room 2, CO3, Civic Offices, New Road, Grays, RM17 6SL

Membership:

Councillors Mark Coxshall (Chair), Deborah Arnold (Deputy Chair), Qaisar Abbas, Jack Duffin, Andrew Jefferies, Barry Johnson, Ben Maney, Graham Snell and Luke Spillman

Agenda

Open to Public and Press

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To approve as a correct record the minutes of Cabinet held on 12 October 2022.	
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Queries regarding this Agenda or notification of apologies:

Please contact Lucy Tricker, Senior Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **1 November 2022**

Information for members of the public and councillors

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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Non-pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

Our Vision and Priorities for Thurrock

An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.

1. **People** – a borough where people of all ages are proud to work and play, live and stay
 - High quality, consistent and accessible public services which are right first time
 - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
 - Communities are empowered to make choices and be safer and stronger together

2. **Place** – a heritage-rich borough which is ambitious for its future
 - Roads, houses and public spaces that connect people and places
 - Clean environments that everyone has reason to take pride in
 - Fewer public buildings with better services

3. **Prosperity** – a borough which enables everyone to achieve their aspirations
 - Attractive opportunities for businesses and investors to enhance the local economy
 - Vocational and academic education, skills and job opportunities for all
 - Commercial, entrepreneurial and connected public services

Minutes of the Meeting of the Cabinet scheduled for 14 September 2022 at 7.00 pm, and reconvened on 12 October 2022

The deadline for call-ins is Monday 24 October 2022 at 5.00pm

Present:	Councillors Mark Coxshall (Acting Leader), Deborah Arnold (Acting Deputy Leader), Qaisar Abbas, Jack Duffin, Andrew Jefferies, Barry Johnson, Ben Maney, Graham Snell and Luke Spillman
	Councillor Fraser Massey, Chair of the Lower Thames Crossing Task Force
In attendance:	Matthew Boulter, Democratic Services and Governance Manager, and Interim Monitoring Officer Julie Rogers, Director of Public Realm Ian Wake, Corporate Director of Adults, Housing and Health Lucy Tricker, Senior Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting was being live-streamed and recorded; and would be uploaded to the Council's website.

30. Minutes

The minutes of the Cabinet meeting held on 13 July 2022 were approved as a true and correct record.

31. Items of Urgent Business

There were no items of urgent business.

32. Declaration of Interests

There were no interests declared.

33. Statements by the Leader

The Acting Leader opened his statement and welcomed Councillor Graham Snell as Portfolio Holder for Finance. He thanked Councillor Snell for his continued critical challenge and thorough scrutinising of Council finances. The Acting Leader highlighted that this was the first Cabinet meeting since central government intervention, and wanted to ensure increased transparency moving forward. He explained that the government intervention was split into the best value inspection, and the recovery plan, both of which were due to be published in January 2023. He explained that central government had already started interviewing senior officers and Members as part of the intervention, and would be looking into areas such as governance and compliance,

although this could change and develop as the intervention continued. He stated that the approach could change depending on findings made by the commissioners, but any recommendations made would be taken in full and actioned by Thurrock Council. He urged all officers, Members and residents to be open and transparent with the commissioners. The Acting Leader summarised and stated that he would be offering the Chairmanships of scrutiny Committees to the opposition at the next Full Council meeting, as he felt that scrutiny needed to be strengthened.

34. Briefings on Policy, Budget and Other Issues

There were no briefings on policy, budget and other issues.

35. Petitions submitted by Members of the Public

No petitions had been submitted by members of the public.

36. Questions from Non-Executive Members

No questions had been submitted by non-Executive Members.

37. Matters Referred to the Cabinet for Consideration by an Overview and Scrutiny Committee

Other than those items already contained within the agenda, no items had been referred to the Cabinet for their consideration by an overview and scrutiny committee.

38. Lower Thames Crossing Task Force Update Report (Decision: 110621)

Councillor Massey introduced the report and explained that the Task Force had received a verbal update on the A13 junction in March, where officers had reported on the potential impact of the proposed LTC on the A13 and A0189, and it was reported that because of the LTC, the A13 could see increased traffic at peak travel times. He added that the Task Force were informed that construction carried out on the A13 during LTC construction could also impact local villages and junctions, such as East Tilbury, the Manorway junction, the B1420, and Southend Road. Councillor Massey explained that the LTC would use local road capacity and could impact on the Council's ability to deliver local economic growth aspirations, such as the Thames Freeport and emerging Local Plan. Councillor Massey also highlighted that during the Task Force's discussions at that meeting, it had come to light that Thurrock's main local traffic movement times had differed to the strategic times used by National Highways, who had found the larger peaks in the evening. He added that Members of the Task Force felt that the impact on villages such as Linford, East Tilbury, and Chadwell St Mary had not been addressed by National Highways, as other projects going on in Thurrock could also have an affect on the capacity of the local road network. He stated that overall, the

Task Force remained concerned regarding the negative impacts of the LTC and junction connectivity with the Orsett Cock and Manorway junctions, and other local roads.

Councillor Massey explained that the Task Force continually requested information regarding the Health Impact Assessment, but the Council were waiting on answers and base line data from National Highways. He hoped this would be received by the Task Force soon. Councillor Massey confirmed that at the June Task Force meeting, Members had discussed an item of urgent business regarding the Thurrock Council letter to the Treasury as the value for money of the proposed LTC had appeared to decrease. He stated that the Task Force had also considered the local refinement consultation response, and Members had expressed their concern that the consultation had too few physical events and did not last long enough. Councillor Massey added the Task Force also debated issues such as the impact to the A13 at junctions; tunnelling spoil transportation; HGVs on local roads; and the Tilbury Fields size reduction as the main concerns going forward. Councillor Massey summarised and explained that the next Task Force meeting was scheduled for 17 October where National Highways would be attending to take questions from Members, as well as discussing the Development Consent Order (DCO) process.

The Acting Leader thanked Councillor Massey for his update and felt that there had been constructive work with officers in Task Force meetings. He felt pleased to see that regular reports on the work of the Task Force were presented to Cabinet, and provided constructive criticisms and a critical friend. He added that the LTC could have negative impacts in Thurrock, both during construction and once the route was opened, and would not bring many positives to the area. He urged Task Force Members to thoroughly question National Highways at their next meeting to ensure that the proposed LTC would provide some benefit to Thurrock if built.

RESOLVED: That Cabinet:

1. Noted the work of the Task Force.

*Reason for decision: as outlined in the report
This decision is subject to call-in*

39. Lower Thames Crossing - Delegation of Authority to Respond (Decision: 110622)

The Acting Leader introduced the report and stated that although the LTC scheme was not yet ready to be submitted to DCO, the Council needed to be ready ahead of its submission. He added that the report would delegate authority to officers and the Acting Leader.

RESOLVED: That Cabinet:

1. Authorised the Director Strategy, Engagement and Growth, after

consultation with the Leader of the Council and the Portfolio Holder, to undertake all necessary work in connection with the Council's response to the Lower Thames Crossing Development Consent Order (DCO) and for ensuring that the Council is properly represented at an Examination in Public, and for making decisions in the best interests of the Council during negotiations. This will involve Council responses to make representations following LTC DCO submission, prior to examination, and during examination. Responses will include, but are not limited to, Adequacy of Consultation Response, Statement of Common Ground (and its subsequent revisions), Local Impact reports, PINS written questions, and other relevant representations related to LTC.

*Reason for decision: as outlined in the report
This decision is subject to call-in*

40. Grays Town Fund Programme (Decision: 110623)

The Acting Leader introduced the report and stated that due to the sad passing of Her Majesty Queen Elizabeth II the report had been delayed, but now needed to be moved forward. He explained that this report would fund projects such as a new beachfront vista, which would help deliver the values of Thames100, as well as a new riverside activity centre, which would be used by community groups such as the Sea Cadets. He commented that the Sea Cadets had not had a permanent base for many years, but this centre could be used by them, which would help improve the lives of young people. He added that the projects outlined in the report had to be completed by 2026/27, so the project needed to be moved forward to ensure these deadlines were met.

Councillor Spillman felt that as retail shops in the High Street declined on a national level, Grays needed to become a leisure zone, and this grant could help to achieve this, as it could be transformative to the area. The Acting Leader highlighted that the Grays Town Fund would help to regenerate Grays, as it could improve the beach, install a new underpass to link Grays with South Grays, build new river developments such as the river activity centre, and would work in tandem with other projects such as the new Thameside offer. He felt that once the regeneration in Grays was complete, the Council could consider regenerating other areas such as South Ockendon. Councillor Abbas echoed comments and felt that regeneration would benefit Grays and looked forward to construction on these projects beginning.

RESOLVED: That Cabinet:

1. Approved the Grays Town Fund Programme and Budget allocations as set in Table 1 of the report.

2. Delegated authority to the Corporate Director of Resources and Place Delivery and the Director of Public Realm, in consultation with the Portfolio Holder for Regeneration and External Affairs, and Assistant Director Legal Services to:

- a. Approve the Business Case Summaries;**
- b. Submission of planning application for the projects within Grays Town Fund Programme;**
- c. Approve the operation of procurement processes through to the awarding of contracts to commission consultants and contractors to undertake services and works to deliver the Grays Town Fund programme, subject to tendered sums being within the anticipated budget;**
- d. Negotiate and enter into necessary agreements to facilitate delivery of Grays Town Fund programme including access agreements and licences, leases and design and construction contracts.**

*Reason for decision: as outlined in the report
This decision is subject to call-in*

41. Financial Update - Quarter 1 2022/23 (Decision: 110624)

The Interim Director of Finance introduced the report and stated that it had coincided with the beginning of the commissioners' work, so had to be read in the context of the time. He stated that the team had worked with commissioners on the release of the report as it helped Members and residents understand the service pressures currently being experienced. He stated that services were currently experiencing approximately £7.4million of pressure and income losses, and although part of this could be managed with reserves, there was still a gap in the budget and further work to do. The Interim Director of Finance highlighted Table 1 on page 42, which set out service provision and highlighted the pressures within Adults and Childrens' Social Care, and Table 2 provided a detailed breakdown of these pressures. He explained that many other Councils faced pressures regarding Adults and Childrens Social Care, and work was continuing to monitor and support these pressures using reserves and capital receipts. He stated that the Medium-Term Financial Strategy (MTFS) was constantly evolving and would remain a challenge due to inflationary pressures and the central government funding settlement.

The Interim Director of Finance stated that the intervention also continued to evolve with commissioners, and the Update on Council Borrowing report scheduled for October's Cabinet meeting would consider this in more detail. He mentioned that both this report and the Council Borrowing report had been considered by the Corporate Overview and Scrutiny Committee at their previous meeting, and they had discussed the transition from Local Authority borrowing to Public Works Loan Board (PWLB) borrowing, which would be borrowed at a higher interest rate. He explained that previous PWLB borrowing had had an interest rate of approximately 0.5%-1%, but interest rates had now reached approximately 4.5%. He stated that the impact of this would be assessed and reported back to the Corporate Overview and Scrutiny Committee and Cabinet as part of the Quarter 2 financial report.

The Interim Director of Finance added that the commissioners were also

evaluating the Minimum Revenue Provision (MRP), which was a method to pay back debt. He explained that specific issues within investments could change the MRP approach and wider provisions across all investments, which could have a range of impacts. He stated that borrowing could be paid back over the course of 20 years, with interest 1% above the usual PWLB rates. He stated that the commissioners were currently clarifying positions as the situation remained fluid and complicated, but felt that the commissioners remained supportive and provided advice on how to resolve the situation as quickly as possible.

The Acting Leader thanked the Interim Director of Finance for the level of detail in the report, and felt that it remained a serious situation. He stated that the recovery board continued to meet bi-weekly and received advice from the commissioners. He added that the administration would also use the scrutiny function to aid in the recovery plan. Councillor Spillman felt that confidence in the Council had been shaken. He asked how Councillors and officers could restore the trust that had been lost. The Interim Director of Finance stated that the Council would continue to follow the processes being put in place by the commissioners, who would be undertaking a detailed review into the governance of Thurrock Council. He stated that officers and Members would be interviewed as part of the best value inspection, which would identify what had gone wrong, and would help to begin rebuilding trust. He stated that the inspection was only just beginning, and the Council needed to accept their findings. He urged any officers or Members to raise concerns with the inspectors to ensure that they had a clear picture of leadership, governance, and compliance within the Council. He mentioned that the commissioners had also set-up a whistleblowing hotline to ensure openness. The Interim Director of Finance added that the team had so far received positive feedback from the finance recovery board, and felt that the Council was in a good starting position. Councillor Spillman welcomed comments from the Interim Director of Finance and felt that the commissioners would ensure Members and officers fully understood what had happened. The Acting Leader felt that the Council could now be more open, and Cabinet and senior officers could work together for residents.

Councillor Snell stated that he would work with commissioners to understand what had happened. He added that he had attended the Corporate Overview and Scrutiny Committee and had welcomed comments from opposition Members. He urged opposition Members to voice their concerns or comments, and stated that they could arrange a meeting with him if they needed. The Acting Leader echoed these comments and stated that he would ensure residents continued receiving services and would be open and transparent with residents.

RESOLVED: That Cabinet:

- 1. Noted the Department of Levelling Up, Housing and Communities have put an intervention package in place and nominated Essex County Council as the Commissioners as set out in section 2.**

2. Commented on the forecast revenue and capital outturn positions for 2022/23.

3. Noted that additional action will be required to identify further savings to manage the reports General Fund budget pressures.

*Reason for decision: as outlined in the report
This decision is subject to call-in*

The meeting finished at 7.50 pm

Approved as a true and correct record

CHAIR

DATE

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Democratic Services at Direct.Democracy@thurrock.gov.uk**

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Minutes of the Meeting of the Cabinet held on 12 October 2022 at 7.57 pm

The deadline for call-ins is Monday 24 October at 5.00pm

Present:	Councillors Mark Coxshall (Acting Leader), Deborah Arnold (Acting Deputy Leader), Qaisar Abbas, Jack Duffin, Andrew Jefferies, Barry Johnson, Ben Maney, Graham Snell and Luke Spillman
In attendance:	Matthew Boulter, Democratic Services and Governance Manager, and Interim Monitoring Officer Julie Rogers, Director of Public Realm Ian Wake, Acting Chief Executive Jonathan Wilson, Interim Director of Finance and S151 Officer Lucy Tricker, Senior Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting was being live-streamed and recorded; and would be uploaded to the Council's website.

42. Items of Urgent Business

There were no items of urgent business.

43. Declaration of Interests

There were no interests declared.

44. Statements by the Leader

The Acting Leader did not make a statement.

45. Briefings on Policy, Budget and Other Issues

The Acting Leader stated that recently made emergency decisions would now be brought to Cabinet meetings to ensure openness. He explained that the first emergency decision was related to COVID relief grants, as only a small number of businesses had claimed this, but the Council had chosen to send the remainder of the money to businesses as business rate relief. He stated that the business had to be valued under a certain amount, had to have been continuously running in 2021, and had to be solvent, but if the business met all the criteria, then the money would be sent straight to businesses without them having to apply for the grant. The Acting Leader explained that the second emergency decision related to the household support fund, which would ensure that 8000 children received free school meals during half-terms and school breaks up until March 2023. He added that this was made as an emergency decision to ensure that children could receive free school meals during the October half-term.

Councillor Spillman felt pleased to see that children would be receiving free school meals during school breaks. Councillor Johnson echoed these comments and thanked the Leader and central government for this fund.

46. Petitions submitted by Members of the Public

No petitions had been submitted by members of the public.

47. Questions from Non-Executive Members

No questions had been received from non-Executive Members.

48. Matters Referred to the Cabinet for Consideration by an Overview and Scrutiny Committee

Other than those items already contained within the agenda, no items had been referred to the Cabinet for consideration by an Overview and Scrutiny Committee.

49. Update on Council Borrowing

Councillor Snell introduced the report and stated that it summarised the impact of the intervention so far. He explained that from 2010, Council's had been able to access inter-local authority loans, but this market had now contracted and therefore other methods of funding were being sought by the commissioners. He added that the method outlined in the report would end in March 2023, as the £836million was short-term funding and included the replacement of existing local authority loans. He commented that £177.5million had already been paid to local authorities in October 2022, and page 8 of the report outlined the schedule of short-term loans, which would ensure that local authority debts were repaid. The Acting Leader felt that the report was open and transparent, and highlighted the changes in interest rates. He added that the report had gone to the Corporate Overview and Scrutiny Committee as an urgent item, to ensure Members had time to discuss before it came to Cabinet. The Acting Leader also thanked the Interim Director of Finance and his team for their work on the report.

RESOLVED: That Cabinet:

1. Considered and commented on the revised approach to borrowing in the context of the wider intervention by government.

2. Noted that assurance on the security of funds is being provided to relevant counterparty lenders in the inter-authority market.

3. Noted the revised approach supports the development of sustainable and affordable capital, investment, and treasury management strategies and recommends that approach to Council.

The meeting finished at 8.08 pm

Approved as a true and correct record

CHAIR

DATE

**Any queries regarding these Minutes, please contact
Democratic Services at Direct.Democracy@thurrock.gov.uk**

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9 November 2022	ITEM: 10 Decision: 110625
Cabinet	
Contract to Supply, Install, Maintain & Repair Telecare Equipment	
Wards and communities affected: All	Key Decision: Key
Report of: Councillor Deborah Arnold, Deputy Leader and Cabinet Member for Adults and Health	
Accountable Assistant Director: Tania Sitch, Interim Assistant Director Adult Social Care and Community Development	
Accountable Director: Les Billingham, Interim Director Adult Social Care	
This report is Public	

Executive Summary

This report outlines the statutory duty under the Care Act 2014 to supply Assistive Technology to those with eligible need to help support people live independently in their own home while minimising risks such as falls, gas leaks etc. The Care Act (2014) responsibility set the obligation and context to provide equipment, including telecare and adaptations costing less than £1000.

This report as recommended by Health and Wellbeing Overview and Scrutiny Committee, is to seek Cabinet approval to reprocure this service via an open tender.

1. Recommendation(s)

1.1 That Cabinet agrees with HOSC’s recommendation to go to market to reprocure the contract to supply, install, maintain, and repair telecare equipment.

2. Introduction and Background

2.1 Adult Social Care adopts a strength-based approach, focusing on the strengths and abilities of the individual and aims to connect them to support from friends, family and the wider community. By adopting an ethos of providing the right care at the right time in the right place, this equipment services enables individuals to remain at home and part of their local communities.

- 2.2 The current contract is held by Red Alert for a cost of £107,364 per annum and issues over 700 pieces of telecare equipment per annum, while having over 2600 pieces of actively used equipment at any one time.
- 2.3 The contract for these services is to increase focus on early intervention and prevention via the Technology Enabled Care (TEC) programme, as this has help mitigate demand and the additional impact that the pandemic has placed upon the service.
- 2.4 Consideration must be given to Digital Transformation as more than 95% of current base units and peripherals deployed are reliant on the Public Switched Telephone Network (PSTN) which is being phased out, as a national initiative, by December 2025. The procurement exercise will enable the Authority to embed digital device piloting and testing into the contractual requirements to enable Subject Matter Experts to identify cost effective solutions to meet future needs and requirements.

3. Issues, Options and Analysis of Options

There are three options considered below:

- 3.1 **Do nothing – let the contract expire on 31 August 2023 (not recommended).**
 - 3.1.1 This would, without any subsequent action, result in a breach of the Authority's statutory requirements. This would result in an increase in demand on traditional services and / or a reliance on spot arrangements for individual pieces of equipment that would reduce the purchasing power of the Authority and present challenges to maintaining the supply chain for telecare equipment.
 - 3.2 **Extend current contract (not recommended).**
 - 3.2.1 The contract has utilised all extension options and has been extended up to 50% of the contract value. Therefore, this is not a viable option to pursue.
 - 3.3 **Procure the services via a tender process in the open market (recommended).**
 - 3.3.1 While this niche market is expanding and diversifying quickly, the mass purchase, storage and installation of TEC systems is not a resource the Authority presently has nor has the money to invest in and develop as a commercial model. Additionally sourcing a specialist Provider via a tender process will enable access to skills and knowledge that will assist in directing the digital transformation solutions in TEC the Authority will have to undertake in the next few years.
- ### **4. Reasons for Recommendation**
- 4.1 The current contract will be expiring, and this provision is required to fulfil our statutory requirements under the Care Act (2014).

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 Engagement has taken please with Thurrock's TEC leads around Provider performance requirements and have reviewed the current contract specification's fitness for purpose in meeting the needs of Thurrock residents.
- 5.2 June 2022 customer satisfaction survey, which is a 25% sample of monthly activity, returned another 100% rating across 6 key measures. This is in keeping with the results seen for the financial year 2021/22 which saw an overall satisfaction rating of 99.92%.
- 5.3 Health & Wellbeing Overview and Scrutiny Committee considered the procurement of services to supply install and maintain telecare equipment on 1 September 2022 and have recommended that Cabinet support this.

6. Impact on corporate policies priorities, performance and community impact

- 6.1 The contract to Supply, Install, Maintain & Repair Telecare Equipment:

People – a borough where people of all ages are proud to work and play, live and stay.

This not only fulfils the Authorities obligations under the Care Act (2014) to prevent, reduce and delay but also links into its overarching objectives to keep vulnerable people within their local communities to provide better, longer terms outcomes.

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Strategic Lead Finance, Corporate Finance

The funding for the provision of the contract was set at £107,364, and formed part of the 2022/23 ASC base budget. This agrees with the value quoted under para 2.2.

Three options are presented within the report under paragraphs 3.1, 3.2 and 3.3. The recommended option within paragraph 3.3 represents that which is most financially viable. The alternative options will result in both direct and or indirect additional financial costs to the department, and do not present any wider long term financial benefit to the Council.

7.2 Legal

Implications verified by: **Mark Bowen**
Interim Head of Legal Services

The recommendation if agreed is for a procurement process to enable a statutory duty to be discharged and is legally sound.

7.3 **Diversity and Equality**

Implications verified by: **Rebecca Lee**
Team Manager Community Development

The provision of this contract will support Council to uphold responsibilities set out in the Equality Act 2010 and Public Sector Equality Duty. The supply of equipment to support residents is also in line with regulations set out in the Care Act (2014) and the Children and Families Act (2014).

Social value has been considered as part of the commissioning process for this service and will be monitored as part of the standard contract review cycle with the agreed supplier.

7.4 **Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder and Looked After Children

N/A

8. **Background papers used in preparing this report** (include their location and identify whether any are exempt or protected by copyright):

N/A

9. **Appendices to the report**

N/A

Report Author

Ian Kennard

Commissioning Manager

Adults Housing and Health

9 November 2022	ITEM: 11 Decision: 110626
Cabinet	
Contract for Occupational Therapy and Independent Mobility Assessment Service	
Wards and communities affected: All	Key Decision: Key
Report of: Councillor Deborah Arnold, Deputy Leader and Cabinet Member for Adults and Health	
Accountable Assistant Director: Tania Sitch, Interim Assistant Director Adult Social Care and Community Development	
Accountable Director: Les Billingham, Interim Director Adult Social Care	
This report is Public	

Executive Summary

This report seeks Cabinet support for the procurement of the Occupational Therapy and Independent Mobility Assessment Service via an open tender.

The Occupational Therapy and Independent Mobility Assessment Service was commissioned to facilitate high quality outcome focused assessments for individuals eligible for non-specialist Occupational Therapy (OT support) and Independent Mobility Assessments (IMAs), via one-to-one assessments and clinics, for the Passenger Transport Services.

The Authority is compelled to undertake assessments of individuals for OT support as a statutory function under the Care Act (2014) and for Independent Mobility Assessments pursuant to the Chronically Sick and Disabled Persons Act (1970) and the Equality Act (2020) when Local Authorities were passed the responsibility for administering the Blue Badge schemes in August 2019.

1. Recommendation(s)

1.1 That Cabinet agrees with HOSC’s recommendation to go to market to procure the contract to provide an Occupational Therapy and Independent Mobility Assessments service.

2. Introduction and Background

2.1 Adult Social Care adopts a strength-based approach, focusing on the strengths and abilities of the individual and aims to connect them to support

from friends, family and the wider community. By adopting an ethos of providing the right care at the right time in the right place, this equipment services enables individuals to remain at home and part of their local communities.

- 2.2 The current contract is held by Inclusion.Me for the last 5 years costing £99,360 per annum, and the contract price has not increased during this period. During 2021/22 504 assessments were undertaken from 594 referrals, of which 96.5% had outcomes completed and submitted within 2 working days.
- 2.3 This is despite an increase focus on early intervention and prevention via the use to OT equipment, as well as the additional impact that the pandemic has placed upon the service.

3. Issues, Options and Analysis of Options

There are 4 options set out below:

- 3.1 **Do nothing – let the contract expire on 30 September 2023 (not recommended).**
 - 3.1.1 This would, without any subsequent action, result in a significant backlog of OT assessments as previous restructuring of internal services reduced retained OT specialist employed by the Authority to 4 FTE. Therefore, assessments would be significantly delayed, potentially placing individuals at risk or forcing the commissioning of more costly alternatives.
 - 3.1.2 Additionally, without the IMA service in place Authority's would either breach its statutory requirements under the legislation detailed earlier in this document, or source this service on a spot provision they may result in a more costly solution for the Authority.
- 3.2 **Extend current contract (not recommended).**
 - 3.2.1 The contract has utilised all extension options and has been extended up to 50% of the contract value. Therefore, this is not a viable option to pursue.
- 3.3 **Bring the service back inhouse (not recommended).**
 - 3.3.1 This would require the Authority to recruit OT specialists on Thurrock Council terms and conditions to undertake the same function. This would result in a greatly inflated staffing budget and undo the previous savings exercise that restructured the OT offer, as to run the service at a safe and appropriate level a minimum of 4 FTE would be required, each costing a minimum of £26k per annum before on costs were factored in. Additionally, recruitment challenges would also be faced due to national shortages of qualified Occupational Therapists making this option even less desirable. This would be far in excess of the current tendered rate of the contract.

3.4 Procure the services via a tender process in the open market (recommended)

- 3.4.1 The previous decision to restructure and take this service to market has delivered the desired outcomes in that staffing overheads were reduced providing savings and quality levels were maintained. During the lifecycle of this contract performance has been consistently high, only seeing dips in assessments carried out within 10 days KPI dropping during the pandemic but maintaining positive rates of outcome indicators level above 90% during the same periods.
- 3.4.2 Additionally, feedback from frontline staff regarding the quality and quantity of assessments is extremely positive. The Provider has been flexible and solution focused in its approach during the pandemic which has built frontline confidence in this market sourced solution.
- 3.4.3 The Authority has, and continues, to lean on OT solutions to promote and create a greater level of independence for eligible individuals. It is likely that demand will increase during the lifecycle of the contract therefore consideration should be given to the budget levels as there have been no uplifts in the last 5 years despite significant external pressures (i.e. NLW, NI).

4. Reasons for Recommendation

- 4.1 The current contract with the provider, Inclusion.Me, is coming to an end and a new contract to fulfil the statutory duty is required.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 Engagement has taken place with Occupation Therapy Leads as well as Thurrock's Principle Occupational Therapist who have reviewed the quality of the service as well as fitness for purpose of the current service specification. As it is felt the current quality of service is high, which is reflected in KPI indicators and value for money, the service will seek to develop a similar specification in order to meet future service demands.
- 5.2 Service User feedback was limited, however compliments for the service have increased over the last financial year to 1 per quarter compared to 1 for the entirety for 2021/22.
- 5.3 Health & Wellbeing Overview and Scrutiny Committee considered the procurement of Occupational Therapy and Mobility services on 1 September 2022 and have recommended that Cabinet support this.

6. Impact on corporate policies priorities, performance and community impact

- 6.1 The contract for Occupational Therapy and Independent Mobility Assessment Service:

People – a borough where people of all ages are proud to work and play, live and stay.

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Strategic Lead Finance, Corporate Finance

The funding for the provision of the contract was set at £99,360, and formed part of the 2022/23 ASC base budget. This agrees with the value quoted under para 2.2.

Three options are presented within the report under paragraphs 3.1, 3.2 and 3.3. The recommended option within paragraph 3.3 represents that which is most financially viable. The alternative options will result in both direct and or indirect additional financial costs to the department, and do not present any wider longer term financing benefit to the Council.

7.2 Legal

Implications verified by: **Mark Bowen**
Interim Head of Legal Services

The recommendation if agreed is for a procurement process to enable a statutory duty to be discharged and is legally sound.

7.3 Diversity and Equality

Implications verified by: **Rebecca Lee**
Team Manager Community Development

The executive summary of the report sets out the responsibilities of the authority to provide the Occupational Therapy and Independent Mobility Assessment service in line with the Care Act (2014), Chronically Sick and Disabled Persons Act (1970) and the Equality Act (2010).

Social value has been considered as part of the commissioning process for this service and will be monitored as part of the standard contract review cycle with the agreed supplier.

7.4 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder and Looked After Children

N/A

8. **Background papers used in preparing this report** (include their location and identify whether any are exempt or protected by copyright):

N/A

9. **Appendices to the report**

N/A

Report Author

Ian Kennard

Commissioning Manager

Adults, Housing and Health

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9 November 2022		ITEM: 12
		Decision: 110627
Cabinet		
Public Health Contracts – Substance Misuse & Sexual Health		
Wards and communities affected: All	Key Decision: Key	
Report of: Phil Gregory, Senior Programme Manager, Health Improvement		
Accountable Assistant Director: Andrea Clement, Assistant Director, Public Health		
Accountable Director: Dr Jo Broadbent, Director of Public Health		
This report is Public		

Executive Summary

The Council's public health team are seeking to extend two commissioned service contracts whose values both are above the threshold requiring approval by Cabinet.

The Sexual Health Service is a mandated service. The service provides information, support and treatment for individuals aged 13 and over in Thurrock. The service consistently meets its corporate targets and there is a productive relationship between the local authority and the provider.

The Adult Substance Misuse service is not a mandated service but it is a condition of the Public Health Grant that monies be spent on ensuring there are public health services aimed at reducing drug and alcohol use. The service provides treatment and support to individuals affected by drug or alcohol use. The service consistently meets its corporate targets and there is a productive relationship between the local authority and the provider.

Whilst funded on the whole by the Public Health Grant, the Adult Substance Misuse Service also receives additional funding from the Supplemental Substance Misuse Treatment and Recovery Grant. A condition of the grant is that core spend on adult substance misuse cannot be reduced from the 2020/21 baseline figure over subsequent years without a likely forfeiture of the grant.

A one-year extension of both existing contracts is considered a prudent option from both a continuity and efficiency standpoint.

1. Recommendation(s)

1.1 That Cabinet approve a one-year extension of the Adult Substance Misuse Service at the current contract value

1.2 That Cabinet approve a one-year extension of the Sexual Health Services contract at the current contract value

2. Introduction and Background

- 2.1 Public Health services are funded through the Public Health Grant. This is a grant from DHSC which is ring-fenced for public health functions, outlined in the grant conditions. As such the Public Health Grant is separate from the Council's General Fund and has prescribed usage.
- 2.2 Decisions on spend in excess of £750,000 must be approved by Cabinet. The Council's public health team are seeking to extend two commissioned service contracts whose values both exceed this £750,000 figure.
- 2.3 The exact value of the Sexual Health Services contract extension, currently delivered by Provide, is to be negotiated; however an indicative figure for 2023/24 is £1,672,420.
- 2.4 The extension of the Adult Substance Misuse service contract, currently delivered by Inclusion Visions, for 2023/24 is valued at £1,434,860.
- 2.5 The Sexual Health Service is a mandated service. The service provides information, support and treatment for individuals aged 13 and over in Thurrock. The service also subcontracts specialist support and advice for young people to Brook, and specialist HIV services to Terrence Higgins Trust. The service consistently meets its corporate targets and there is a productive relationship between the local authority and the provider. The contract value for 2023/24 is yet to be agreed, however budgetary limitations from the Public Health Grant dictate that this value will not be in excess of the equivalent figure for 2022/23
- 2.6 The Adult Substance Misuse service is not a mandated service but it is a condition of the Public Health Grant that monies be spent on ensuring there are public health services aimed at reducing drug and alcohol use. The service provides treatment and support to individuals affected by drug or alcohol use. The service consistently meets its corporate targets and there is a productive relationship between the local authority and the provider.
- 2.7 Whilst predominantly funded by the Public Health Grant, the Adult Substance Misuse Service is also in receipt of additional funding from the Supplemental Substance Misuse Treatment and Recovery Grant (SSMTRG). This is a three-year grant provided by the Office for Health Improvement and Disparities, with a potential total value of £673,000. The SSMTRG is designed to fund additional work around recovery and treatment. A condition of the grant is that core spend on adult substance misuse from the Public Health Grant cannot be reduced from year to year. Any reduction in adult substance

misuse spend from the 2020/21 baseline figure over the subsequent years would likely result in forfeiture of the grant.

3. Issues, Options and Analysis of Options

3.1 Sexual Health Services

Thurrock Council's contract with Provide Community Interest Company for the delivery of a Sexual Health Service is due to expire on March 31st 2023. An extension to the contract of a period of one year is currently possible under Public Contracts Regulations. The exact cost of this extension is currently unclear as negotiations with the provider are ongoing, however it is not expected to exceed the contract value for the most recent year.

3.2 In order to extend the contract length by one-year approval would ordinarily be the remit of the Director of Public Health. However, given the high value of the contract extension, the decision for expenditure is a matter for Cabinet.

3.3 There are currently four options for Cabinet to consider in this matter.

3.4 Option 1: Do nothing – allow the Sexual Health Service contract to expire in March 2023

3.5 The Council could allow the current contract with Provide to expire, leaving the local authority with no Sexual Health Service provision for 2023/24. This would generate a significant saving in terms of spend on contract. However, as the provision of a sexual health service is a statutory requirement for a local authority the authority would technically be in breach of the law. Alongside the clear legal and reputational damage such a situation would generate, local people would also be denied access to vital public health services, including access to emergency contraception, free testing for sexually transmitted infections and advice and support around how to stay safe, healthy and protected.

3.6 Option 2: Renew the Sexual Health Service contract in line with the current contract spend

3.7 In extending the contract for a further year the Council would ensure continuity in service delivery for local people and that it continued to meet its statutory responsibilities. Current spend levels are sufficient to provide a comprehensive service that performs well across the majority of metrics. A Sexual Health Needs Assessment and subsequent strategy is due to be completed by the Public Health team in the first half of 2023, leading to an updated service specification for recommissioning the service in 2024/25. In extending the current contract for one year, sufficient time to complete this commissioning undertaking will be provided, leading to an optimised offer in the subsequent year.

3.8 **Option 3 - Renew the Sexual Health Service with reduced contract spend**

3.9 A reduced contract value for 2023/24 would inevitably lead to a reduction in the scope of the service Provide were able to offer. Negotiations over the 23/24 service specification are in their initial stages so the exact nature of the revised specification is unknown at the time of writing. Early indications however are that any reduction in spend would lead to the removal of specialist HIV services currently provided by Terrence Higgins Trust. As Thurrock is currently considered a High Prevalence local authority for HIV there are likely to be both operational and reputational consequences of such an approach

3.10 **Option 4 – Re-commission the Sexual Health Service with a revised contract value and service specification for 2023/24**

3.11 The current contract with Provide could be allowed to expire with a view to re-commissioning the Sexual Health Service from April 1st 2023. A revised service specification would be created and put out for tenders, with a contract value to be agreed in advance. If this contract value were reduced there is the likelihood that the service specification would also be reduced from that offered presently. However, there is potential for a provider from the open market to demonstrate cost effective ways of delivering a service with an equivalent or increased specification from that seen now. The difficulty in achieving this outcome however is the limited time available before April 1st 2023. In the absence of an updated Sexual Health Needs Assessment and accompanying Strategy, any re-commissioning is unlikely to represent evidence based commissioning. A full and complete re-commissioning process for a contract of this value would usually take at least 12 months including pre-tender service reviews and review by HOSC, and post-award contract handover period. There is also a lack of resource available at this time for commissioning support within Public Health with priority being given to re-commissioning the Children and Young People Substance Misuse Service and the Healthy Families Contract.

3.12 **Adult Substance Misuse Service**

Thurrock Council's contract with Midlands Partnership NHS Foundation Trust, operating under the brand name Inclusion Visions, for the delivery of an Adult Substance Misuse Service is due to expire on March 31st 2023. An extension to the contract of a period of one year is currently possible under Public Contracts Regulations. There would be no increase from the present annual cost with this extension.

3.13 As with the Sexual Health Service contract, in order to extend the Adult Substance Misuse contract length by one-year approval is a matter for Cabinet.

3.14 There are currently four options for Cabinet to consider in this matter

- 3.15 **Option 1 - Do nothing – allow the Adult Substance Misuse Service contract to expire in March 2023**
- 3.16 The Council could allow the current contract with Inclusion Visions to expire, leaving the local authority with no Adult Substance Misuse Service provision for 2023/24. This would generate a significant saving in terms of spend on contract. However, as spend on a substance misuse service is a mandated requirement of the Public Health Grant the authority would technically be in breach of the grant conditions and the Secretary of State may subsequently reduce, suspend or withhold grant payments or require the repayment of the whole of the grant. Alongside the clear financial and reputational damage such a situation would generate, vulnerable local people at high risk of harm would be without a vital service.
- 3.17 **Option 2: Renew the Adult Substance Misuse Service contract in line with the current contract spend**
- 3.18 In extending the contract for a further year the Council would ensure continuity in service delivery for local people and that it continued to meet its mandated responsibilities. Current spend levels are sufficient to provide a comprehensive service that performs well across the majority of metrics. An Alcohol and Substance Misuse Needs Assessment is due to be completed in September 2022, alongside the formation of the Combatting Drugs Partnership, who have responsibility for delivering the national Drugs Strategy locally. The combination of these two components will lead to an updated service specification for recommissioning the service in 2024/25. In extending the current contract for one year, sufficient time to complete this commissioning undertaking will be provided, leading to an optimised offer in the subsequent year.
- 3.19 **Option 3 - Renew the Adult Substance Misuse Service with reduced contract spend**
- 3.20 A reduced contract value for 2023/24 would inevitably lead to a reduction in the scope of the service Inclusion Visions were able to offer. With an increasing prevalence of individuals affected by alcohol and drugs misuse locally, alongside a highly publicised renewed focus from central government on delivering the new national Drugs Strategy, there would likely be both operational and reputational consequences of such an approach. Furthermore, additional grant funding recently received from OHID in the form of the 3-year SSMTRG is conditional upon maintaining or increasing core spend on alcohol and substance misuse. The consequences of any reduction in core spend are likely to be the loss of this funding.
- 3.21 **Option 4 – Re-commission the Adult Substance Misuse Service with a revised contract value and service specification for 2023/24**

3.22 The current contract with Inclusion Visions could be allowed to expire with a view to re-commissioning the Adult Substance Misuse Service from April 1st 2023. A revised service specification would be created and put out for tenders, with a contract value to be agreed in advance. If this contract value were reduced there is the likelihood that the service specification would also be reduced from that offered presently. A reduced contract spend would also bring with it the likely loss of SSMTRG funding as outlined in Option 3. However, there is potential for a provider from the open market to demonstrate cost effective ways of delivering a service with an equivalent or increased specification from that seen now. The difficulty in achieving this outcome however is the limited time and resource available before April 1st 2023. A full and complete re-commissioning process for a contract of this value would usually take at least 12 months including pre-tender service reviews and review by HOSC, and post-award contract handover period. There is also a lack of resource available at this time for commissioning support within Public Health with priority being given to re-commissioning the Children and Young People Substance Misuse Service and the Healthy Families Contract.

4. Reasons for Recommendation

4.1 Option 2 is recommended for the Sexual Health Service contract as this ensures continuity in the delivery of a service with a strong track-record whilst giving the Public Health team the time required to complete the necessary planning for a renewed offer in 2024/25. The alternative options would lead to either a reduction in the scope of the service being offered, a breach of the Council's statutory requirements, or the commissioning of a new service carried out with a limited understanding of what local people need most.

4.2 Option 2 is recommended for the Adult Substance Misuse Service contract as this ensures continuity in the delivery of a service with a strong track-record whilst also maintaining funding at a level that secures the additional SSMTRG monies. The alternative options would lead to either a reduction in the scope of the service being offered, a breach of the Council's mandated requirements, or the loss of significant additional funding for drug treatment and recovery

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 This report has been considered by Public Health Leadership Team, Adults Housing and Health Directorate Management Team and the Portfolio Holder for Adults and Health

6. Impact on corporate policies, priorities, performance and community impact

6.1 The Thurrock Health and Wellbeing Strategy 2022-26 contains a goal to reduce substance misuse in all communities in Thurrock. It commits to doing so by addressing unmet need in relation to drug and alcohol misuse.

- 6.2 The Local Authority is close to publishing a new Teenage Pregnancy Reduction Strategy, 2022-2027. The provision of a high quality and universal sexual health service is a key component in providing young people with the means and motivation to prevent early or unplanned pregnancy by equipping them with the knowledge skills and confidence to allow them to make positive choices about their relationships, sexual and reproductive health. This sits under the Brighter Futures Strategy Strategic Priority 1.

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Strategic Lead, Corporate Finance

Ending the existing Sexual Health Service and Adult Substance Misuse contracts would generate financial savings in the short term as spend on the service would effectively be reduced to zero. However, the medium to long-term impact of ceasing a statutory or mandated service is likely to outweigh any potential short-term benefit.

Re-commissioning the Sexual Health Service may generate some savings, however this would depend upon the revised Service Specification and the tender market conditions. Re-commissioning the Adult Substance Misuse service may also generate some savings, but these would likely be cancelled out by the forfeiture of the SSMTRG monies.

Maintaining spend at present levels would represent the status quo position. The implication of doing so may be lead to a lack of financial resource for other contracts within the PHG spend, however in the case of the Adult Substance Misuse service it would ensure the security of the SSMTRG monies for 2023/24.

7.2 Legal

Implications verified by: **Kevin Molloy**
Principal Solicitor

Extending the contracts at present spend levels would be permissible under current contract conditions and Public Contracts Regulations.

Ending the contracts may see the Council breach its statutory responsibilities in terms of ensuring provision of all access Sexual Health services, and breach the terms of the Public Health Grant in failing to provide a mandated service

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
**Community Engagement and Project
Monitoring Officer**

Both services are universal and as such their existence or otherwise could be argued to impact upon all socio-demographic groups equally. However, the nature of the services is that in many cases those individuals at greatest risk of harm and who could be considered society's most vulnerable would be impacted most through any potential withdrawal or reduction in scope of the services.

7.4 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder and Looked After Children

None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

None

9. Appendices to the report

None

Report Author:

Phil Gregory
Senior Programme Manager, Health Improvement