



Lewes District Council

Cabinet

Minutes of a Special Meeting of the **Cabinet** held in the **Ditchling Room, Southover House, Southover Road, Lewes** on **Thursday, 15 May 2014** at **1.45pm**

Present:

Councillor R Blackman (Chair)
Councillors P L Franklin and A X Smith

In Attendance:

Councillor S J Osborne (Leader of the Liberal Democrat Group)
Councillor J Stockdale
Mr J Sinclair (Tenants' Representative)

Minutes

Action

1 Minutes

The Minutes of the meeting held on 24 April 2014 were approved as a correct record and signed by the Chair.

2 Apologies for Absence/Declarations of Substitute Councillors

Apologies for absence had been received from Councillor A T Jones and Mr D Forsdike (Tenants Representative). Councillor J Stockdale declared that he was substituting for Councillor I Eiloart (Chair of the Audit and Standards Committee).

3 Contract Renewal: Grounds Maintenance of Parks and Open Spaces

The Cabinet considered Report No 74/14 relating to the proposed procurement of a grounds maintenance contract to commence in April 2015.

At its meeting in July 2013, Cabinet requested that officers bring a report to a future meeting of Cabinet setting out detailed proposals for the procurement of a long term contract to commence on 1 April 2015. The procurement of a new grounds maintenance contract was necessary because the Council's current ground maintenance contract was due to end on 31 March 2015 and could not be extended. It was proposed that the new contract be for a period of 5 years, extendable for up to a further 3 years on a year by year basis at the Council's discretion. The proposed timescale

would allow the Council to get best value from potential contractors, whilst allowing flexibility in the future.

Although the grounds maintenance contract had traditionally been offered as one single contract, it was agreed that in order to give better opportunities to Small and Medium Enterprises (SMEs), and follow the Council's commitment to the National Procurement Concordat for SMEs, it would be offered as four distinct lots based on area. The lots had been defined to reflect Town Council administrative boundaries or a sensible quantity of work within a geographical area. The Council could not prevent larger companies from tendering and it was likely that their bids would reflect economies of scale within their prices if they secured all the lots and in effect created one single contract.

The contract included both land owned by the District Council as well as Town Councils, some of which was under negotiation for potential devolution. As such, officers had consulted the Town Councils and the opportunity was available for them to be a partner in the new contract in order to achieve the expected benefits of a larger contract. To ensure that the devolution process was not hindered, the Town Councils would be fully involved in the procurement process.

It was deemed unlikely that any negotiations on devolution would be completed prior to the start of the contract procurement in June 2014. Therefore it was necessary to structure the contract to allow for sites to be removed, added or changed in the future. It was proposed that the contract follow a collaboration structure, whereby the Council was the lead buyer of a grounds maintenance service in the District. The Council would order a specified level of service for itself and provide an opportunity for additional services to be purchased by Town and Parish Councils and other partner organisations.

A councillor queried whether provision could be made for community groups to be included in the contract as there was potential that some may take on responsibility for devolved assets. It was agreed that officers would investigate the potential for making the contract available to non-public sector purchasers such as community groups.

On the advice of the Head of Legal Services, Cabinet agreed that there were two necessary textual changes to be made to the Report. In particular the recommendations would be amended in order to show that the intention was to make the contract available to non-public sector purchasers to the extent that this was lawful. The Cabinet also required an amendment to clarify that the intention was to bring the Parks Wardens back under the employment of the Council.

The Cabinet requested that if at any time the process highlighted that the Council was not achieving best value through external procurement, that it be informed to enable the Cabinet to make a decision on the best way to proceed. Cabinet noted from the Report that an Evaluation Panel would be created to include nominated members of Lewes District Council, a representative of the Town Councils and District Council Officers. The Leader of the Liberal Democrat Group asked that the Panel take a neutral view on the contract to ensure that quality of service was considered

alongside value for money. Cabinet made assurances that the Panel would have a structured evaluation process and would consider both quality and price to ensure best value. The Panel would monitor the process carefully and report to Cabinet if at any stage there were emerging concerns. It was agreed that the Panel would include a member of the Liberal Democrat Group.

Resolved:

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| 3.1 | That Parks officers be authorised to proceed with the tendering process for the procurement of grounds maintenance services for a 5 year contract extendable by up to 3 years at the discretion of Lewes District Council, as detailed in Report No 74/14; | DSD |
| 3.2 | That Parks officers be authorised to continue discussions with Town Councils concerning future contract arrangements and to manage any contractual implications, in consultation with the Leader of the Council; | DSD |
| 3.3 | That Parks officers be authorised to undertake a thorough assessment of service costs against tender prices, commissioning the necessary expertise, to ensure best value is secured for the Council over the next 5 to 8 years; | DSD |
| 3.4 | That Parks Wardens be employed directly by the Council as from 1 April 2015; | DSD |
| 3.5 | That Cabinet endorses the course of action suggested in paragraph 4.5 of the Report in respect of consultation for the purposes of the Public Services (Social Value) Act 2012; | DSD |
| 3.6 | That a textual change be made to paragraph 2.9 on page 3 of the Report, to replace “required” with “requested” to clarify that Town and Parish Councils are under no obligation to buy the services of the contractor; | DSD |
| 3.7 | That the Evaluation Panel bring emerging concerns before Cabinet with recommendations for decisions; and | DSD |
| 3.8 | That officers be authorised to investigate the potential for making the contract available to non-public sector purchasers, such as community groups (e.g. trusts and clubs), and to include provision in the contract for non-public-sector purchasers to the extent that this is lawful. | DSD |

Reasons for the Decisions:

In order to proceed with the procurement of grounds maintenance services in a timely fashion ensuring that services are not disrupted when the current contract comes to an end in March 2015.

To ensure that best value is achieved in providing grounds maintenance services.

To ensure that Town Councils are fully involved in the procurement process in order to facilitate the future devolution of sites.

The meeting ended at 2.15pm.

R Blackman
Chair