

CONTRACT SCRUTINY COMMITTEE AGENDA



Monday, 11 April 2011

at 11.00 am

**in Committee Room A,
Civic Centre, Hartlepool**

MEMBERS: CONTRACT SCRUTINY COMMITTEE:

Councillors Aiken, Ingham, Lawton, London, Maness, Richardson, Simmons, Sutheran and Wells.

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

3.1 To confirm the minutes of the meeting held on 28 March 2011

4. ITEMS FOR INFORMATION

- 4.1 Exception To The Contract Procedure Rules (Residential Rehabilitation & Transitional Care Services)– *Director of Child and Adult Services*
- 4.2 Raby Road Corridor Housing Regeneration Scheme – Appointment of Preferred Developer – *Assistant (Regeneration and Planning)*

5. ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS ARE URGENT

6. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006

EXEMPT ITEMS

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006

7. TENDERS TO BE OPENED

None

8. ITEMS FOR INFORMATION

- 8.1 The provision of counselling services for employees of Hartlepool Borough Council (CRF 469) (Para 3) - *Procurement and Category Manager*

9. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

CONTRACT SCRUTINY COMMITTEE

MINUTES AND DECISION RECORD

28 March 2011

The meeting commenced at 11.00 a.m. in the Civic Centre, Hartlepool

PRESENT: Councillor Frances London (In the Chair);
Councillors Trisha Lawton, Chris Simmons, Lil Sutheran and Ray Wells

OFFICERS: Kate Watchorn, Solicitor
Andy Golightly, Senior Regeneration Officer
Terry Maley, Procurement and Category Manager (Child and Adult Services)
Denise Wimpenny, Principal Democratic Services Officer
Sarah Harrison, Democratic Services Officer

97. Apologies for Absence

Apologies for absence were received from Councillors Martyn Aiken and Sarah Maness.

98. Declarations of Interest

None.

99. Minutes of the Meeting held on 28 February 2011

These minutes were confirmed as an accurate account.

100. Minutes of the meeting held on 14 March 2011

The minutes were confirmed with the following amendments

95. Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Aiken, Ingham, London, Maness, Richardson, Simmons, Sutheran and Wells.

96. Adjournment of Meeting

In view of unforeseen circumstances after the statutory notice for the meeting had been given, the Chairman had determined prior to the meeting that the meeting be

abandoned and as such Members had been advised accordingly.

The meeting stood adjourned at 11.01 am

101. Local Government Access to Information

Under Section 100 (A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of part 1 of the Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) order 2006.

Minute 102 – Expressions of Interest for Development Sites in Seaton Carew (ref 551) (para 3) – This item contained exempt information under Schedule 12A Local Government Act 1972, namely information relating to the financial or business affairs of any particular person (including the Authority holding that information)

Minute 103 – Provision of Furniture and Equipment at Jesmond Gardens Primary School (ref 55) (para 3) - This item contained exempt information under Schedule 12A Local Government Act 1972, namely information relating to the financial or business affairs of any particular person (including the Authority holding that information)

102 Expressions of Interest for Development Sites in Seaton Carew *(Senior Regeneration Officer)*

This item contained exempt information under Schedule 12A Local Government Act 1972, namely information relating to the financial or business affairs of any particular person (including the Authority holding that information (Para 3))

Members were informed that an advertisement had been placed in the national press asking for expressions of interest from developers who may wish to develop sites in Seaton Carew. Members queried the cost of the advert and were told it was in the region of £2,000. Expressions of Interest from developers had been received outlining how their proposed developments would assist in regeneration of the area, not merely the building of properties, but also with community facilities, the Longscar site and sea defences.

A Member expressed the opinion that a press release would have sufficed and would have saved the Authority advertising costs and was informed that Cabinet had agreed the process which was hoped would attract the interest of national companies not just local ones. A Member expressed concern that developers would not deliver the proposals put forward in their expressions of interest and there could be problems similar to those which have occurred at the Tunstall Court site and suggested that legal conditions were put on the sale of land to ensure

that what was proposed, was delivered. Members were informed that the development suggestions would be evaluated as to what they could deliver for the area and these could be either taken further via the European procurement route or by a Section 106 legal agreement.

Members were advised that covenants could be put on the sale of land and also in relation to planning permission. Members were unsure whether the expressions of interest should have been brought to this committee and were advised that although the sale of land was not under the remit of the Contract Procedure Rules, it had been brought to members' attention in the interest of transparency.

Seven expressions of interest had been received in the development sites and these were opened in the presence of Members. Specific details of these are outlined in the 'not for publication' section of the minutes.

Decision

Members received the expressions of interest for development sites in Seaton Carew.

103. Provision of Furniture and Equipment at Jesmond Gardens Primary School *(Procurement and Category Manager – Child and Adult Services)* This item contained exempt information under Schedule 12A Local Government Act 1972, namely information relating to the financial or business affairs of any particular person (including the Authority holding that information (Para 3)

Members were reminded that construction of the Jesmond Gardens Primary School had already begun and the tender to be opened was in relation to the provision of furniture and equipment. The tender was in three parts relating to soft furnishings, hard furnishings for adult staff and hard furnishings for children. Three tenders had been received electronically and were opened in the presence of Members. Details of these are outlined in the 'not for publication' section of the minutes.

Members cautioned that weighting should be given to the robustness of furniture when evaluating the tenders. A Member also asked whether weighting was given to local companies and was informed that although evaluation was not locally biased, weighting could be given to companies who could show a low carbon footprint.

Members also expressed concern at the electronic process of opening tenders in relation to the amount of time taken to look for information and speed of printing and asked that the Assistant Director (Resources) attend the meeting so that their concerns could be addressed.

Decision

Members:-

- i) Noted the opening of the tenders
- ii) Asked that the Assistant Director (Resources) attend a future meeting in order to address concerns in relation to the process of opening tenders electronically

The meeting concluded at 11.55 am

CHAIR

CONTRACT SCRUTINY COMMITTEE

11 April 2011



Report of: DIRECTOR OF CHILD AND ADULT SERVICES

Subject: EXCEPTION TO THE CONTRACT PROCEDURE RULES (Residential Rehabilitation & Transitional Care Services).

1. PURPOSE OF REPORT

- 1.1 To advise the Contract Scrutiny Committee of the Portfolio Holder for Adult and Public Health Services' agreement to make an exception to the Contract Procedure Rules in relation to the provision of residential rehabilitation & transitional care services.

2. SUMMARY OF CONTENTS

- 2.1 The report provides information on the contract and the justification for making an exception to the Rules.

3. RELEVANCE TO CONTRACT SCRUTINY COMMITTEE

- 3.1 A record of an exception from any of the provisions of the Contract Procedure Rules shall be reported to the Contracts Scrutiny Committee and shall specify the case or urgency by which the exception was justified.

4. SERVICE

- 4.1 The current contract with West View Lodge Limited (wholly owned subsidiary of Four Seasons Healthcare) for the provision of rehabilitation and transitional care services at West View Lodge commenced on 2nd June 2008 and will terminate on 1st June 2011.

- 4.2 A review of the service was undertaken in October 2010 and confirmed that the service has been well utilised and meets the service outcomes and objectives. Reports from service users indicate the service is highly valued and feedback from operational colleagues and referring teams is positive.
- 4.3 The future commissioning of rehabilitation and transitional care is linked to work currently underway with NHS Hartlepool to agree reablement plans for the coming three years. Plans are not yet finalised and further work is needed to confirm the level of funding available for these services. As a result, the Department is not in a position to undertake a full tender process at this time.
- 4.4 In view of the above, on 28th February 2011 the Portfolio Holder for Adult & Public Health Services agreed an exception to the Contract Procedure Rules to allow for a contract to be entered into with West View Lodge Ltd for the provision of the service for an additional 12 months.

5. RECOMMENDATIONS

- 5.1 That Committee note the Portfolio Holder for Adult and Public Health Services' agreement to make an exception to the Contract Procedure Rules in relation to the provision of residential rehabilitation & transitional care services.



CONTRACT SCRUTINY COMMITTEE

11 April 2011

Report of: Assistant Director (Regeneration and Planning)

Subject: RABY ROAD CORRIDOR HOUSING
REGENERATION SCHEME – APPOINTMENT OF
PREFERRED DEVELOPER

1. PURPOSE OF REPORT

- 1.1 To update the panel on the appointment of a preferred developer to take forward the delivery of residential development on the Raby Road Corridor housing regeneration scheme.

2. BACKGROUND

- 2.1 The Raby Road Corridor scheme (Perth Street Area) has been taken forward as part of the Councils Housing Market Renewal programme. To date the Council has purchased properties by agreement and in January 2010 the Councils Cabinet approved taking forward the developer selection process. A detailed design guide and development brief was produced and went out to the market. The Council received a number of expressions of interest and sent out a full tender pack to interested companies.
- 2.2 The Contract Scrutiny Panel on the 20th September 2010 opened tenders submitted as part of this developer selection process. One full tender pack was received and the panel opened and recorded the details of the bid. The bid was from house builder Keepmoat Homes. Following the tender opening the Council had contact from two further developers but they were unable to meet the deadlines and provide a scheme which met the detailed requirements of the brief, their offers were to take forward the programme as a Joint Venture, partnership approach.

3. PROPOSALS

- 3.1 The proposals submitted by Keepmoat Homes were assessed in detail against the requirements of the development brief and then Keepmoat were invited to interview also attended by the Homes and Communities Agency (HCA) on the 18th October 2010. Keepmoat then submitted a revised scheme in November 2010 to reflect comments made by the HCA and the Council at interview stage. The scheme then met all the standards required in the brief and was considered to provide a very good residential solution when consideration is given to the limitations of the site. The proposal for 85 units included 15 affordable units and a mix of two, three and four bedroom houses and 2 bedroom bungalows. The scheme also meets Code for Sustainable Homes Level 3, Lifetime Homes, Secured by Design and HCA Design and Quality Standards. Residents within the North Central Hartlepool Steering Group then met with Keepmoat and had the opportunity to view plans and have endorsed the appointment of Keepmoat Homes as Preferred Developer.
- 3.2 In order to meet the timescales of a Compulsory Purchase Order (CPO) Inquiry a report was sent to the Portfolio Holder for Community Safety and Housing recommending the appointment of Keepmoat Homes as preferred developer. The appointment was approved on the 10th December and a memorandum of understanding signed by all parties. Keepmoat Homes then presented evidence on behalf of the Council in respect of the residential scheme viability at the CPO Public Inquiry in February 2011. The developer is progressing with a planning application, which will be submitted shortly and work has commenced on the drawing up a developer agreement. Public consultation on the scheme proposals will take place in early April by Keepmoat Homes.
- 3.3 The Homes and Communities agency are the main funding body of the Raby Road Corridor regeneration scheme have also approved the appointment of Keepmoat Homes and are satisfied that it meets the principles set out in the funding agreement.

4. RECOMMENDATIONS

- 4.1 That the Panel note the decision to appoint Keepmoat Homes Ltd as preferred developer for the Raby Road Corridor housing regeneration scheme.

5. REASONS FOR RECOMMENDATIONS

- 5.1 Keepmoat Homes submitted a viable redevelopment proposal which fully meets the development/design brief requirements and will deliver 85 new build homes including 15 affordable units which will be a mix of two, three and four bedroom houses and 2 bedroom bungalows. The proposal satisfies and delivers the development requirements and also meets the additional

requirements such as employment and training and community engagement set out within the development brief and achieves the regeneration outcomes of the Councils Housing Market Renewal programme.

6. CONTACT OFFICER

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