

## Notice of Non-key Executive Decision

Appendix A to this report is exempt by virtue of paragraph 3 of the Access to Information Procedure Rules pursuant to Schedule 12A Local Government Act 1972, as amended as it concerns Information relating to the financial or business affairs of any particular person (including the authority holding that information).

**Reasons:** The public interest in maintaining the exemption outweighs the public interest in disclosing it as it is more in the public interest the information contained in Appendix A, B and C is commercially sensitive as there is detailed commercial information about an organisation and the terms of the proposed Contractual arrangements some of which are the subject of negotiation and agreement.

<b>Subject Heading:</b>	Approval to Commission Everyone Active as the Provider for a Tier 2 Adults Weight Management Service
<b>Cabinet Member:</b>	Cllr Jason Frost
<b>SLT Lead:</b>	Mark Ansell, Director of Public Health
<b>Report Author and contact details:</b>	Jack Davies, Public Health Specialist <a href="mailto:Jack.davies@havering.gov.uk">Jack.davies@havering.gov.uk</a>
<b>Policy context:</b>	Prevention of obesity is a priority for Havering Health and Wellbeing Board. This service will provide a coached and peer support service for local residents, which includes self management to improve nutrition and physical activity levels. The service provided will be at no expense to the resident.
<b>Financial summary:</b>	An estimated £240,000 over the 20 month contract period (Aug 2021 – March 2023)

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<b>Relevant OSC:</b>	<b>Health OSC</b>
<b>Is this decision exempt from being called-in?</b>	<b>No</b>

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### **The subject matter of this report deals with the following Council Objectives**

Communities making Havering	<input type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input checked="" type="checkbox"/>
Connections making Havering	<input checked="" type="checkbox"/>

### **Part A – Report seeking decision**

#### **DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION**

To agree to award the Tier 2 adults weight management service contract to Sports and Leisure Management Ltd trading as 'Everyone Active' from 6<sup>th</sup> August 2021 until 31<sup>st</sup> March 2023 at a maximum cost of £240,000 as further set out in this report.

#### **AUTHORITY UNDER WHICH DECISION IS MADE**

Constitution Part 3 Powers of Members of the Senior Leadership Team  
3.3 Contract Powers (b) To award all contracts with a total contract value of between £500,000 and £5,000,000 other than contracts covered by Contract procedure Rule 16.3.

#### **STATEMENT OF THE REASONS FOR THE DECISION**

A Tier 2 weight management service (WMS) is a multi-component programme aimed at overweight and obese individuals and aims to reduce an individual's weight by supporting them to improve their diet and be more physically active through education and changing their behaviour. This contract will mean Havering residents who meet eligibility criteria will have access to a free service to help themselves lose weight and maintain their new weight.

The Council has received £126,604 from The Department for Health and Social Care (DHSC) to commission an adults' Tier 2 weight management service. This funding has a limited time window. If the funding is not spent by the deadline of March 2022 then all leftover monies must be returned to DHSC.

Given the perceived benefits of a WMS within the Borough, the Council intends to take the opportunity to utilise the DHSC funded contract as a pilot and carry out a review and evaluation of the initial WMS offer after 8 months provision. Subject to the review demonstrating successful outcomes and affordability, the PHS would go out to the

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market in 2022 to procure a longer term weight management service to commence from April 2023.

In order to facilitate this review and maintain continuity, potentially during procurement of new service, if no further monies are made available from DHSC following the end of the current grant funding, the Council's Public Health department proposes to continue to invest in the weight management programme at least until March 2023 charging the cost against the accumulated PH Reserve.

There is insufficient time to compete a contract to provide a WMS as the grant money must be spent by March 2022. It is proposed to directly award the Contract to Everyone Active who are based in the borough and already have a contract with the Council to provide leisure services in the Borough. A waiver to the competition requirements was granted on 3<sup>rd</sup> August 2021.

Everyone Active has previous successful experience of delivering an Adults' Tier 2 Weight Management Service and has the ability to deliver it to national guidance standards immediately which allows for a timely roll out of the service. Everyone Active are able to go above the necessary standards for delivery of this service by providing free exercise classes and discounted gym membership to all service users.

Officers have ensured this contract represents best value through benchmarking and negotiating the contractual agreement including service delivery and costs with the Provider. In addition, the proposed contract has been benchmarked against comparative costs provided by other Local Authorities. Further details are outlined in the benchmarking analysis attached as appendix A Benchmarking Analysis.

### **OTHER OPTIONS CONSIDERED AND REJECTED**

**Do Nothing:** This would lead to the Council missing the opportunity to deliver a weight management service and being obliged to return the grant funding to Public Health England

**Tender the service now:** Procuring a service would take a minimum of 3 months to complete and an additional 4-8 weeks to mobilise a new contract. As the grant funding needs to be spent by March 2022, the Council does not have sufficient time to undertake the procurement in 2021 and thus spend the PHE grant.

### **PRE-DECISION CONSULTATION**

The pre-decision consultation has involved engagement with key internal stakeholders including procurement, legal as well as Barking and Dagenham and Redbridge public health commissioners.

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**NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Jack Davies

Designation: Public Health Specialist

Signature: *J Davies*

Date: Wednesday 4<sup>th</sup> August 2021

## Part B - Assessment of implications and risks

### LEGAL IMPLICATIONS AND RISKS

The Council is a contracting authority for the purposes of the Public Contracts Regulations 2015 (PCR 2015) and must comply with the PCR 2015 requirements. The contract is for light touch services. The value of the contract is below the PCR 2015 light touch threshold of £663,540. The contract is therefore not caught by the full PCR 2015 regime. The procurement must comply with general PCR 2015 principles including proportionality. Officers have considered the contract award in the context of value and time limitations. It is considered that in this context a direct award complies with the general principles.

The award must comply with the requirements of the Council's Contract Procedure Rules (CPR). CPR 9.9 requires all contracts with a value of above £99,999 to be subject to a formal tender exercise.

CPR 14.3 permits exceptions to the competition requirement by Competition Financial Thresholds Exceptions waiver in prescribed circumstances. A waiver was granted under this rule on 3 August 2021

For the reasons stated above, the contract may be awarded.

### FINANCIAL IMPLICATIONS AND RISKS

The total estimated cost of the contract is £240,000 for the period August 2021 – March 2023. The contract will be charged based on activity, LBH will be charged for the number of 12 week programmes that are run, and this is dependent on demand. This will therefore mean the total contract value could vary but the maximum contract value has been set at £240,000.

LBH has been awarded £126,604 from the Department of Health and Social Care to fund this contract, this funding is only available for use until March 2022 and any unspent funds will need to be returned to DHSC. The amount of grant funding that is spent will be dependent on the demand for the service. It is anticipated that the full costs of the contract for the period August 2021 until March 2022 will be met from the grant funding.

If no further funding is received for the Weight Management Programme in the 2022/23 financial year then the contract will be funded from the Public Health reserve, where there is currently sufficient funds to cover the cost of the contract up until March 2023. The full cost to the Public Health reserve is currently unknown and is dependent on demand.

### HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

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The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council or its workforce.

### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

Havering has a diverse community made up of many different groups and individuals. The council values diversity and believes it essential to understand and include the different contributions, perspectives and experience that people from different backgrounds bring.

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the council, when exercising its functions, to have due regard to:

- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The weight measurement service contract will be monitored in terms of age, disability, race and other relevant characteristics to help ensure that obesity is a priority for Havering Health and Wellbeing Board. This service will provide a coached and peer support service for local residents, which includes self-management to improve nutrition and physical activity levels. The service provided will be at no expense to the resident.

### **BACKGROUND PAPERS**

Financial competition Exception 3 August 2021

### **APPENDICES**

Exempt appendix A Benchmarking Analysis

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**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

**Details of decision maker**

Signed



Name: Mark Ansell  
Director of Public Health  
Date: 4<sup>th</sup> August 2021

**Lodging this notice**

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_