

Notice of KEY Executive Decision

Subject Heading:	Public Notice Procurement
Decision Maker:	Andrew Blake-Herbert Chief Executive Officer
Cabinet Member:	Cllr Ray Morgan Leader of the council
ELT Lead:	Marcus Chrysostomou Head of Communications and Engagement
Report Author and contact details:	Lorna Waters Lorna.Waters@havering.gov.uk
Policy context:	<p>The Council must, under certain legislation, Section 123 (2A) of the Local Government Act 1972, publish notices for the public's information. These notices relate to orders the council wishes to make including highways and road traffic matters and help make council decision-making more transparent.</p> <p>As outlined in this report, the recommendations and new arrangements will make the process of public notice provision more effective helping the council respond to the financial challenges, reduce reliance on the capitalisation direction and help close the projected budget gap.</p>

Key Executive Decision

Financial summary:	The Council currently spends approximately £95,000 per year placing essential public notices in local press and the London Gazette. Procuring a contract with a media agency will save the council upwards of 3.5% over each year.
Reason decision is Key	This contract over 5 years plus a 2 year extension has the potential to be worth over £500,000 therefore, this is a key decision.
Date notice given of intended decision:	24/6/2024
Relevant Overview & Scrutiny Committee:	People Overview and Scrutiny Sub Committee
Is it an urgent decision?	No
Is this decision exempt from being called-in?	No

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

People - Supporting our residents to stay safe and well

Place - A great place to live, work and enjoy

Resources - Enabling a resident-focused and resilient Council X

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

For reasons set out in this report it is recommended that the Chief Executive Officer is recommended to agree to:

1. approve the procurement of a service contract with an estimated value of £700,000 for the provision of advertising public notices procured via Lot 2 Public Notice Advertising of the ESPO advertising solution framework, for a term of 5 years with the option to extend for 2 years, with the contract start date intended for July 2025.

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AUTHORITY UNDER WHICH DECISION IS MADE

People Overview and Scrutiny Sub-Committee.

Part 3 of the Council's Constitution

3.3 Scheme of Delegations – Functions delegated to officers

3.3.3 Scheme – Powers common to all Strategic Directors

1. General 1.1 To take any steps, and take any decisions, necessary for the proper management and administration of their allocated directorate, in accordance with applicable Council policies and procedures.

4. Contracts 4.1 To approve commencement of a tendering process for all contracts below a total contract value £1,000,000.

STATEMENT OF THE REASONS FOR THE DECISION

Currently, all Council departments buy space in local newspapers and the London Gazette for the advertising of public notices. The Council has special rates with Newsquest (Romford Recorder) and the London Gazette.

Public notices are placed in these publications as a legal requirement and the amount of notices the Council places each week can vary depending on the demands of the service. The spend for the last 3 years with Newsquest is as follows:

21/22 - £71,040

22/23 - £80,029

23/24 - £88,322

Spending with the London Gazette is done via company credit cards and is estimated to be less than £12,000 per year.

By purchasing through a media buying agency the Council will be able to save money because the media buying agency will format advertisements to condense content and minimise column space usage. Additionally where possible the agency will also negotiate better rates with publications. Based on the reduction in square column centimetres for each advert the Council is projected to save 3.5%. Should the agency secure more favourable rates, these savings could be further increased.

Our service users such as Highways, Planning, Environment and Legal teams will send their adverts in the same way as they do now, but to a new supplier. This ensures that there will be no extra workload for our staff.

Procurement

It is intended that a mini-competition will be conducted via the ESPO framework 3A-24 Lot 2 (Public Notices Advertising). Other Frameworks have been scoped and assessed and the ESPO 3A-20 meets the needs for the Council.

Tenders will be assessed on price, quality and market experience.

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The following suppliers will be invited to tender in the mini-competition process:

- Genius Group Limited
- McConnells (Midlands) Ltd
- Penna Plc
- MP Worldwide (registered company is now PeopleScout Limited)
- ASG & Partners
- Havas People

Further competition

Further competition will reopen the framework. We intend to secure formal tenders from some or all of the suppliers listed on the framework, tailored to our precise requirements. As this is based on simple, competitive tender process, it offers a way of testing and demonstrating value for money. There are 6 suppliers who could potentially bid for this contract. A specification is currently being developed by the service area in order to notify the Supplier of our requirements. Following the principles of fairness and transparency, all Suppliers will be invited to tender, with a clear demonstration of the Price : Quality ratio

Following compliance checks, each bid will be evaluated and scored against the ESPO evaluation criteria and weightings. Bidders will be ranked in line with their scores. The following evaluation weightings shall be used:

Criteria	Criteria Weighting
Quality	50%
Price	40%
Social Value	10%
Total	100%

Indicative Procurement Timetable

Once approved, the following high-level procurement activities will commence;

Sign access agreement for the ESPO Advertising Solutions Framework Lot 2 Public Notices Advertising	February 2025
GRG	22 August 2024
Progress with Mini-competition	1 st March 2025
Evaluation	1 st May 2025
Intention to Award	30 th June 2025

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OTHER OPTIONS CONSIDERED AND REJECTED

Option 1 – Use of the Media Services CCS Framework. This is unsuitable as it does not cover public notices. The framework will expire on 14 December 2025. There will be no options to extend. The term of call off contracts under this agreement cannot go beyond the expiry of the agreement on 14 December 2025..

Option 2 - Continuing as the Council operates will not make any saving. Not using the service is not an option because it is a legal requirement.

PRE-DECISION CONSULTATION

Statutory consultation not required

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

Name: Lorna Waters

Designation: Commercial and Marketing Manager

Signature: *Lornawaters*

Date: 02/07/2024

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

- i. The report seeks to approve the procurement of a service contract with an estimated value of £700,000 for the provision of public notice advertising.
- ii. Section 1 of the Localism Act 2011 gives the Council a general power of competence to do anything an individual can do. The recommendations in this report are in keeping with this power.
- iii. The proposed contract value is above the applicable Public Procurement threshold for Service Contracts of £214,904 in the Public Contracts Regulations 2015 as amended ("PCR"). The award of the contract is caught by the full PCR regime and must comply with the PCR's general principles of transparency, equality of treatment, non-discrimination and proportionality. The contract will be procured and awarded via Lot 2 Public Notice Advertising of the ESPO advertising solution framework, which is PCR compliant. The use of the framework to procure a contract is permitted under Regulation 33 PCR.
- iv. The procurement of the contract must also comply with the framework's internal rules. As set out in this report, officers have confirmed that these requirements will be met.
- v. For the reasons set out above, the Council may seek to commence procurement of a service contract for the provision of advertising public notices.

FINANCIAL IMPLICATIONS AND RISKS

The Council spends approx. £100k per annum on public notices. The value of the contract over the full term including the extension period could therefore be in the region of £700k although the final amount will depend on the volume of notices placed over the contract term. Notices are paid for from the budget of the service who is placing them.

By procuring a contract with a media buyer, it is estimated that a minimum of £3.5k per year could be saved (£24.5k over the life of the contract). This estimate is based on research done into the likely reduction in notice size achievable and does not include further savings which are likely to be delivered as a result of the media buyer's preferable rates. The extent of savings deliverable will be known upon conclusion of the tender process and will be provided as part of the relevant decision making process to award the contract.

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A contract with a media buyer is preferable to the Council attempting to drive out these savings themselves as to achieve these efficiencies in house would require specialist graphics software and staff trained in the usage of this software and the legal parameters surrounding acceptable publication sizes. Furthermore, it is likely that the media buyer will be able to access preferable rates, as they will purchase space in bulk from the local publication's parent companies across multiple locations.

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

1. **Human Resources:** It is reassuring to know there are no HR risks or additional workload for our staff while achieving these savings.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

Under Section 149(1) Equality Act 2010 a public authority must, in the exercise of its functions, have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment. The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

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HEALTH AND WELLBEING IMPLICATIONS AND RISKS

There are limited health and wellbeing implications of, and risks relating to, the proposed decision on public notices procurement.

The content of public notices are determined by services including highways, planning, environment and regeneration and this falls outside of the scope of this key decision which is to save money on the current process.

As such there are no implications around:

- An individual's behaviour and lifestyle such as smoking, diet, exercise, alcohol consumption, or self-care
- Mental health and wellbeing
- Access to and quality of education or other training opportunities
- Employment, income, opportunities for economic development
- Access to green space, sports facilities, and opportunities to be active
- Quality availability and affordability of homes and housing,
- Opportunity to interact socially with other people, social isolation, community support networks and being able to live independently
- Ability to access health and social care services
- Transport, and connections to places within or between the Borough

Public notices are a statutory requirement where the content of them may impact any one of the points above but this ED focuses on the arrangements the Council has to publish them and how this can deliver savings, not their content.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

The Council will embrace the Environment and Climate Agenda both strategically and globally through its development of footprint reduction initiatives, Climate Action plans and externally delivered services. The Council will strive to minimise negative impacts and optimising positive opportunities delivering its Climate change action plan.

Companies tendering for this contract will have to demonstrate their values align with the Council's Climate Change Action Plan.

There are no further environmental and climate change inclusion implications or risks from this decision.

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BACKGROUND PAPERS

None

APPENDICES

Key Executive Decision

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

Proposal NOT agreed because

Details of decision maker

Signed

Name:

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date:

Lodging this notice

The signed decision notice must be delivered to Committee Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____