

Delegated Decisions by Cabinet Member for Safer & Stronger Communities

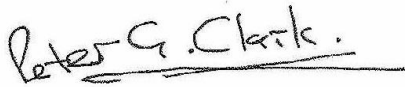
***Monday, 11 April 2011 at 12.00 pm
County Hall, New Road, Oxford***

Items for Decision

The items for decision under individual Cabinet Members' delegated powers are listed overleaf, with indicative timings, and the related reports are attached. Decisions taken will become effective at the end of the working day on Tuesday 19 April 2011 unless called in by that date for review by the appropriate Scrutiny Committee.

Copies of the reports are circulated (by e-mail) to all members of the County Council.

These proceedings are open to the public



Peter G. Clark
County Solicitor

March 2011

Contact Officer: Julie Dean
Tel: (01865) 815322; E-mail: julie.dean@oxfordshire.gov.uk

Note: Date of next meeting: 9 May 2011

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

Items for Decision

1. Questions from County Councillors

Any county councillor may, by giving notice to the Proper Officer by 9 am on the working day before the meeting, ask a question on any matter in respect of the Cabinet Member's delegated powers.

The number of questions which may be asked by any councillor at any one meeting is limited to two (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total. As with questions at Council, any questions which remain unanswered at the end of this item will receive a written response.

Questions submitted prior to the agenda being despatched are shown below and will be the subject of a response from the appropriate Cabinet Member or such other councillor or officer as is determined by the Cabinet Member, and shall not be the subject of further debate at this meeting. Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda circulated at the meeting, together with any written response which is available at that time.

2. Declarations of Interest

3. Petitions and Public Address

4. Formal Collaboration Programme between Oxfordshire County Council Fire & Rescue Service, Royal Berkshire Fire Authority and Buckinghamshire & Milton Keynes Fire Authority

Forward Plan Ref: 2011/051

Contact: Dave Etheridge, Chief Fire Officer Tel: (01865) 855250

Report by Chief Fire Officer (**CMDSSC4**).

In July 2010 the Fire Minister Bob Neill announced the termination of forced regionalisation of fire services in the UK with the intention to give greater powers and responsibilities to communities.

The Minister also announced that whilst the 2008/11 Fire & Rescue Services National Framework remained in force, without fettering his discretion, he will no longer expect to enforce Regional Management Boards* and he would allow freedom for individual authorities to work on a collaborative basis in a way that works best locally and is not determined by regional boundaries.

In December 2010 the three Thames Valley Chief Fire Officers met & agreed that they wished to see more formal joint working and collaborative arrangements between the three Thames Valley Services. They decided to concentrate on three projects that can be agreed and delivered in reasonable time frames. The projects were subjected to scoping studies each led by a different Fire Authority. The projects are as follows:

Project 1 - Sharing of high level operationally related Health & Safety policy and strategy provision. Buckinghamshire & Milton Keynes Fire Authority to lead.

Project 2 - To assess whether there can be a similar common policy development process for Fire Safety Enforcement to include inspection protocols, enforcement procedures and fire engineering advice. Oxfordshire Fire Authority to lead.

Project 3 - A study of operational officer cover arrangements, including issues such as the provision of Fire Investigation, Accident Investigation, Fire Safety Enforcement, Post Fire Inspection and New Dimension (Resilience) cover. Consideration to be given to a common incident command system, common training and assessment and the interoperability of rota systems. This review is to cover roles from Station Manager to Brigade Manager. - Royal Berkshire Fire Authority to lead.

On 18 January 2011 the initial scoping studies were presented to the three Thames Valley Chief Fire Officers and it was agreed that subject to political agreement in all three authorities further work should be undertaken to progress the projects.

*Regional Management Boards (RMB) were established in 2003 and were made up of Fire and Rescue Authorities grouped together by their relevant Government Office region. At a South East RMB meeting on 6th October 2010, it was agreed that the recommended approach would be to use the South East Fire Improvement Partnership (SEFIP) to replace the South East RMB. The remit of SEFIP would be broadly similar to South East RMB but would no longer be constrained by the requirement to work Regionally.

The Cabinet Member for Safer & Stronger Communities is RECOMMENDED to:

- (a) ***authorise the Chief Fire Officer to commence a formal collaboration programme between Oxfordshire County Council Fire Authority, Royal Berkshire Fire Authority & Buckinghamshire & Milton Keynes Fire Authority to improve operational & organisational resilience & realise efficiencies whilst maintaining existing governance structures; and***
- (b) ***request the Chief Fire Officer to provide regular updates at appropriate times on project progress and delivery of efficiencies against the savings targets identified within the medium term financial plan.***

5. Request for Exemption from Contract Procedure Rules - Purchase of Software for Management of Fire Fighter Rotas

Forward Plan Ref: 2011/053

Contact: John Lloyd, Acting Assistant Chief Fire Officer Tel: (01865) 855214

Report by Chief Fire Officer (**CMDSSC5**).

This report seeks an exemption from Rule 13 of the Contract Procedure Rules,

which requires that for contracts of more than £75,000 but less than the relevant EU Directive threshold in value, to submit tenders for the goods, services or works required by the Council.

OFRS currently uses Gartan Technologies for managing our Retained Duty System (RDS) Firefighters availability for use at emergency calls and the production of performance management reports related to this.

It is proposed and has been agreed at OFRS Strategic Leadership Team, that we purchase an additional Module (called Rota Management) to manage Wholetime and all other personnel rotas and to provide additional functionality, subject to approval.

In general, the additional Module would not remove one process completely but rather will make a number of, often complex or long winded processes much quicker and more easily achieved, monitored and audited. This will include the provision of both standard and bespoke reports as required.

This purchase is considered to be an upgrade of the existing Gartan system within OFRS. It essentially allows all OFRS personnel (including Fire Control and non Uniformed) to use the system rather than just the part time Firefighters currently using it. However, it also brings a number of additional functionalities that are considered to be of great benefit to the Service going forward and will reduce administrative procedures by automating parts or the whole. This will bring efficiency savings but because it will impact across a wide number of processes and teams, these will not be cashable savings.

There are very few direct competitors to Gartan in that this is a bespoke system, designed to specifically meet the needs of Fire & Rescue Services (FRS's). It is designed to match the unique characteristics of their Terms & Conditions of employment eg rota patterns, leave entitlements and bookings, overtime arrangements, Working Time Directive rules etc and although there are a couple of similar systems that deal with some of these aspects, they are both expensive in comparison and normally originally designed for an office / factory environment. They would therefore require additional development work to ensure that they meet the needs of the Service and provide the requisite confidence. There is no guarantee that this development work would match our needs or be completed within a reasonable timescale and it would be at an unknown (normally additional) cost at this time. In addition, the system used for RDS staff would also need to be replaced for compatibility, with it's associated retraining and rewriting of policies and procedures.

The Cabinet for Safer & Stronger Communities is RECOMMENDED to approve this exemption from the Council's Contract Procedure Rules.

6. Request for Exemption from Contract Procedure Rules - Personal Protective Equipment for Firefighters

Forward Plan Ref: 2011/058

Contact: Nathan Travis, Assistant Chief Fire Officer Tel: (01865) 855206

Report by Chief Fire Officer (**CMDSSC6**).

This report seeks an exemption from Rule 13 of the Contract Procedure Rules, to submit tenders for the goods, services or works required by the Council. The reason is that the council, through no fault of its own, will not have a supply of personal protective equipment for firefighters unless this exemption is granted. This places an unacceptable risk on the council to meet its statutory duty to both firefighters as employees and in turn the public who depend on our staff to provide a safe and effective emergency response.

The Report highlights both the current and historical situation, by way of context, and the Value For Money, Legal, Sustainability and Health & Safety implications of not following the recommended course of action.

The Cabinet Member for Safer & Stronger Communities is recommended to approve this exemption from the Council's Contract Procedure Rules in view of the emergency situation now brought about beyond the reasonable control of the council.

7. Re-Authorisation for the Birmingham City Council Illegal Money Lending Team to Operate in Oxfordshire

Forward Plan Ref: 2011/028

Contact: Richard Webb, Acting Head of Trading Standards Tel: (01865) 815791

Report by Acting Head of Trading Standards (**CMDSSC7**).

Birmingham City Council Trading Standards Service operates an Illegal Money Lending Team funded by central Government. The purpose of this team is to investigate allegations of illegal money lending activity, establish if illegal activity is being pursued and, if so, to take enforcement action against those persons carrying on this activity. The team is staffed with specialist officers and has proved effective in tackling illegal money lending activity and in supporting victims.

In November 2009 the Cabinet Member for Safer and Stronger Communities agreed to delegate authority for enforcement of the Consumer Credit Act 1974 to Birmingham City Council. This delegation enabled the Illegal Money Lending Team to operate in Oxfordshire. However, the original agreement with Birmingham City Council expired on 31st March 2011. Therefore, an extension of the agreement is required if the team is to continue to operate in Oxfordshire.

This report summarises the background to Birmingham City Council's Illegal Money Lending Team and the work undertaken in Oxfordshire by this team alongside the Trading Standards Service. The paper requests authorisation to extend the agreement with Birmingham City Council.

The Cabinet Member for Safer & Stronger Communities is RECOMMENDED to:

- (a) agree to continue the delegation of the function of enforcement of Part III of the Consumer Credit Act 1974 in Oxfordshire by Birmingham City Council and to delegate the power of prosecution to Birmingham City Council for any matters associated with or discovered during an investigation by the illegal money lending team; and***

 - (b) agree that authority be delegated to the Acting Head of Trading Standards and Community Safety to extend the existing agreement with Birmingham City Council on behalf of Oxfordshire County Council and approve minor alterations if required***
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Division(s): N/A

CABINET MEMBER FOR SAFER & STRONGER COMMUNITIES 11 APRIL 2011

FORMAL COLLABORATION PROGRAMME BETWEEN OXFORDSHIRE COUNTY COUNCIL FIRE AUTHORITY, ROYAL BERKSHIRE FIRE AUTHORITY & BUCKINGHAMSHIRE & MILTON KEYNES FIRE AUTHORITY

Report by Chief Fire Officer – Fire & Rescue Service

Introduction

1. On July 2010 the Fire Minister Bob Neill announced the termination of forced regionalisation of fire services in the UK with the intention to give greater powers and responsibilities to communities.
2. The Minister also announced that whilst the 2008/11 Fire & Rescue Services National Framework remained in force, without fettering his discretion, he will no longer expect to enforce Regional Management Boards* and he would allow freedom for individual authorities to work on a collaborative basis in a way that works best locally and is not determined by regional boundaries.
3. In December 2010 the three Thames Valley Chief Fire Officers met & agreed that they wished to see more formal joint working and collaborative arrangements between the three Thames Valley Services. They decided to concentrate on three projects that can be agreed and delivered in reasonable time frames. The projects were subjected to scoping studies each led by a different Fire Authority. The projects are as follows:
 - (a) Project 1 - Sharing of high level operationally related Health & Safety policy and strategy provision. Buckinghamshire & Milton Keynes Fire Authority to lead.
 - (b) Project 2 - To assess whether there can be a similar common policy development process for Fire Safety Enforcement to include inspection protocols, enforcement procedures and fire engineering advice. Oxfordshire Fire Authority to lead.
 - (c) Project 3 - A study of operational officer cover arrangements, including issues such as the provision of Fire Investigation, Accident Investigation, Fire Safety Enforcement, Post Fire Inspection and New Dimension (Resilience) cover. Consideration is also to be given to a common incident command system, common training and assessment and the interoperability of rota systems. This review is to cover roles from Station Manager to Brigade Manager. Royal Berkshire Fire Authority to lead.

4. On 18 January 2011 the initial scoping studies were presented to the three Thames Valley Chief Fire Officers and it was agreed that subject to political agreement in all three authorities further work should be undertaken to progress the projects.

* Regional Management Boards (RMB) were established in 2003 and were made up of Fire and Rescue Authorities grouped together by their relevant Government Office region. At a South East RMB meeting on 6th October 2010, it was agreed that the recommended approach would be to use the South East Fire Improvement Partnership (SEFIP) to replace the South East RMB. The remit of SEFIP would be broadly similar to South East RMB but would no longer be constrained by the requirement to work regionally.

Background

5. The Fire & Rescue Services Act, 2004 required the relevant Minister to create a National Framework document that would provide Fire Authorities with the expectations and priorities of the Government. The National Framework 2008-11 confirmed the requirement for Fire Authorities to work collaboratively on a Regional basis, via the use of Regional Management Boards (RMBs).
6. At the launch of the 'Fire Futures' Strategic review of Fire & Rescue Services on 28 July 2010, the Fire Minister Bob Neill MP, announced that he will allow more freedom for individual Fire Authorities to work on a collaborative basis in a way that best suits local needs and not determined by previous Regional boundaries. In November 2010 it was agreed at the Community safety Delegated Committee that the South East Regional Management Board be wound-up until such time that the primary legislation is amended. It was also agreed that the South East Fire Improvement Partnership would replace the South East RMB. This is now called the 'South East Chief Fire Officers and Fire Authority Chairman's meeting'.

Collaboration

7. As a County Council Fire & Rescue Service, in which an extensive Shared Services project has been successfully implemented, it is acknowledged that there is limited opportunity to achieve any further savings from any back office functions. In order to protect front line services, and to maintain operational resilience, a collaborative approach to managing sector specific service delivery is the only achievable option in order to achieve the existing efficiency savings identified within the medium term financial plan.
8. It was considered that the three projects indicated for initial scoping studies as part of a South East region (nine fire authorities) would be unrealistic and too complex to achieve an overall consensus therefore a Thames valley approach is the preferred option.
9. As discussed earlier in this report the three projects that have been agreed by the Thames Valley Chief Fire Officers for further investigation are:

- (a) **Project 1** - Sharing of high level operationally related Health & Safety (H&S) policy and strategy provision. Buckinghamshire & Milton Keynes Fire Authority to lead. The objectives being:

Increased efficiencies & resilience via:

- Increased potential to deliver savings against the existing medium term financial plan.
- Increased H&S Team resilience – Provision of a single shared team providing access to more resources with a greater diversity of staff experience.
- Improved efficiency through common and consistent policies – A reduction in duplication of work across the three FRAs.
- Improved efficiency through shared practitioners – A combined approach to H&S advice, central management and policy/procedure development would provide efficiency savings across the three services.
- Increased independence – A team representing all 3 FRS will be less restricted by local issues or influences as it's members would be drawn from the 3 FRAs allowing a sensitive issue in one FRS to be investigated by staff from the other 2 FRAs.
- Provide a model for future sharing of services – Lessons learnt in this collaborative venture will support development of a framework for future collaboration across the 3 FRAs.
- Potential for increased levels of awareness and compliance with health & safety legislation.

- (b) **Project 2** - To assess whether there can be a similar common policy development process for Fire Safety Enforcement to include inspection protocols, enforcement procedures and fire engineering advice. Oxfordshire Fire Authority to lead. The objectives being:

Increased efficiencies & resilience via:

- Increased potential to deliver existing efficiencies already identified within the medium term financial plan.
- Fire safety enforcement - Cross border support for enforcement actions & audits.
- Joint fire safety enforcement procedures – The production of new and harmonisation of existing.
- Joint fire safety guidance for inspecting officers – The production of new and harmonisation of existing.
- Joint fire safety training – The production of joint training materials, the use of joint training events & the joint use of Fire Protection training personnel.
- Joint Technical Fire Protection support – The joint use of Fire Engineers & Fire Protection technical “help desks”.
- Joint Access to Legal Advice.

- A common ICT Platform.
 - A single Joint Fire Protection management team.
 - Consistency of approach for businesses across the Thames Valley area.
- (c) **Project 3** - A study of operational officer cover arrangements, including issues such as the provision of Fire Investigation, Accident Investigation, Fire Safety Enforcement, Post Fire Inspection and New Dimension (Resilience) cover. Consideration is also to be given to a common incident command system, common training and assessment and the interoperability of rota systems. This review is to cover roles from Station Manager to Brigade Manager. Royal Berkshire Fire Authority to lead. The objectives being:

Increased efficiencies & resilience via:

- Increased potential to deliver existing efficiencies already identified within the medium term financial plan.
- Cross border officer sharing – The joint use of officers from Station Manager to Brigade manager across the three Fire Authorities to manage incidents and other issues at short notice with individual reassurance at a strategic level.
- Cross border specialist officer sharing – The joint use of officers from Station Manager to Brigade Manager to deal with issues of a specialist nature such as accident investigation (major, moderate & minor), fire safety enforcement, fire investigation, Hazardous materials & Environmental Protection (HMEP) & New Dimension - Detection Identification & Monitoring (DIM).
- Joint Training – The production of joint training materials & the use of joint training events.
- Interoperability of rota systems – The assessment of a common rota system across the Thames Valley FRAs enabling officer resource to be managed more effectively.
- The ability to provide additional resilience for spate conditions such as inclement weather or widespread flooding.

Financial and Staff Implications

10. All financial and staff implications will be identified within the subsequent project briefs for the individual projects.

RECOMMENDATION

11. **The Cabinet Member for Safer & Stronger Communities is RECOMMENDED to:**
- (a) **authorise the Chief Fire Officer to commence a formal collaboration programme between Oxfordshire County Council Fire Authority, Royal Berkshire Fire Authority & Buckinghamshire**

& Milton Keynes Fire Authority to improve operational & organisational resilience & realise efficiencies whilst maintaining existing governance structures;

- (b) request the Chief Fire Officer to provide regular updates at appropriate times on project progress and delivery of efficiencies against the savings targets identified within the medium term financial plan.**

DAVE ETHERIDGE
Chief Fire Officer

Background papers: N/A

Contact Officer: Dave Etheridge, Chief Fire Officer, Tel: 01865 855205

March 2011

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Division(s): N/A

CABINET MEMBER FOR SAFER & STRONGER COMMUNITIES 11 APRIL 2011

REQUEST FOR EXEMPTION FROM RULE 13 OF THE CONTRACT PROCEDURE RULE – PURCHASE OF SOFTWARE FOR MANAGEMENT OF FIRE FIGHTER ROTAS

Report by Chief Fire Officer

Introduction

1. This report seeks an exemption from Rule 13 of the Contract Procedure Rules, which requires that for contracts of more than £75,000 but less than the relevant EU Directive threshold in value, to submit tenders for the goods, services or works required by the Council.

Background

2. OFRS currently uses Gartan Technologies for managing our Retained Duty System (RDS) Firefighters availability for use at emergency calls and the production of performance management reports related to this.
3. When purchased, OFRS negotiated a discount for buying the system for more than one year and to reflect our development work on the system.
4. It is proposed and has been agreed at OFRS Strategic Leadership Team, that we purchase an additional Module (called Rota Management) to manage Wholetime and all other personnel rotas and to provide additional functionality, subject to approval.
5. In general, the additional Module would not remove one process completely but rather will make a number of, often complex or long winded processes much quicker and more easily achieved, monitored and audited. This will include the provision of both standard and bespoke reports as required, to all relevant personnel. In addition, the software provides immediate reports that can be run at any time of the day or night, regardless of close down dates etc.
6. In addition, with a reduction in the 'ridership factor' and therefore staffing at Banbury and Slade Park (in next years budgets), and as a result of the existing reductions in staff numbers at Abingdon and Didcot, an IT based system is more necessary so as to ensure effective management of all staff.
7. In considering this potential purchase, we have tried to consider the potential 'knock on' effects for other parts of OCC and the Service eg Shared Services are often involved, in a number of OFRS personnel related processes. Representatives of OCC teams that have been included in discussions include the following:-

- Shared Services – Pay and Employee Information
 - Shared Services – Workforce Information
 - OFRS Fire Control
 - Regional Control Centre / Control ‘Plan B’ project team within OFRS
 - OFRS Organisational Development Team – for data that populates the ‘Views’ performance management system within OCC/ OFRS, both now and in the future
 - OFRS Service Delivery management
8. It is considered that the Rota Management Module could (as a minimum) improve the processes as shown in Table 1 below.

Finances

9. Currently each Gartan Module costs [REDACTED] if purchased at the standard rate but we have been offered a discounted rate if we purchase the additional Module within the next few months.
10. The Module currently in use is funded within the OFRS budget and finances have been allocated to purchase the additional Module for the first year (possibly for 2 years dependant on the agreement reached). The F&RS ICT reserve (F40500 B4200) has [REDACTED] that was put aside for this purchase.
11. However, there will be ongoing, recurrent annual licence costs if the additional Module is purchased, which need to be factored into any decision. Once the Module is embedded into day to day activities, it would be difficult to revert without disruption and possible additional resources to replace the process changes adopted etc.
12. If the additional Module is not purchased, the cost of the existing Module will revert to the full cost ie [REDACTED] per year currently.
13. Table 2 shows the expected costs and options available.

Table 1

Process / procedure	Current	Gartan Benefits
Wholetime rota	Paper records and e-rotas on Shared Drive	<ul style="list-style-type: none"> • Electronic and visible to all • Provides full audit trail • Can be used to allocate resources between Stations • Can be used to predict future shortages • Can be used to predict future crewing implications of proposed changes eg in personnel, policies, procedures

CMDSSC5

		<ul style="list-style-type: none"> • Could provide data to Control centres in required formats (based on current knowledge of requirements) • Can be used for competency based mobilising • Can be used to monitor Working Time Directive compliance • Can cater for competencies at specific stations
Sickness monitoring and recording	Pro-forma and e-mail / paperwork via Oxfordshire Customer Services	<ul style="list-style-type: none"> • Can send immediate and automated notifications via e-mail to relevant personnel / managers • Can allow immediate and accurate reports to be created • Can provide predictive crewing forecasts based on sickness details • Can be used to calculate and report on sickness data, including alerts to relevant Managers
Leave	Rota book on station / e-rotas / staff recording	<ul style="list-style-type: none"> • Can provide leave booking system that is based on pre-set rules • Allows a first come, first served booking process, if required • Allows audit trail of bookings made or amended • Can provide reports as required • Can cater for and monitor / manage Time Off In Lieu (TOIL) – both positive and negative • Caters for all leave types via pre-agreed codes
CLG / Home Office reports	Manually and using SAP via staff from OFRS and Oxfordshire Customer Services	<ul style="list-style-type: none"> • Has the 6 reports already set up within system – populates automatically

Non Uniformed staff & Control	Timesheets and Line Manager record / leave cards	<ul style="list-style-type: none"> • Can do same as for Wholetime staff - see above • Will cater for flexi time and TOIL if required
Fire Control	Paper or reliant on other systems in OFRS	<ul style="list-style-type: none"> • Will allow competence based mobilisation • Will allow asset based mobilisation • Designed to match the previous requirements of the Regional Control Centre (RCC) in terms of data provision and mobilisation – should therefore be useable in any replacement system

Table 2 – Anticipated Costs

	Year 1	Year 2	Year 3	Totals
Retained Duty (RDS) Module only				
Wholetime (WT) Module only				
Both Modules				
Saving for purchasing both Modules				

NB* all prices will also be index linked.

Reason for Requesting Exemption from Contract Procedure Rules

14. This purchase is considered to be an upgrade of the existing Gartan system within OFRS. It essentially allows **all** OFRS personnel (including Fire Control and non Uniformed) to use the system rather than just the part time Firefighters currently using it. However, it also brings a number of additional functionalities that are considered to be of great benefit to the Service going forward and will reduce administrative procedures by automating parts or the whole. This will bring efficiency savings but because it will impact across a wide number of processes and teams, these will not be cashable savings.

Probity and Value for Money

15. OFRS are requesting exemption from the need to tender this purchase / contract. It is intended to cover 3 years from 1 October 2011 (note – the purchase will be signed as soon as possible but the system will not be provided until 1 October 2011, from which date, the contract for 3 years will commence).
16. See 2 above for benchmarking.

17. There are very few direct competitors to Gartan in that this is a bespoke system, designed to specifically meet the needs of Fire & Rescue Services (FRS's). It is designed to match the unique characteristics of their Terms & Conditions of employment eg rota patterns, leave entitlements and bookings, overtime arrangements, Working Time Directive rules etc and although there are a couple of similar systems that deal with some of these aspects, they are both expensive in comparison and normally originally designed for an office / factory environment. They would therefore require additional development work to ensure that they meet the needs of the Service and provide the requisite confidence. There is no guarantee that this development work would match our needs or be completed within a reasonable timescale and it would be at an unknown (normally additional) cost at this time. In addition, the system used for RDS staff would also need to be replaced for compatibility, with it's associated retraining and rewriting of policies and procedures.
18. There are currently 18 other UK FRS's and many more in Eire that have purchased Gartan, with others in the process of doing so this year. This provides the ability for shared development work (and costs) and compatibility eg for sharing services in the future.
19. All Gartan users have just been offered 80 hours 'free' development work per Module per year as part of their annual licence. This will allow OFRS either alone or in partnership with another user, to request development of their system to suit our unique needs. Most software applications / systems require expensive development work if any changes are needed. There is also a 'National User Group' where suggestions for improvements are made and good practice is shared. Where improvements are agreed by the majority, Gartan make these and offer clients the option to accept the upgrade or not, on a 6 monthly basis.
20. Buckinghamshire & Milton Keynes Fire Authority recently undertook a full tender for the same systems or their equivalent ie Rota Management and Availability Modules. They had only 2 offers – 'Gartan' and 'Work Place Systems'. Gartan costs were similar to our quotes – the latter would have cost approximately [REDACTED] per annum with a [REDACTED] set up cost and the system may have needed some additional development. These costs are of course only indicative but they are a similar sized FRS to Oxfordshire ie similar numbers of personnel, fire stations etc.

Consequences if the Proposed Action is not Approved

21. If the proposed action is not approved, OFRS will need to consider a full tender process to cover the purchase of both Modules for a further 3 years. This will incur delays in implementation – although the system will not be delivered until 1 October 2011, there is a considerable amount of pre-delivery work that needs to be completed. A project team is being established but due to the scale of the implications on existing processes etc, work needs to be started now. If the delay is sufficient to affect a proposed implementation date of 1 January 2012, it will be necessary to run existing systems in tandem with

new ones eg for leave requests, rota patterns, availability – these will need to be run from 1 January 2012 in their current paper / e-mail form, as well as on Gartan, until we are satisfied that Gartan is stable and workable. If purchase is achieved in October 2011, we will be able to test systems, train personnel etc before implementing in line with leave years, training calendars etc.

22. In addition, if preparation work is not started in April, Gartan will be unable to deliver until 2012 at the earliest, due to their need to satisfy other customers' implementation dates. This would delay our own implementation until mid 2012 at the earliest.

Future Procurement Strategy

23. This procurement will be to cover 3 years initially, as it is anticipated that with the demise of the National Fire & Rescue Service Regional Control Centre (RCC) project and the cutbacks in budgets in workplaces, there may be other providers that emerge, with more or enhanced functionality that may be even more suited to OFRS needs at that time. In addition, technology is emerging daily, that offers more / different functionality or better options / cost than those currently available and it would therefore be our intention to review this at the time.

Legal Appraisal and Financial Appraisal

24. The legal and financial appraisals both support this exemption. The only proviso was from Legal that "When the contracts for the existing module (part-time) and the new module (Wholetime) expire in three years' time, it is important that you take into account the need to retender for these under the Contract Procedure Rules". This will be adhered to when appropriate. The Financial and Legal appraisals are shown in Appendix 1 with supporting e-mail confirmation details where appropriate.

RECOMMENDATION

25. **The Cabinet for Safer & Stronger Communities is RECOMMENDED to approve this exemption from the Council's Contract Procedure Rules.**

DAVID ETHERIDGE
Chief Fire Officer

Background Papers: Nil

Contact Officer: John Lloyd, Service Support Manager
Tel: (01865) 855214

March 2011

Financial Appraisal **(by Tim Paul)**

This appraisal is prepared by the Finance Business Partner in conjunction with the Assistant Head of Finance (Procurement) covering whether the exemption proposal is sound from their viewpoint, concluding with a recommendation on whether the exemption should be granted or not.

1. Background details in relation to overall financial and budgetary position. (FBP)

Funding is available for Year 1 in the IT Reserve. FRS will be able to fund Year 2 and 3 (■ pa approximately) from the Retained Duty System (RDS) budget.

2. Assessment of business case. (FBP)

The availability module has already demonstrated its value in the management of RDS. The rota module should improve processes and provide better and more timely management information.

3. Assessment of financial risk to the council. (FBP)

If the two modules are not purchased, the quality of information required to manage the retained (RDS) pay budget will deteriorate and the information required to manage the full time pay budget will not be available or of sufficient quality. Purchasing an alternative to Gartan is likely to incur additional development costs.

4. Assessment as to whether exemption specified is appropriate in terms of effective procurement by the council. (AHF (Proc))

5. Where necessary, identification of action to be taken before recommendation for exemption can be made in Financial Appraisal. (FBP/AHF (Proc))

6. Whether additional changes are necessary in procurement practice for future contracts. (AHF (Proc))

7. Recommendation as to whether exemption should be granted. (FBP and AHF (Proc))

I recommend that exemption is granted for the reasons stated above. Tim Paul (FBP)

Legal Appraisal (by Sarah Hayes)

This appraisal is prepared by Legal Services and approved by the County Solicitor.

1. Appraisal of legal issues relevant to request, e.g. application of the CPRs, EU regulations, competition law.
2. Assessment of risk to the council of legal challenge.
3. Assessment of alternative courses of action and likely legal impact on the council.
4. Recommendation as to whether exemption should be granted and, if so, on what basis.

18 March 2011

Dear John

I have advised the County Solicitor on the exemption request attached and this is now approved.

When the contracts for the existing module (part-time) and the new module (wholetime) expire in three years' time it is important that you take into account the need to retender for these under the Contract Procedure Rules. Legal and Procurement can advise as to whether any exemptions could apply but exemptions would only apply in exceptional circumstances. I recommend that you should view this as very likely to require retendering and plan accordingly.

Kind regards

Sarah Hayes
Solicitor
For and on behalf of PG Clark, County Solicitor
Oxfordshire County Council
County Hall, New Road, Oxford OX1 1ND
Tel: 01865 323937
Email: sarah.hayes@oxfordshire.gov.uk

Division(s): N/A

CABINET MEMBER FOR SAFER & STRONGER COMMUNITIES 11 APRIL 2011

REQUEST FOR EXEMPTION FROM CONTRACT PROCEDURE RULES – PERSONAL PROTECTIVE EQUIPMENT FOR FIREFIGHTERS

Report by Chief Fire Officer

Introduction

1. This report seeks an exemption from Rule 13 of the Contract Procedure Rules, to submit tenders for the goods, services or works required by the Council. The reason is that the council, through no fault of its own, will not have a supply of personal protective equipment for firefighters unless this exemption is granted. This places an unacceptable risk on the council to meet its statutory duty to both firefighters as employees and in turn the public who depend on our staff to provide a safe and effective emergency response service.

Background

2. In 2001, a contract was let to Lion Apparel for the provision of personal protective equipment (PPE) for firefighters within Oxfordshire Fire and Rescue Service (OFRS). This contract was for 7 years and was due to terminate on 31 August 2008. Due to the affordability and suitability of the subsequent national PPE contract (Integrated Clothing Project - ICP), OFRS took the option within the original Lion Apparel contract to extend by 2 years, with a view to transferring to a new regional (South East) PPE contract that was being procured at the time, as an accepted alternative to ICP (approved by CLG)
3. Time delays in this collaborative regional tendering process eventually required the Service to request a further 6-9 month contract extension - up until May 2011 - to allow its completion. The exemption was approved by resolution of the Cabinet Member for Safer & Stronger Communities on 10 May 2010 and sanctioned a contract extension of the estimated value of £149,715 (6 month extension with an option to extend for 3 months)

Current

4. As the implementation of this regional contract was being finalised, it was subject to challenge (on the basis that the tender had been awarded on certain items of PPE but other fire services were considering choosing alternatives that increased the price). This was resolved but delayed the roll out to all services.

5. The original SE contract award criteria were established at the beginning of the tender process in September 2009, with tenders being received by January 2010. This was prior to any indication from national government regarding either the scale or the depth of cuts to local government spending. The extent of these cuts was unforeseen by OFRS and has led to it re-examining the costs of this contract in more detail. In fact, the full extent of the national budget settlement was only made clear to OCC in December last year – leading to full Council approval of the 2011/12 budget in mid February of this year. This has resulted in OFRS being given a budget settlement over the next four years that requires it to find £919k in efficiency savings against a £24.675m annual budget by Year 3 (2013/14).
6. In terms of the cost analysis to Oxfordshire over the full 8 years of purchasing within the SE framework, these are as follows:
 - Initial costs per firefighter were initially 23% higher in Year-1 of the contract than under the current Lion contract, but this was the best value tender and was agreed by the evaluation panel (as the existing OFRS contract had been running for 10 years with no inflationary increases).
 - However, additional costs (i.e. linked to Retail Price Index and recruitment) - which had been built in to the new contract - showed a disproportionate increase in costs for new recruits, rising year-on-year over the life of the contract.
 - With an average turnover of 50 recruits per year this would lead to expenditure in Year-8 of the contract to OFRS in excess of £450,000 per annum, (compared to the current budget of £210,000).
7. Advice has been received regarding an alternative framework contract with YPO which indicated that this could be used for a fully managed service for up to 8 years - as long as the contract was entered into before the framework agreement ended.
8. Thus at this point in early 2011, it was concluded that in view of significant budgetary constraints the only affordable course of action would be to undertake a mini competition using YPO framework as research indicated this could result in an arrangement which mitigated the financial pressures. Putting together an appropriate “Invite To Tender” and evaluation process would take about 6-8 months to successfully complete before any contract award was possible.
9. The other alternative of undertaking an entirely new tender exercise would - based on previous experience - take in the region of 12 months to award (as happened with the SE contract) and be more costly, as OCC would need to commit significant procurement resources to complete the tender exercise, as opposed to using an established framework contract.

10. Consideration has also been given as to whether to specify all new equipment or whether it would provide a more cost effective solution if some items of the existing kit were retained. It was decided after some thought that the existing kit needed to be replaced due to its age.
11. As a consequence, OFRS has commenced the new mini competition procurement process using the YPO and the final specification is currently being prepared, requiring the bidders to supply 3 full alternative proposals, with their bids. This should be with the YPO by the beginning of April 2011 for the proposal to be issued. Bids should be evaluated and a contract should be in place by the end of August 2011.
12. As the original extension (that was agreed from August 2010) runs out at the end of May 2011, an alternative needs to be put in place pending the letting of the new contract and its implementation in the Service - to ensure that as a minimum the existing PPE is maintained in terms of laundering, replacement and repair, as well as being subject to effective asset tracking and quality control systems. As this kit is currently the property of the provider - and is provided under a fully managed service (which includes storage, loan stock, full asset management, laundering, repair and fair wear and tear replacement - at the cost of the supplier) - it is proposed that an exemption from the contract procedure rules is granted and a further agreement is entered into with the existing supplier to provide this service - as this is the only way to ensure continuity of service and minimise the risk to firefighter safety.
13. A separate tender exercise for an interim solution is not a tenable option because there is no practical prospect of it being concluded by the end of May 2011. In short, the risk of a gap in service continuity and the potential impacts of that in terms of the resilience of the Service are too high. The new interim agreement is proposed to run from June 2011 for 9 months¹. Initial discussions have taken place regarding the proposed costs for this service and it is likely to be in line with the current monthly payments of the existing contract (£15,719.33 per month), which are fully-costed within current budgets.

Probity and Value for Money

14. This request is for an exemption from the contract procedure rules to ensure that PPE for firefighters can continue to be maintained, whilst a mini competition tender exercise for a fully managed service is completed that also addresses the proposed reduction in service budget.
15. It was previously agreed that at the cessation of the contract in June 2011 the PPE ownership would pass to the Service. It was intended that the PPE would be redeployed to a number of uses. However, now with the intention of entering into another agreement with the current supplier, it would be agreed that the PPE continue to belong to the supplier until the new cessation date.

¹ Made up of an initial 3 months to allow the contract to be let and then 2 further 3 month blocks depending on the roll out schedule of the willing tenderer

16. The expected monthly expenditure of £15,719.33 is still in line with the costs of the original contract 10 years ago and represents exceptional value for money due the fact that the contract was let on the basis of no RPI indexation. The daily rate per fire-fighter is less than £1 per day.
17. As previously mentioned, a mini competition tender exercise is currently underway for a new fully managed PPE contract and this is being undertaken in full compliance with the Public Contract Regulations 2006 and thereby the council's contract procedure rules - ensuring that there is open competition for all potential future partners.

Consequences if the Proposed Action is not Approved

18. If the proposed action is not approved then there is a significant risk to firefighter safety. This is through the potential of having no facility for laundering, replacing or repairing PPE. The knock-on effect of this is that since firefighters would not have appropriate PPE they would not be able to enter premises resulting in risk to public safety – and impact on OFRS's statutory duty to extinguish fires and effectively manage the health and safety arrangements for its employees.
19. The tendering exercise for a fully managed service is being given priority but is not likely to be completed until July/August. Additionally, there will need to be a programme to roll out the supply of new PPE and this needs to be done thoroughly to ensure the kit fits appropriately.

Future Procurement Strategy

20. The future procurement strategy, as explained above, is for a fully compliant mini competition to be let under the YPO framework.

Legal Appraisal and Financial Appraisal

21. Please see Annex 1 attached.

RECOMMENDATION

22. **The Cabinet Member for Safer & Stronger Communities is recommended to approve this exemption from the Council's Contract Procedure Rules in view of the emergency situation now brought about beyond the reasonable control of the council.**

DAVID ETHERIDGE
Chief Fire Officer

Background Papers: Nil

Contact Officer: Nathan Travis, Assistant Chief Fire Officer,
Tel: (01865) 855206

March 2011

Financial Appraisal

1. Background details in relation to overall financial and budgetary position. (FBP)

The budget for 2011/12 is £240,305. It covers the monthly costs plus an allowance for providing clothing for over 40 new recruits per annum. This budget is more than adequate for the continuation of the existing contract.

2. Assessment of business case. (FBP)

The Fire & Rescue Service has made a strong case for extending the existing contract until a new contract can be let and the roll out of new equipment is completed.

3. Assessment of financial risk to the council. (FBP)

There would be significant financial as well as operational risks if this extension did not go ahead. Any alternative interim solution would have higher procurement costs including opportunity costs.

4. Assessment as to whether exemption specified is appropriate in terms of effective procurement by the council. (AHF (Proc)) –

Agree to the exemption, however in relation to the report I would argue that that the service should have been planning for budget reductions from July 2010 when savings targets for 2011/12 to 2014/15 were set by Cabinet. Though I would agree that, for 2011/12, exact allocations were not known until December 2010 when the draft Local Government Finance Settlement was announced and that Council agreed the final budget for 2011/12 on 15th February. All the other reasons for the exemption are valid.

5. Where necessary, identification of action to be taken before recommendation for exemption can be made in Financial Appraisal.

None identified

6. Whether additional changes are necessary in procurement practice for future contracts.

None identified

7. Recommendation as to whether exemption should be granted. (FBP and AHF (Proc))

FBP & AHF: it is recommended that exemption should be granted.

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Division(s): All

CABINET MEMBER FOR SAFER & STRONGER COMMUNITIES 11 APRIL 2011

AUTHORISATION FOR THE BIRMINGHAM CITY COUNCIL ILLEGAL MONEY LENDING TEAM TO OPERATE IN OXFORDSHIRE

Report by Director of Social & Community Services

Introduction

1. This report seeks approval for Oxfordshire County Council to extend the agreement which enables Birmingham City Council to investigate and institute proceedings against illegal money lenders operating within Oxfordshire.

Background

2. The primary legislation governing the consumer credit industry is the Consumer Credit Act 1974. The Trading Standards Service enforces this Act in each Local Authority area. The Act is based on a licensing system and all consumer credit and consumer hire businesses operating in the UK (with certain exemptions) must possess an appropriate licence issued by the Office of Fair Trading (OFT). The OFT must be satisfied that an applicant for a Consumer Credit Licence is a fit and proper person before issuing that person with a licence to trade.
3. To operate a consumer credit business without being licensed is a criminal offence and carries a maximum penalty of £5,000 and/or up to two years imprisonment. Licences can be revoked where it can be established that the licensee has acted inappropriately. Warnings and conditions can be added to the licence where necessary. Illegal money lending covers a range of activities, from persons that are actually licensed but are acting unlawfully, to the extreme of a person offering cash loans without being licensed at all (Loan Sharks). Loan Shark activity is characterised by deliberate criminal fraud, with extortionate rates of interest on loans that mean borrowers face demands for payment of thousands of pounds more than they borrowed and can often never pay off the loans. Borrowers who fail to pay or refuse to pay can be subject to intimidation, theft, forced prostitution and extreme physical violence.
4. An Illegal Money Lending Team was established within Birmingham Trading Standards as a pilot project in England. This was one of only two pilot teams in Great Britain; the other pilot area being Glasgow and covering Scotland. The remit of the team is to investigate illegal money lending activity, establish if a problem exists and, if so, bring to justice those persons carrying on this activity. The team is made up of highly experienced investigators with a broad range of backgrounds and investigative skills.
5. The scheme, initially working across the midlands, has been extended to cover a number of other areas. There are also some similar regional teams for

certain areas, but none of these regional teams cover Oxfordshire. The teams are funded by the Department for Business, Innovation and Skills (BIS). BIS have recently announced that funding for the Birmingham City Council team will continue, although there is to be a rationalisation to draw in regional teams in order to ensure efficiency.

6. In November 2009 authority to enforce the Consumer Credit Act 1974 in Oxfordshire was delegated to Birmingham City Council. A project was commenced in January 2010 to raise awareness of the dangers of illegal money lending and the existence of a confidential hotline for victims to use.
7. Since the launch of the initiative, a range of awareness raising activities have been carried out. These activities have focussed initially on ensuring organisations working with at risk communities are alert to the signs of possible illegal money lending and the services the Illegal Money Lending Team can offer. In addition, information about loansharks has been included on the County Council's website and has been provided at more general community events by the County's Trading Standards team.
8. Despite the work to work to encourage reporting of loansharks in Oxfordshire, only 1 significant report has been received by the Stop Loansharks hotline. This report was investigated by the Illegal Money Lending Team and it was established that no illegal money lending was taking place.
9. From the work undertaken by the Illegal Money Lending Team outside of Oxfordshire it would be premature to conclude yet that illegal money lending is not taking place in Oxfordshire. Since the national project began over 80 loansharks have been prosecuted and 10000 victims have been helped. The Trading Standards Service proposes to continue to work with the Illegal Money Lending Team, raising awareness of the dangers of loansharks and the confidential reporting facilities. To do this, a continuation is required of the authorisation for Birmingham City Council to enforce the provisions of the Consumer Credit Act 1974 in Oxfordshire.
10. The benefit that this team can bring to Oxfordshire is significant. Oxfordshire Trading Standards Service, like most local authorities, is not able to provide the level of specialist resource to deliver this function. This is an excellent example of how sharing resources on specific issues can bring benefits that would otherwise be unavailable to provide support to vulnerable consumers and to tackle illegal activity.

Delegation

11. It is proposed that the delegation will continue until 31st March 2013 with a view to extending the arrangement if successful.
12. This delegation does not prevent Oxfordshire County Council's Trading Standards Service from undertaking functions under the Consumer Credit Act 1974.

Legal Considerations

13. By virtue of Section 161 of the Consumer Credit Act 1974, it is the duty of each 'local weights and measures authority' to enforce the provisions of the Act within their local authority boundary. This is an executive function for the purposes of the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and therefore it is necessary for Cabinet as the executive to formally delegate this function to Birmingham City Council under Section 13 and 19 of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000. Birmingham City Council is also required to formally accept the delegation.
14. Any prosecutions will be undertaken by Birmingham City Council with no liability for costs to Oxfordshire County Council.

Financial and Staff Implications

15. There are no financial implications for Oxfordshire County Council as a result of this proposal. All major costs will be funded by the Treasury. Incidental costs in providing a work base for officers operating in Oxfordshire will be contained within the Trading Standards Service budget. Other than costs of printing leaflets and similar items and attending talks and presentations there have been no costs incurred as a result of the team's activities in Oxfordshire to date.

Conclusions

16. This proposal, if agreed, will enable Oxfordshire Trading Standards Service to continue to have access to a team of highly trained experts from the IMLT. This will contribute to delivery of the County Council priority to provide for Healthy and Thriving Communities.
17. This area of law enforcement requires specialist resource, expertise, techniques and facilities which Oxfordshire Trading Standards Services would not otherwise have access to. Members of the IMLT include officers with high-level training and expertise in surveillance techniques as well as security operations. The team includes, amongst others, ex-police officers and security services personnel.
18. The recommendations will support discharge of the authority's duty in relation to enforcement of the provisions of the Consumer Credit Act 1974.

RECOMMENDATION

19. **The Cabinet Member for Safer & Stronger Communities is RECOMMENDED to:**

- (a) agree to continue the delegation of the function of enforcement of Part III of the Consumer Credit Act 1974 in Oxfordshire by Birmingham City Council and to delegate the power of prosecution to Birmingham City Council for any matters associated with or discovered during an investigation by the illegal money lending team;**

- (b) agree that authority be delegated to the Acting Head of Trading Standards and Community Safety to extend the existing agreement with Birmingham City Council on behalf of Oxfordshire County Council and approve minor alterations if required.**

JOHN JACKSON
Director of Social & Community Services

Background papers: Nil.

Contact Officer: Richard Webb, Acting Head of Trading Standards and Community Safety, (01865) 815791

March 2011