

## Notice of Meeting

# Cabinet Member for Business Services and Resident Experience Decisions

**Date & time**

Monday, 14 March  
2016 at 12.00 pm

**Place**

Members' Conference  
Room, County Hall,  
Kingston upon  
Thames, KT1 2DN

**Contact**

Andrew Baird or Rianna  
Hanford  
Room 122, County Hall  
Tel 020 8541 7609 or 0208  
213 2662

**Chief Executive**

David McNulty

Andrew.baird@surreycc.gov.uk  
or  
Rianna.hanford@surreycc.co.uk



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If you would like a copy of this agenda or the attached papers in another format, eg large print or braille, or another language please either call 020 8541 9122, write to Democratic Services, Room 122, County Hall, Penrhyn Road, Kingston upon Thames, Surrey KT1 2DN, Minicom 020 8541 8914, fax 020 8541 9009, or email [democratic.services@surreycc.gov.uk](mailto:democratic.services@surreycc.gov.uk).

This meeting will be held in public. If you would like to attend and you have any special requirements, please contact Andrew Baird or Rianna Hanford on 020 8541 7609 or 020 8213 2662.

**Elected Members**  
Ms Denise Le Gal

## **AGENDA**

### **1 DECLARATIONS OF INTEREST**

To receive any declarations of disclosable pecuniary interests from Members in respect of any item to be considered at the meeting.

### **2 PROCEDURAL ITEMS**

#### **a Members' Questions**

The deadline for Members' questions is 12pm four working days before the meeting (8 March 2016).

#### **b Public Questions**

The deadline for public questions is seven days before the meeting (7 March 2016).

#### **c Petitions**

The deadline for petitions is 14 days before the meeting, and no petitions have been received.

### **3 ADMINISTRATION OF THE ESTATES OF DECEASED WITH DEBT**

(Pages 1  
- 4)

This report requests the Cabinet Member for Business Services and Resident Experience appoint the Director of Legal, Democratic and Cultural Services to apply as nominee in applications to administer the estate of Violet Frances Dewsnap. It further requests that the Cabinet Member authorise the Director of Legal, Democratic and Cultural Services to seal copies of each of the nominations made for the purposes of the application. This will enable the Council to apply to administer the estate of the deceased debtor and recover debts more effectively.

### **4 TO AWARD A FRAMEWORK AGREEMENT FOR THE PROVISION OF CASH COLLECTION SERVICES**

(Pages 5  
- 10)

The report seeks approval from the Cabinet Member for Business Services and Resident Experience to award a framework agreement to the recommended tenderer for the provision of Cash Collection Services to commence on 1 May 2016. These services ensure a safe and secure way of collecting cash from the premises and car parks of the County Council and the 11 Districts and Boroughs in the County.

The report provides details of the collaborative procurement exercise, including the results of the evaluation process, Surrey local authorities engagement and consultation and demonstrates why the recommended contract award delivers best value for money.

### **5 EXCLUSION OF THE PUBLIC**

That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information under the relevant paragraphs of Part 1 of Schedule 12A of the Act.

**6 TO AWARD A FRAMEWORK AGREEMENT FOR THE PROVISION OF CASH COLLECTION SERVICES**

(Pages 11 - 14)

This report contains information which is exempt from Access to Information requirements by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information relating to the financial or business affairs of any particular person (including commercially sensitive information to the bidding companies). The information contained in this Annex may not be published or circulated beyond this report and will remain sensitive for the length of the contract.

**Confidential: Not for publication under Paragraph 3**

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

**David McNulty**  
**Chief Executive**

Published: Friday, 4 March 2016

## **MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE**

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Use of mobile devices, including for the purpose of recording or filming a meeting, is subject to no interruptions, distractions or interference being caused to the PA or Induction Loop systems, or any general disturbance to proceedings. The Chairman may ask for mobile devices to be switched off in these circumstances.

It is requested that if you are not using your mobile device for any of the activities outlined above, it be switched off or placed in silent mode during the meeting to prevent interruptions and interference with PA and Induction Loop systems.

*Thank you for your co-operation*

**SURREY COUNTY COUNCIL****CABINET MEMBER FOR BUSINESS SERVICES AND  
RESIDENT EXPERIENCE****DATE: 14 MARCH 2016****LEAD OFFICER: ANN CHARLTON, DIRECTOR OF LEGAL, DEMOCRATIC AND  
CULTURAL SERVICES****SUBJECT: ADMINISTRATION OF THE ESTATES OF DECEASED WITH  
DEBT****SUMMARY OF ISSUE:**

This report requests the Cabinet Member for Business Services and Resident Experience appoint the Director of Legal, Democratic and Cultural Services to apply as nominee in applications to administer the estate of Violet Frances Dewsnap. It further requests that the Cabinet Member authorise the Director of Legal, Democratic and Cultural Services to seal copies of each of the nominations made for the purposes of the application. This will enable the Council to apply to administer the estate of the deceased debtor and recover debts more effectively

**RECOMMENDATIONS:**

It is recommended that the Cabinet Member for Business Services and Resident Experience:

- i. appoint the Director of Legal, Democratic and Cultural Services to apply as nominee in applications to administer the estate of Violet Frances Dewsnap.
- ii. authorise the Director of Legal, Democratic and Cultural Services to seal copies of each of the nominations made for the purposes of the application.

**REASON FOR RECOMMENDATIONS:**

Administering the estate of the late Violet Dewsnap will enable the Council to recover money owed to the Council which may be used for the benefit of Surrey Residents.

**DETAILS:**

Name: Violet Frances Dewsnap

Date of Birth: 1 October 1923

Date of Death: 14 February 2014

Place of Death: Royal Surrey County Hospital, Guildford, Surrey

Social Care Debt: £36,333.59

Assets: £39,518.95

**HOW HAS DEBT ARISEN:**

1. At all material times Surrey County Council (SCC) was the Local Authority under a duty pursuant to section 21 (1)(a) of the National Assistance Act 1948

(as amended) to make arrangements for providing residential accommodation for the deceased as she was a person over the age of 18 who by reason of age, illness, disability or other circumstances in need of care and attention which was not otherwise available to her.

2. At all material times the deceased was a person in respect of whom the Council made arrangements for providing residential accommodation for one of the reasons set out in the above paragraph.
3. Pursuant to section 22 (1) National Assistance Act 1948 (as amended) SCC was under an obligation to recover from the service user / her estate the amount of the payment that she was liable to make in accordance with the relevant legislation.

<b>MATERIAL FACTS:</b>
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4. The deceased was admitted to hospital on three separate occasions between June and September 2012. She was admitted to permanent care in Longfield, Care Home, Cranleigh after failed discharges from hospital. At the time of her admission, Ms Dewsnap was deemed to have mental capacity and gave the Council permission to enter her home to collect financial documents in order to complete their assessment.
5. On 5 July 2013, Ms Dewsnap was retrospectively assessed to pay the full cost of her care as her capital exceeded the upper capital threshold. However, her condition had worsened at this stage and she was no longer capable of managing her financial affairs.
6. Ms Dewsnap's social care & related matters file was referred to the Deputyship Team on 10 June 2013 in order that the Council may apply to the Court of Protection to formally act as her Deputy. However, the file was not allocated to a caseworker until 11 December 2013. Ms Dewsnap died on 14 February 2014 before a formal application for deputyship could be lodged. No one managed the deceased's financial affairs in the interim.
7. Ms Dewsnap died owing the Council £36,333.59. Following Ms Dewsnap's death, the Council contacted her sister, Ms Tupper, who asked the Council not to contact her in relation to her sister's affairs.
8. Whilst she was resident at the Care Home, nobody assisted Ms Dewsnap with managing her financial affairs, either formally or informally, and, as far as the Council is aware, nobody had access to her bank accounts or savings at the time of her death. It has been confirmed that Ms Dewsnap had investments in the form of an ISA and NS&I shares worth in excess of £20,000.
9. Ms Dewsnap also held an account and bonds with Lloyds Bank worth in the region of £18,000 in 2013. Lloyds Bank have not confirmed the current amounts held in Ms Dewsnap's name, but the accounts remain open and nobody has accessed them following Ms Dewsnap's death. It can therefore be presumed that the funds remain in Ms Dewsnap's account.
10. The deceased's estate is therefore presumed to have assets totalling £39,518.95.

11. At this stage we are not aware of any other creditors. SCC may apply to the Probate section of the Court to administer the estate.
12. The assets are sufficient to pay off the debt in full.
13. Administering the estate and recovering the debt from whatever monies are held in the deceased's estate will settle the debt in full.

#### **RISK MANAGEMENT AND IMPLICATIONS:**

14. Legal Services officers are well aware that administration may take time to complete. It is possible that action by the Council will prompt relatives to administer the estate and clear the debt, or that officers' actions will be resisted.. Legal Services will carefully record the time taken to administer this case and will look to recover all the Council's costs as part of the debt.
15. Enabling lawyers within Legal Services to administer the estate in this way appears to be the only means of recovering money owed to the Council by a person who has died.

#### **Financial and Value for Money Implications**

16. The recovery of debt owed to the Council is important in order to avoid adding to the significant financial pressures the Council is already facing. The action proposed will recover the amount the individual was assessed to contribute towards their care based on the Council's agreed charging policies. It is therefore right and equitable that this debt is recovered. A failure to recover the debt would lead to an additional cost pressure for Adult Social Care.
17. There are costs involved in the debt recovery process. The approximate cost of such administration is as follows:
  - Court fee - £215
  - Advert for next of kin in the London Gazette - £102.11 (incl. VAT)
  - Advert for next of kin in a Surrey local newspaper - £108.11 (incl. VAT)
  - Solicitor's fee for swearing an oath - circa £10 - £15
  - Application for a death affidavit - £7.00

Total of circa **£447.22**

The costs may vary according to the size of the estate and the local newspaper advertising costs.

The above are standard fees payable.

#### **Section 151 Officer Commentary**

18. The Section 151 Officer supports the recommendation to appoint the Director of Legal, Cultural and Democratic services to apply as nominee to administer the estate of Violet Francis Dewsnap. An application to administer the estates of the deceased debtor will more readily enable the Council to recover debts more efficiently.

### **Legal Implications – Monitoring Officer**

19. Please refer to “Risk management and implications”

### **Equalities and Diversity**

20. There are no equalities and diversity implications to consider.

### **WHAT HAPPENS NEXT:**

Should the recommendation be agreed by the Cabinet Member, Legal Services will make an application to the Probate Registry to administer the deceased’s estate.

Once letters of administration have been granted, Legal Services will contact the deceased’s banks and collect the monies currently still held in her accounts. These monies will be used to pay off the deceased’s adult social care debt. Any outstanding amount will be forwarded to the deceased’s next of kin.

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#### **Contact Officer:**

Agnes Krofah  
Lawyer  
0208 541 9112

#### **Consulted:**

Legal Services officers

#### **Annexes:**

List the annexes attached to this report.

#### **Sources/background papers:**

- All background papers used in the writing of the report should be listed, as required by the Local Government (Access to Information) Act 1985.



**SURREY COUNTY COUNCIL****CABINET MEMBER FOR BUSINESS SERVICES AND  
RESIDENT EXPERIENCE****DATE: 14 MARCH 2016****REPORT OF: MS DENISE LE GAL, CABINET MEMBER FOR BUSINESS  
SERVICES AND RESIDENT EXPERIENCE****LEAD OFFICER: LAURA LANGSTAFF, HEAD OF PROCUREMENT****SUBJECT: TO AWARD A FRAMEWORK AGREEMENT FOR THE  
PROVISION OF CASH COLLECTION SERVICES****SUMMARY OF ISSUE:**

The report seeks approval from the Cabinet Member for Business Services and Resident Experience to award a framework agreement to the recommended tenderer for the provision of Cash Collection Services to commence on 1 May 2016. These services ensure a safe and secure way of collecting cash from the premises and car parks of the County Council and the 11 Districts and Boroughs in the County.

The report provides details of the collaborative procurement exercise, including the results of the evaluation process, Surrey local authorities engagement and consultation and demonstrates why the recommended contract award delivers best value for money.

**RECOMMENDATIONS:**

It is recommended that the Cabinet Member for Business Services and Resident Experience agrees to:

1. award a framework agreement to enable Surrey County Council and the 11 Boroughs & Districts the ability to utilise Contract Security Services Ltd for cash collection services for an initial period of two years with an option to extend for two further year-long extensions.
2. call off from the framework agreement for an initial period of two years with an option to extend for two further year-long extensions.

**REASON FOR RECOMMENDATIONS:**

A full tender process, in compliance with the requirements of Public Contracts Regulations 2015 and the Council's Procurement Standing Orders has been completed.

The offers received as part of the tender have been rigorously evaluated and the best overall solution has been identified.

This report recommends that a framework agreement for the provision of Cash Collection Services to commence on 1 May 2016 is awarded to Contract Security Services Ltd, with an estimated value of £588,000 for Surrey County Council and

£2,340,000 for Schools and the Boroughs & Districts over the four-year contract term.

## **DETAILS:**

### **Background**

1. Surrey County Council (SCC) and the 11 Boroughs & Districts have identified a need for a framework for the provision of cash collection services from their administrative areas. All members have agreed to enter into a collaborative procurement exercise to achieve the best value for money solution for all authorities. Surrey County Council has been appointed the "Lead Authority", to manage the procurement and will be the owner of the framework agreement. The framework agreement will be open to all Surrey Boroughs & Districts for the collection of unprocessed and processed cash from council premises, schools, libraries, registration offices, adult learning centres, collection from on and off-street car park ticket machines etc and delivery to banks. Each authorised council may enter into an individual call off contract with the successful tenderer on the terms of and subject to the conditions set out in the framework agreement.

### **Procurement Strategy**

The Surrey Procurement Group identified a collaborative opportunity for cash collection services. The benefits of collaboration include greater leverage to achieve a competitive schedule of rates. The following options were considered;

- Carry out a mini-competition within an existing framework – rejected because analysis of the three available frameworks demonstrated specifications were not suitable for the requirement.
- Carry out a tender process to award a framework agreement that delivers a bespoke solution to the 12 Surrey authorities.

A full tender process, compliant with the European Public Procurement Regulations and Procurement Standing Orders, has been carried out following the receipt of authority from Procurement Review Group (PRG) on 21 July 2015. This included advertising the contract opportunity in the Official Journal of the European Union (OJEU) on 9 August 2015.

### **Key Implications**

2. By awarding a framework agreement for the provision of Cash Collection Services to Contract Security Services Ltd, to commence on 1 May 2016, The Council will be meeting its duties and ensuring regular and ad-hoc collections from the Authorities premises and car parks that will preserve continuity of service.

There are four key performance indicators (KPI) that will be monitored at regular contract meetings. These are:

- KPI-1 - % of collections made on specified date or agreed amended date (97% on rolling three month target per Participating Authority).
- KPI-2 - % of machines emptied on schedule (97% on rolling three month target per Participating Authority).

- KPI-3 - % of audit tickets delivered daily (98% on rolling three month target per Participating Authority).
  - KPI-4 - % of money paid into Council's bank account within next available working day (98% on rolling three month target per Participating Authority).
3. The management responsibility for the framework agreement lies with Surrey County Council and will be managed in line with the contract management strategy and plan as laid out in the access agreements between the participating authorities.
  4. The framework agreement has been tendered on the current combined volumes from all 12 authorities. The value will be dependant on the take up of the Boroughs & Districts and is anticipated to be in the range of £600,000 to £3,000,000 over the proposed term of four years.

### **Competitive Tendering Process**

5. Using the OJEU Open Procedure the tender was divided into two lots:
  - Lot 1 Premises Collections - To cover all cash collection services from the authorities buildings.
  - Lot 2 On and Off Street Parking Collections - To cover all cash collection services from the pay and display machines from the authorities car parks.
6. Ten providers registered an interest with two providers submitting bids.
7. Representatives from key service areas were involved throughout the evaluation process to ensure that the proposed solution was fit for purpose for all areas of the organisation.
8. The initial tender response was evaluated against the criteria and weightings as shown below:
  - Quality Questions – 50%
  - Pricing Schedule – 50%

<b>CONSULTATION:</b>
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9. Key stakeholders across the 12 authorities had been consulted and invited to be part of the procurement process;
  - Commercial Services
  - Boroughs and Districts personell

## **RISK MANAGEMENT AND IMPLICATIONS:**

**10. Table 1 – Risks and mitigating actions**

<b>Category</b>	<b>Risk Description</b>	<b>Mitigation Activity</b>
Culture	Cultural and operational interoperability	Contractor's personnel will work to SCC Policies and Procedures.
Financial	Price increases	The contracted price will be for the duration of the full term of the framework agreement.
Service Provision	Maintaining the competence of Personnel	The framework agreement has incorporated through regular contract meetings that includes procedures to ensure the provider meets the respective standards. All personnel have gone through an approved vetting procedure in accordance with employment guidelines.
Reputational	Public and Staff perception	Relationships will be established over the the new framework agreement that will encourage partnership working. Full consultation with all representative bodies has been ongoing and will be re-discussed before the appointment of the new supplier. Protocols in place to communicate with all groups.

## **Financial and Value for Money Implications**

11. The proposed framework should not cause an increase to the cost of the Council's cash collection service. Savings may be possible if the frequency of collections reduces. This will be continually reviewed .

## **Section 151 Officer Commentary**

12. The Section 151 Officer confirms that the likely cost of the proposed contract is included within the council's current Medium Term Financial Plan (MTFP).

## **Legal Implications – Monitoring Officer**

13. The Council has legal authority under Section 111 of the Local Government Act 1972 to carry out the cash collections. The procurement is legally compliant with the Public Contracts Regulations 2015 and with the Council's own Procurement Standing Orders. Legal is satisfied that the procurement has been done lawfully. The risk of a legal challenge is considered low.

## **Equalities and Diversity**

14. The need for an Equality Impact Assessment (EIA) was considered, however, a conclusion was reached that as there were no implications for any public sector equalities duties due to the nature of the services being procured, an EIA was not

required. Despite this, the preferred supplier will be required to comply with the Equalities Act 2010 and any relevant codes issued by the Equality and Human Rights Commission.

**Other Implications:**

15. The potential implications for the following Council priorities and policy areas have been considered. Where the impact is potentially significant a summary of the issues is set out in detail below.

Area assessed:	Direct Implications:
Safeguarding responsibilities for vulnerable children and adults	As part of the delivery of this contract all workers that will be assigned to work with or have exposure to vulnerable adults or children will be subject to an enhanced DBS check. The managed provider will have in place robust DBS procedures that are in keeping with the Council's policies and will be carried through to supporting agencies. The managed provider will monitor the expiry dates of workers requiring DBS clearance and no worker will be allowed to work without a valid and in date DBS clearance.

**WHAT HAPPENS NEXT:**

16. The timetable for implementation of the contract is as follows:

Action	Date
Cabinet decision to award	14 March 2016
Cabinet call in period	14 – 21 March 2016
Contract Signature	1 Apr 2016
Contract implementation	1 May 2016
Contract Commencement Date	1 May 2016

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**Contact Officer:**

Jackie Knutton – Order to Cash Process Owner  
 Robert Dean,  
 Category Specialist – Procurement and Commissioning, Business Services,  
 Tel: 020 8541 9476

**Annexes:**

Part 2 report with financial details attached

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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