

DECISIONS DELEGATED TO OFFICERS

Complete this form to record details of all decisions made by officers acting under delegated powers. Send the completed form to forwardplan@oxford.gov.uk

Decision title:	Decision to award the contract for the supply of non-household water and wastewater services at Oxford City Council sites for an initial three year period from 2020.
Decision date:	28 April 2021
Source of delegation: State how the decision was delegated. Was it an express delegation made at a meeting or a general delegation under the Council's Constitution?	The approved council cabinet paper <i>Becoming a net zero council in terms of greenhouse gas emissions: Energy & Water Supply procurement 2020 to 2024</i> dated 22 January 2020 includes the recommendation (item 3) to approve the use of the Kent County Council energy procurement framework via its trading arm LASER Energy (the specialist public sector energy buying organisation) for up to a further four years (2020-2024) to procure the Council's energy and water contracts from October 2020.
What decision was made? Explain briefly – include financial details of any income or expenditure relating directly to this decision. Please indicate whether information is exempt / confidential.	<p>Award the contract to Wave Utilities for the supply of non-household water and wastewater services at Oxford City Council sites for an initial three year period from 2020 with the possibility of a two year contract extension.</p> <p>Annual spend on the council's non-household water and wastewater services in the 2019-20 financial year was £165,000. This figure does not include the water and wastewater spend at the council's five leisure sites as these costs are covered by Fusion Lifestyle under the terms of the management agreement. It also does not include the water and wastewater costs for the council's temporary accommodation properties as these are deemed to be household supplies and so supplied by the existing regional monopoly provider (Thames Water).</p>
Purpose: What does the decision deliver or achieve?	<p>In April 2017, the non-household water supply market opened up for businesses, charities and public sector organisations in England meaning they are no longer restricted to buying water from their regional monopoly. Thames Water had exited the non-household market ahead of this opening up and transferred their non-household customer base over to Castle Water.</p> <p>Contracting with a retailer means the council can secure value for money on the purchase of non-household water and wastewater services, whilst minimising the administrative burden through electronic billing capability along with collaborative work to reduce the council's water footprint.</p>
Reasons: Please provide the reasons for the decision.	LASER Energy has established an OJEU-compliant framework agreement for the supply of water, wastewater and additional services. The framework is available for all areas of England and accessible by all public sector bodies. With

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seven suppliers included in the framework, every mini-tender run will give customers the maximum choice of supplier. In addition, LASER Energy's well considered scoring criteria are designed to fairly evaluate price, customer service and added value services to identify which offer truly gives best value.

Framework Period: 26th Apr 2017 – 25th Apr 2021 [extended to 3rd Jun 2022]

Framework Number: Y16045

Contract Arranged by: LASER Energy

OJEU Award Notice: 2017/S132-269790

Suppliers on the LASER Framework are:

1. ADSM
2. Affinity Water
3. Wave Utilities
4. Business Stream
5. Castle Water
6. NWG
7. Water Plus

Out of the seven suppliers listed on the LASER Energy Framework, only three suppliers submitted tender proposals:

1. Wave Utilities
2. Castle Water
3. ADSM

The following text is taken from LASER Energy's *Ranking & Results Report*:

Tender responses showed a saving of approximately £8,500 per annum over the default tariff. Additional benefits are expected through the assurances of customer service provision received in responses. Through LASER Energy's framework, the received customer service will be evaluated against Key Performance Indicators (KPIs), with the potential to enforce Poor Performance Remedies in cases of significant and prolonged poor customer service.

Responses were received from three suppliers on the framework. All responses pointed to a good understanding of the portfolio and an improved customer service provision. Responses from each supplier were scored as follows:

Bidder	Quality of	Added Value	Pricing	Total
Wave	240	322.8	73.8	636.6
Castle	260	232	140	632
ADSM	279	239	60	578

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<p>Decision made by: Name and title of officer within the senior management structure</p>	<p>The decision was made by Paul Spencer (Energy & Carbon Manager), Matt Stevenson (Contracts and Procurement Specialist) and Andrew Sunderland (Energy Management Officer) following a presentation of the tender evaluation by Matt Hull (Water Services Manager at LASER Energy). There was a subsequent three month extension to enable Wave Utilities to resolve outstanding incompatibilities with their electronic billing (EDI) files.</p>
<p>Other options considered: List any alternatives that were available to the decision taker and why they were rejected</p>	<p>As an immature market with limited retailer margins, there are far fewer procurement options available when compared to energy. Oxford City Council has successfully used LASER Energy for energy procurement over a number of years and they introduced water procurement framework from the market opening.</p> <p>A small number of local authorities (Blackpool and Nottingham City) have obtained self-supply licences from the regulator, enabling them to deal directly with wholesalers. In discussions with industry experts, we have been advised that the council's water consumption is below the desired threshold to make this a viable option plus it would require additional administrative resources to obtain regular meter readings and manage wholesaler interactions.</p>
<p>Documents considered: Please attach any new documents relevant to the decision and state if they are exempt</p>	<p>None</p>
<p>Key or Not Key: (see notes below):</p>	<p>Key</p>
<p>Wards significantly affected: If 2+ wards are significantly affected this will need to be treated as a key decision (see notes below)</p>	<p>None – Thames Water remain as the wholesaler supplying water and treating wastewater to the Oxford City Council sites.</p>
<p>Declared conflict of interest: Please record any declared conflict of interest by any Cabinet Member consulted on the decision which relates to the decision.</p>	<p>None</p>
<p>This form was completed by: Name & title: Date:</p>	<p>Andrew Sunderland Energy Management Officer 15 June 2021</p>

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Approval checklist

Delegations made at meetings and the Council's Finance Rules and Contract Rules (Parts 18 and 19 of the Constitution) stipulate who the decision maker must consult with before taking a decision. The table below should be used to record their approval. The relevant Cabinet Member(s) must be consulted on all decisions taken by officers.

Approver	Name and job title	Date
Senior officer(s) e.g. the relevant service manager / head of service where the decision maker is the Chief Executive or an Executive Director.	Tim Sadler, Transition Director	By email on 28 April 2021
Head of Financial Services if required by the delegation / Constitution	Nigel Kennedy, Head of Financial Services	By email on 22 April 2021
Head of Law and Governance if required by the delegation / Constitution	Susan Sale, Head of Law and Governance	By email on 22 April 2021
Cabinet Member(s) approval is required for all decisions	Councillor Tom Hayes, Cabinet Member for Green Transport and Zero Carbon Oxford	Recommendation 3 as agreed in Cabinet meeting on 22 January 2020
Ward Member(s) – Ward Members should be told in advance about anything which particularly affects their ward and which is potentially controversial but please note that Cabinet Members must be consulted first.	Not applicable	Not applicable

This form must be completed and sent to Committee and Member Services **as soon as reasonably practicable** after the decision is made. Prompt notification is particularly important for **key decisions** which are subject to call-in, as the call-in deadline is 2 working days from the decision notice being published. Before completing the form please refer to the notes below

NOTES

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The law¹ requires the Council to record executive and non-executive decisions taken by officers under delegated powers and to publish them on the Council's website.

These requirements **apply** to decisions that would have been taken by Council or the Cabinet if delegated powers had not been given to an officer:

- under an express delegation granted at a meeting of Cabinet, Council or a Committee.
- under a general delegation (where responsibility is delegated in the Constitution) and the effect of the decision is to:
 - grant a permission or licence;
 - affect the rights of an individual;
 - award a contract or incur expenditure with a value in excess of £10,000;
 - award a contract with a value in excess of £10,000 but less than £1,000,000;
 - acquire or dispose of freeholds or leaseholds with a consideration or premium in excess of £10,000 but less than £500,000;
 - grant to new tenants or dispose of leases with a rental value in excess of £10,000 but less than £125,000 (this excludes assignments, holding over and rent reviews);
 - grant 'project approval' for projects in excess of £10,000 but less than £500,000;
 - make a regulatory order which affects a number of people, for example a Public Space Protection Order or a Parking Place Order;

These requirements **do not** apply to:

- planning and licencing matters where there are established arrangements for recording decisions: or
- decisions which are purely administrative or operational in nature

Officers making such decisions must complete a written statement containing details of the decision taken. A copy of this decision notice must be retained by the relevant service for at least 6 years and any background papers for 4 years.

Exempt or Confidential information

Information relating to a delegated officer decision does not have to be made public if it is exempt or confidential. Summary information from this decision sheet (excluding all exempt or confidential information) will be published on the Council's website.

Key or Non Key Decision

A key decision is an executive decision likely to have a significant effect on people living or working in at least two wards; or to incur spending or savings of £500,000 or more.

A key decision can only be taken and recorded here if notice of it has been published in the Forward Plan for at least 28 clear days. Key decisions taken by officers may be "called in" by any four councillors or the Chair of the Scrutiny Committee within two days of the notice of decision being published.

¹ the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012/2089 (Regulation 13(4)) and The Openness of Local Government Bodies Regulations 2014/2095 (Regulation 7)

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