

# Public Document Pack



## **OVERVIEW & SCRUTINY COMMITTEE**

Wednesday, 3 April 2019 at 7.30 pm  
Conference Room, Civic Centre, Silver  
Street, Enfield, EN1 3XA

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Councillors : Derek Levy (Chair), Huseyin Akpinar, Tolga Aramaz, Susan Erbil,  
Gina Needs (Vice-Chair), Lee David-Sanders and Edward Smith

Education Statutory Co-optees: 1 vacancy (Church of England diocese representative), Simon Goulden (other faiths/denominations representative), Tony Murphy (Catholic diocese representative), Alicia Meniru & 1 vacancy (Parent Governor Representative).

Enfield Youth Parliament Co-optees (2)  
Support Officer – Susan O’Connell (Governance & Scrutiny Officer)  
Stacey Gilmour (Governance & Scrutiny Officer)

## **AGENDA**

### **1. WELCOME & APOLOGIES**

### **2. DECLARATIONS OF INTEREST**

Members of the Council are invited to identify any disclosable pecuniary, other pecuniary or non-pecuniary interests relevant to the items on the agenda.

### **3. HUMAN TRAFFICKING UPDATE (Pages 1 - 4)**

To receive a report from Sharon Burgess, Head of Safeguarding Adults.

### **4. SMALL SITES HOUSING DEVELOPMENT EVALUATION (Pages 5 - 12)**

To receive the report of Paul White, Project Manager, Environment.

### **5. UPDATE ON THE WORK OF THE CRIME AND HEALTH SCRUTINY PANELS**

A verbal update to be provided by the Chair of the Crime Scrutiny Panel Cllr David-Sanders and the Chair of the Health Scrutiny Panel Cllr Akpinar.

**6. MINUTES OF MEETINGS HELD ON 28 FEBRUARY AND 11 MARCH**  
(Pages 13 - 24)

To agree the minutes of the meetings held on the 28 February 2019 and 11 March 2019.

**7. WORK PROGRAMME 2018/19** (Pages 25 - 28)

To note the work programme for 2018/19.

**8. DATES OF FUTURE MEETINGS**

To note the dates of future meetings as follows:

Provisional Call-Ins

- Thursday 11 April 2019

Future meeting dates will be confirmed at Annual Council in May.

**REPORT TO: OSC****DATE: 3<sup>rd</sup> April 2019- TBC****REPORT TITLE: Update on the recommendations from the Human Trafficking and Modern Slavery Scrutiny Workstream report****REPORT AUTHOR/S:  
Sharon Burgess****PURPOSE OF REPORT:  
An update****SUMMARY:****Report has been completed to provide an overview of what the safeguarding Adults Team has been working on since the Modern Slavery Act 2015 came in to force.****1. BACKGROUND**

Section 52 of the act imposes the duty to notify on public authorities. LBE has a duty to notify the Secretary of State using the National Referral Mechanism (NRM) or Notification of Potential Victim of Modern Slavery (MS1) form to the National Crime Agency Modern Slavery and Human Trafficking Unit.

Since the arrival of the Modern Slavery lead on 13th August 2018, a draft Adult Social Care Modern Slavery Policy and Procedure has been compiled and sent to relevant teams for consultation.

Modern Slavery awareness sessions were held for council staff in March 2018 over 100 staff attended. More in-depth training has been provided in relation to the NRM process to our designated SPOCs.

A corporate strategy has been developed with the support from the Strategy and Policy Hub which is currently undergoing internal consultation. It is hoped that this will be made available for public consultation in the summer.

The Charter Against Modern Slavery was signed by Cllr Mary Maguire on the 18th October 2018 which shows how Enfield Council is working to ensure that our supply chains are ethically sourced.

**2. UPDATE**

**The recommendations that were agreed in April 2018 are listed below and an update has been provided on each one:**

- I. The Executive Management Team agreed to identify a Lead officer to raise the profile within the organisation and produce an action plan to tackle human trafficking and modern slavery with a corporate approach and work with the police, NHS and the voluntary sector to identify and report victims via the National Referral Mechanism (NRM).

The Modern Slavery lead has been in post since August 2018. We have established a steering group with our partner agencies such as the NHS and police to devise a corporate strategy. Training has been provided to council employees and local service providers on modern slavery and this is being expanded this year.

- II. As part of the action plan to approve a programme of regular training to appropriate frontline staff so that they can recognise and identify potential victims of Human trafficking and Modern Slavery. As part of the action plan, to establish a corporate group to ensure that tackling modern slavery has a joined-up approach across the council and its partners.

Enfield Council has devised an online training programme which is available to all members of staff on modern slavery. The training provides information on the possible signs and methods used in modern slavery cases and how to report any concerns locally.

The Safeguarding Adults Team has also provided internal and external training session on modern slavery and will continue to do so.

The Safeguarding Adults team is also facilitating a Modern Slavery Conference which is scheduled to be held on 16<sup>th</sup> May 2019 to help raised awareness among practitioners in social and health and local businesses.

A steering group has been formed where internal Enfield Council staff and our partner agencies meet every 3 months to discuss our combined approach to tackling modern slavery. This meeting will also collate work being completed across the council which will be updated in Pentana. Pentana will be used to ensure the strategy actions are completed within acceptable timescales.

Enfield Council has also formed a Modern Slavery London Leads Group which is hosted by the London Councils offices, which enables joint working across London with our neighbouring boroughs and an opportunity to share best practice.

- III. To train the Council's Regulatory services and Planning to ensure that commercial outlets within the borough are sufficiently inspected and regulated, and any areas of concern are reported

Regulatory and planning services have been included in our training agenda and have appointed a Single Point of Contact (SPOC) to help support colleagues within their own service. They are included in our steering group and our training sessions.

- IV. To raise awareness and inform schools, parents and carers of modern slavery issues, particularly where there are vulnerable students

As part of the Safeguarding Adolescents from exploitation and Abuse Strategy 2019-2021, consultations have been held and will continue to be held, with schools, parent/ carer groups to help raise awareness and ensure joined up working continues to protect vulnerable students.

- V. For Enfield Council to address through its procurement practices the use of slavery in its supply chains.

Enfield signed the Charter Against Modern Slavery on 18<sup>th</sup> October 2018. To ensure that Enfield was meeting the requirements or working towards meeting the requirement, regular meetings were held with procurement and HR to ensure that this was achievable.

Procurement are currently working on their Annual modern Slavery Statement for 2018 which is scheduled to be published in the next financial year.

- VI. To provide training for Members. Members are well placed to identify and report areas of concern within their wards.

If this has not been completed this can be arranged. In the interim the safeguarding Adults Team have made an online training module which is accessible via I.Learn and access can be facilitated by the Learning and Development Team via [i.learn@enfield.gov.uk](mailto:i.learn@enfield.gov.uk)

- VII. To share the report and recommendations with the Independent Anti-slavery Commissioner

The post of Independent Anti-Slavery Commissioner has only recently been filled by Sara Thornton CBE QPM. However, we ensure that we follow the correct procedures when a possible victim of modern slavery arises by completing the NRM or MS1 form. The NRM and MS1 forms are how we liaise with the Independent Anti-Slavery Commissioner to advise of any concerns. NRM training has been commissioned for first responders.

### **3. ISSUES AND CHALLENGES**

There have been challenges in ensuring good partnership engagement and in raising community awareness.  
There may also be potential funding issues going forward due to the increase in referrals we are anticipating.

#### **4. RECOMMENDATIONS**

We believe that it is necessary for the online training on I.Learn to become compulsory training for Enfield council staff.

#### **5. NEXT STEPS**

The development of a complex case modern day slavery panel that can deliver a timely and multi-discipline approach, to support with the management of high-risk cases.

The Safeguarding Team will continue to chair the London Modern Slavery Meeting and will continue to offer support and joined up working with our neighbouring boroughs.

The online consultation for the Modern Slavery Strategy and Action Plan will undergo a robust consultation, which will include external and internal partners, residents and business in Enfield and will be available online from February 2019, before being presented to Cabinet in the Summer of 2019.

**REPORT TO: OSC****DATE: 3 April 2019****REPORT TITLE: Lessons Learnt from the Enfield Small Sites 1 Project****REPORT AUTHOR/S: Paul White****Email: [paul.white@enfield.gov.uk](mailto:paul.white@enfield.gov.uk) Phone: 020 83793933**

**PURPOSE OF REPORT: To highlight lessons learnt from the issues experienced in the Enfield Small Sites 1 project and to make recommendations for the future small sites programme so that the same issues may be avoided and to make delivery more successful.**

**SUMMARY: The original strategy for the Small Sites 1 project was a worthy one but the Council took on risk when signing up to the Development Agreement. Small sites have many extra challenges and are less attractive to larger developers. Economies can be achieved by packaging sites together but decisions must be made on how this is done and how risk is managed. The strategy for small sites development can be improved using the lessons highlighted below and the recommendations going forward embodied in an Action Plan.**

**1. BACKGROUND**

- 1.1 Enfield Council commenced with the construction phase of the Small Sites programme in 2014 after several years of preparation for the first sites to be developed including the decanting of a number of underused elderly sheltered housing schemes, a tendering process and a demolition phase. The Small Sites programme was seen as strategically important in the battle to combat the Borough's housing crisis and to tackle homelessness issues by making use of under used or redundant sites and bringing back into use for housing including affordable housing. Cross subsidisation from private tenures to affordable tenures was part of the solution.
- 1.2 The Council has a forward programme of approximately 200 potential units across about 30 sites in the pipeline but many of the lessons learnt can be applied to the whole pipeline for larger sites too. There is a list of small sites contained within the GLA 'Building Council Homes for Londoners' funding programme with 43 units across 5 sites at Gatward Green, High Road and Newstead, programmed for 2019/2020 and the rest for later delivery between 2020 – 2022. There is still work to do on the viability and design proposals for many of these sites. The GLA grant for these is £2,168,000 in total.
- 1.3 In the first phase 7 small sites delivering 94 homes were packaged up with a view to offer better economies of scale, with planning permission gained by HTA Architects and tendered to the market with EC Harris appointed by the Council to run the procurement process. Demolition was carried out by the Council up front under a separate contract to reduce risks. After tendering a

great deal of effort was put into negotiations with the winning tenderer, Kier Property Investments, and significant work was done to put in place the Development Agreement with Enfield Innovations Ltd (EIL) as the delivery vehicle for 57 PRS homes cross subsidising 37 affordable homes. However, in order to include the innovative elements of the project (EIL and Climate Energy Homes) post tender the Council had to take on a greater balance of risk if Kier were to remain on board.

- 1.4 There are always risks in every construction project – one of the most significant risks being the possibility that a main contractor or supplier might go out of business, which can happen with alarming speed. This is what happened to Climate Energy Homes (CEH) in December 2015 on the Small Sites 1 project after the parent company (Climate Energy Ltd) became unviable in large part due to a sudden, unexpected change in central government policy after the May 2015 General Election. This was the main cause of all the many problems as reported in the Cabinet Reports of July 2017 and January 2019.
- 1.5 The Small Sites 1 project originally promised to be an exemplar project and much expert advice was sought and received to make it happen yet it still failed largely due to some misfortune. Even so there are significant lessons that can be learnt from what happened.

## **2. ISSUES AND CHALLENGES**

- 2.1 There is always a risk of contractors ceasing to trade (particularly relevant in the current climate) and accepting this risk not only requires prevention by financial checks but also having mitigation strategies in place should the risk unfortunately be realised. Swift governance is needed to combat these circumstances and minimise any inevitable negative impact.
- 2.2 In delivering a programme of small sites it must be accepted that small sites provide their own special challenges. They are often difficult to access with many neighbours and usually with as many challenges as much larger sites but without the same economies of scale. Hence the reason for their unattractiveness and why they are often left undeveloped.
- 2.3 The challenge is how to structure projects to make them more attractive to contractors. The solution is often to package sites together to make economies of scale better whilst identifying all key technical and legal risks with difficult to access, dispersed sites, often odd shaped with lots of boundaries. These all impact disproportionately on small sites in terms of design, cost and delivery.
- 2.4 Packaging small sites up to offer greater numbers is a sensible strategy but contractors then have management diseconomies in terms of coordinating transport between dispersed sites, insufficient room for deliveries and parking, getting site accommodation onto the sites and having insufficient room for storage of materials and for site machinery to operate. These factors have been significant not only for Small Sites 1 but also for the further small sites recently developed (Ordnance Road and Perry Mead, Padstow and Hedge Hill (known as the PPH sites) also referred to in this report).

- 2.5 The challenge is also to find the right contractors to tender to and work with and to offer the right size and numbers of units for any packages accordingly to suit those identified contractors. It appears that the strategy of packaging up so many units (94) meant that larger developers were required to deliver the project, resulting in the desired level of interest at tender stage not being achieved.
- 2.6 This suggests smaller packages of sites tendered to smaller SME contractors with direct JCT contracts rather than Development Agreements may be a better approach. Suitable contractors need to be identified and supported perhaps with training and possibly funding such as the GLA's Homebuilding Capacity Fund. This could be very beneficial to local employers and the local economy as well as the delivery of much needed affordable housing in the area.
- 2.7 When the main sub-contractor went into liquidation on the Small Sites 1 project it exposed the Council to the risks that the Council had taken on which were realised with all the unavoidable extra cost and delays that ensued. Risk management is a central issue for all contracts. It also meant loss of continuity of key team members meaning designs were left undeveloped or information lost causing extra challenges once work restarted. Value engineering was attempted but planning conditions meant this had little benefit and needed extra liaison with planning staff.
- 2.8 For the Small Sites 1 the project utilised an offsite manufactured timber frame system added extra complications to the delivery of the project especially when difficulties arose. The delay meant that suitable storage had to be found to store the timber frame panels that had already been manufactured and paid for. Furthermore, although it has much to recommend it, offsite construction needs repetition of design to maximise efficiencies which were not inherent in the project designs it was applied to.
- 2.9 A further issue related to design consultants' understanding Sustainable Urban Drainage Systems (SUDS). It was discovered once on site during Small Sites 1 and on Ordnance Road that it was difficult to meet the Council's SUDS policy requirements with the designs for which the architect had obtained planning permission (the responsibility of the designer and not the planners). Delivering SUDS on any small site going forward will be a challenge and needs early engagement with the SUDS team. On these projects it has also taken time for contractors to understand how the Council's Transport & Highways departments operate and who to contact.
- 2.10 The Council originally took a partnering approach with Kier and jointly used their Employers Agent (Airey Miller Partnership). Ideally the Council should always have its own consultant representative. Mott MacDonald were appointed in October 2016 when a review took place of work done until that point.

### 3. RECOMMENDATIONS / LESSONS LEARNT

- 1) Working with SME contractors on smaller packages of sites and supporting them with funding (such as the GLA Homebuilding Capacity Fund) with traditional contracts is more appropriate going forward. Where projects include sales by developers for cross subsidy purposes the land price could be delayed until point of sale to further support partner contractors.
- 2) The brief and procurement route should be kept simple in terms design and construction type and with detailed information on which to tender to minimise risks to contractors to offset small sites challenges with an aim to achieve best quality but at a value for money cost. A Council 'design champion' for small sites should be considered.
- 3) Tried and tested components are inherently less risky and innovative offsite construction is usually less efficient on small sites where there is not enough repetition of unit design or that have not been designed with it in mind. Contractors are often best placed to choose the most suitable solution. If there is a way to achieve early contractor involvement this would help.
- 4) Procurement, legal and governance processes need to be better aligned to the needs of development teams.
- 5) A legal risks report summary should be produced for every project which must be a concise and allow senior managers and staff to quickly understand the risks of the project and ensure the necessary authorisation is in place.
- 6) The Council needs to be prepared to draw a line in negotiations if certain risk requirements are not met even when there may be political pressure to proceed. Introducing extra items post tender is a dangerous strategy.
- 7) There must be a mitigation strategy against contractors ceasing to trade and appropriate financial checks on key or 3<sup>rd</sup> party suppliers particularly when using off site manufacture products and innovative technology.
- 8) The Council must require designers to confirm that any designs are compliant with all key design requirements according to the Council's own design guidance (and not just GLA guidance) particularly relevant in the case of Sustainable Urban Design Systems (SUDS) for the small sites projects.
- 9) Value engineering decisions during the construction phase to reduce costs should not be made without the input of a planning officer where it is relevant to any planning permission.
- 10) The Council should not use any consultants jointly with the developer in order to avoid any conflicts of interest.
- 11) The red lines for the land included in contracts must be checked against Council land ownership and with highways to ensure there are no areas of land not included in any contracts which require extra costs to deal with.

- 12) When contracts and Development Agreements are drawn-up they must not be done solely by solicitors but must also be checked by project management consultants and/or CMCT to ensure the Council is protected in practical and technical terms. Contract Amendments need review.
- 13) There are further lessons learnt that can be gained from other small sites initiatives and best practice at other local authorities such as the 'Brick by Brick' initiative at Croydon Council which was introduced to improve design quality for small sites proposals resulting in a swifter path through the planning process.

NB – See Appendix 1 for the analysis of build costs for the small sites programme so far.

#### **4. Action plan**

- 4.1 The following Action Plan takes the lessons learnt and recommendations from above and illustrates how these will be addressed in the future strategy of developing small sites in the future.

## Small Sites Lessons - Delivery Action Plan for Future Sites

Action	Benefits	Process	Time-scale	Owner
Identify local SME contractors that LBE can work with to deliver small sites.	Ensures LBE has a ready-made tender list of keen & suitable contractors, builds relationships to increase the likelihood of better tender prices & better project outcomes.	Soft market testing by phone call and meetings leading up to projected tender stage. Check frameworks and create an approved list.	Should start immediately but also leading up to tenders.	Regen
Assist partner SME contractors in accessing funding & support.	Brings inward investment to local SME companies, improves employment, boosts economy and assists delivery.	Target GLA Homebuilding Capacity Fund to guidance issued.	According to GLA HCF guidance.	Regen
Hold client awareness & relationship sessions inviting contractors, designers, consultants and key internal technical staff & depts and engage with other local authorities / housing providers to investigate best practice.	Helps to provide awareness of LBE policies, processes & procedures – e.g. obtaining hoarding licences, SUDS requirements or traffic management permits - helps avoid delays on site and increases efficiencies & expertise. Better relationships created = better pricing.	Identify key staff able to participate, give presentations and provide key contacts to contractors. Hold design meetings at key times in project cycles. Have a 'design champion' and identify best practice at other housing providers.	Immediate start, meeting dates chosen according to programme.	Regen
Seek to de-risk sites working with other relevant technical & legal departments and rank sites according to deliverability.	By having detailed information in place at time of tender improves tender docs = better pricing and less disputes and less delays on site. Better risk, resource and programme management.	Early site legal searches. Hold site focus group meetings to help identify site specific risks. Providing detailed drawings and focused briefs.	Early stage of site appraisal leading up to tenders.	Regen
Monitor scheme feasibilities in an overall programme	Able to offset less viable sites against better ones and tracks cross subsidy.	Complete & update dedicated programme spreadsheet.	In progress	Regen
Agree appropriate JCT Contract Amendments & review ERs & component checks	Having the right level of amendments ensures contractors are keener on pricing but still protects LBE. Vetting how components are performing with feedback post completion or references if new.	Work with the legal team to agree appropriate contract amendments. Have regular ERs reviews & component checks with feedback from Property Services.	ASAP	Regen /Legal /CMCT
Create contractor insolvency mitigation strategy.	Checks up front will avoid but not always so need to know early warning signs. Reacting quickly saves time and costs.	Draw up a mitigation strategy and circulate.	ASAP	Regen /Legal /CMCT

## Appendix 1 – Recent Small Sites build costs comparisons

Below are two tables providing value for money comparisons against further small sites for the contracts relevant to the January 2019 Cabinet report and including the recently approved extra costs.

Note – Small Sites 1 was broken into two phases:

Phase 1 (with Kier) – the build cost figures shown below are lower and slightly distorted because the price was reduced due to a ‘Commercial Settlement’ with Kier to account for the remaining limited liability claim and payments Kier withheld from Climate Energy Homes.

Phase 2 (with AMCM) the build cost figures shown below are more in line with the PPH market sale sites (EIL’s units are market sale) and therefore more in line with the particular market. Mott MacDonald are satisfied that they represent value for money bearing in mind the abnormal extra costs incurred and the offsite construction.

**Table 1 – Build per square metre comparisons**

Project	Floor Area	Build Cost	£/m2
Ordnance Road (aff)	1373	£3,229,844	£2352
PPH sites (market)	1220	£3,457,634	£2834
Enfield Small Sites Ph1 (Kier)	2846	£5,377,889	£1890
Enfield Small Sites Ph2 (AMCM)	4894	£13,516,468	£2761

**Table 2 – Build cost per unit comparisons**

Project	Units	Build Cost	£/unit
Ordnance Road (aff)	15	£3,229,844	£215,322
PPH sites (market)	13	£3,457,634	£265,972
Enfield Small Sites Ph1 (Kier)	25	£5,377,889	£215,116
Enfield Small Sites Ph2 (AMCM)	47	£13,516,468	£287,584

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## OVERVIEW &amp; SCRUTINY COMMITTEE - 28.2.2019

**MINUTES OF THE MEETING OF THE OVERVIEW & SCRUTINY COMMITTEE  
HELD ON THURSDAY, 28 FEBRUARY 2019**

**COUNCILLORS**

**PRESENT** (Chair) Derek Levy, Huseyin Akpinar, Tolga Aramaz, Susan Erbil, Gina Needs, Lee David-Sanders and Joanne Laban

**ABSENT**

**STATUTORY CO-OPTees:** *1 vacancy (Church of England diocese representative), Mr Simon Goulden (other faiths/denominations representative), Mr Tony Murphy (Catholic diocese representative), Alicia Meniru & 1 vacancy (Parent Governor representative) - Italics Denotes absence*

**OFFICERS:** Peter George (Programme Director - Meridian Water), Nick Fletcher (Meridian Water Development Manager) and Fay Hammond (Interim Executive Director Resources) Susan O'Connell (Secretary) and Jane Creer (Secretary)

**Also Attending:** Councillor Nesil Caliskan (Leader of the Council)  
Councillor Edward Smith (Call-In Lead)  
Councillor Hass Yusuf (Observing)

**985****WELCOME & APOLOGIES**

Councillor Levy welcomed all attendees to the meeting.

The following substitution was noted: Councillor Joanne Laban for Councillor Edward Smith.

**986****DECLARATIONS OF INTEREST**

There were no declarations of interest.

**987****CALL IN OF DECISION: MERIDIAN WORKS SITE ONE: AUTHORITY TO SIGN KEY AGREEMENTS TO ENABLE PROJECT DELIVERY**

The Committee received a report from the Director of Law and Governance outlining details of a call-in received on the Portfolio decision taken on

**OVERVIEW & SCRUTINY COMMITTEE - 28.2.2019**

Meridian Works Site One: Authority to sign key agreements to enable project delivery (taken on 05/02/19).

NOTED that this report was considered in conjunction with the information in the part 2 agenda.

All discussion on this item took place in the part 2 section of the meeting.

**988**

**MINUTES OF THE OSC BUDGET MEETING HELD ON 31 JANUARY 2019**

**AGREED** the minutes of the OSC budget meeting held on 31/01/19 as a correct record.

**989**

**DATES OF FUTURE MEETINGS**

NOTED the dates of future meetings as follows:

Provisional Call-Ins

- Monday 11 March 2019 to replace Tuesday 12 March 2019
- Tuesday 26 March 2019
- Thursday 11 April 2019

Please note, the business meeting of the Overview & Scrutiny Committee will be held on:

- Wednesday 3 April 2019

**990**

**EXCLUSION OF PRESS AND PUBLIC**

Resolved in accordance with the principles of Section 100A (4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of the Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006.

**991**

**MERIDIAN WORKS SITE ONE: AUTHORITY TO SIGN KEY AGREEMENTS TO ENABLE PROJECT DELIVERY**

**OVERVIEW & SCRUTINY COMMITTEE - 28.2.2019**

The Committee received the information provided on the call-in report: Meridian Works Site One: Authority to sign key agreements to enable project delivery.

**NOTED**

1. The information was considered in conjunction with the report on the part 1 agenda.
2. Councillor Smith set out the reasons for calling in the decision:
  - The principle of why Building BloQs was selected for this project was questioned, and that there had not been a proper marketing process.
  - The proposal to charge the company a lower than market rent did not comply with the Council's Property Procedure Rules. The report was not clear enough about the difference between market rent and the subsidised rent proposed; about mitigation of financial risk; or proposals regarding potential for recoup of funds.
  - There was insufficient information regarding the involvement of the Greater London Authority (GLA).
3. The response of Councillor Caliskan, Leader of the Council. She highlighted the following:
  - The Meridian Water project was about jobs and industries as well as housing. The Meridian Works One project would nurture business in that area. Working with Building BloQs would bring in makers and creative entrepreneurs.
  - The partnership terms with the GLA were agreed, and this solid relationship should give confidence to the Council.
4. Other issues highlighted by officers in support of the decision included:
  - This project was prompted by the opportunity to receive a GLA grant to boost the local economy and provide jobs.
  - As explained in the response, this was not a procurement, but was a property transaction.
  - It had been appropriate to work with Building BloQs when bidding for the funding so as to meet the grant deadline and to put forward a compelling bid.
  - The Council was supporting a local SME business by enabling its expansion at Meridian Water, and had been prudent in the structuring of the deal.
  - The company had been diligent in their approach, and the Council was reassured by the information provided by them.
  - Information was provided in respect of proposed rent to be charged as opposed to market rent.
  - Clarification was provided regarding the agreement with ACAVA. It was confirmed they were artist studio providers

**OVERVIEW & SCRUTINY COMMITTEE - 28.2.2019**

5. Members' questions responded to by officers, including:
  - Confirmation of legal advice, and the financial monitoring requirements throughout the process.
  - Clarification of the terms and flexibility of the proposed lease.
  - Confirmation that the capital costs for Building BloQs were largely for machinery.
  
6. The summing up by Councillor Smith that:
  - Concerns remained in respect of this proposal with regard to financial risk to the Council, and with the proposal to charge the company a lower than market rent.
  - Officers had advised that arrangements with ACAVA were not integral to entering the agreement with the GLA: this information had not been set out in the report.
  - A stage had been reached where there were no further options, and the trajectory of this project was not a wise one to enter into.
  
7. The Leader, Councillor Caliskan advised that there was still an option to stop these agreements, and she would not want members to be under the impression they had no choice.
  
8. Overview and Scrutiny Committee considered the reasons provided for the call-in and responses provided. Having considered the information provided, the Committee **AGREED** to confirm the original Portfolio decision.

Councillors Akpinar, Aramaz, Susan Erbil, and Needs voted in favour of the above decision. Councillors Laban and David-Sanders abstained. The original Portfolio decision was therefore agreed.
  
9. The comment of Councillor Tolga Aramaz that most call-ins had not resulted in decisions being referred back to the decision-maker, often with unanimous or semi-unanimous agreement of Overview and Scrutiny Committee. He was concerned that the Opposition were reducing the Committee to a method of criticising Cabinet decisions rather than a neutral body to hold decision-makers to account.

**MINUTES OF THE MEETING OF THE OVERVIEW & SCRUTINY COMMITTEE  
HELD ON MONDAY, 11 MARCH 2019**

**COUNCILLORS**

**PRESENT** Derek Levy (Chair), Tolga Aramaz, Susan Erbil, Chris Bond, Hass Yusef, Lee David-Sanders and Edward Smith

**ABSENT** Huseyin Akpinar and Gina Needs

**STATUTORY CO-OPTees:** *1 vacancy (Church of England diocese representative), Mr Simon Goulden (other faiths/denominations representative), Mr Tony Murphy (Catholic diocese representative), Alicia Meniru & 1 vacancy (Parent Governor representative) - Italics Denotes absence*

**OFFICERS:** Jeremy Chambers, (Director of Law & Governance)  
Doug Wilkinson, (Director of Environment & Operational Services)  
Jon Sharkey, (Head of Service, Waste, Recycling & Fleet)  
Debbie Campbell, (Waste Services)  
Andy Ellis, (Governance & Scrutiny Officer)  
Stacey Gilmour, (Governance & Scrutiny Secretary)

**Also Attending:** Councillor Nesil Caliskan (Leader of the Council)  
Councillor Guney Dogan (Cabinet Member for Environment)  
Councillor Joanne Laban (Leader of the Opposition & Call-In Lead)  
Councillor Daniel Anderson (Deputy Leader, Observing)  
2 Members of the public

**1013**

**WELCOME & APOLOGIES**

Councillor Levy welcomed all attendees to the meeting. The following substitutes were noted:

Councillor Chris Bond for Councillor Gina Needs  
Councillor Hass Yusef for Councillor Huseyin Akpinar

Councillor Levy reminded everyone that discussion would be about the specific reasons for call-in given in the papers and responses to them.

**1014**

**DECLARATIONS OF INTEREST**

Councillor Susan Erbil declared a non-pecuniary interest for discussion of agenda item 3: 'Call-In - Potential Changes to Waste and Recycling

**OVERVIEW & SCRUTINY COMMITTEE - 11.3.2019**

Collections' as she is related to Councillor Guney Dogan, Cabinet Member, Environment.

Jeremy Chambers, Director of Law & Governance advised that as the decision was that of the full Cabinet and not the individual Cabinet Member a declaration of interest was not therefore required. It was however a personal choice of the Member should they still wish to declare an interest.

**1015**

**CALL IN OF DECISION: POTENTIAL CHANGES TO WASTE AND RECYCLING COLLECTIONS**

The Committee received the information provided on the call-in report: Potential Changes to Waste and Recycling Collections.

**NOTED**

1. The information was considered in conjunction with the report on the part 2 agenda.
2. Councillor Laban set out the reasons for calling in the decision:
  - conflicting statements at 3.13 and 3.30 of the part 1 report.
  - What are the additional recycling and enforcement resources detailed in Table 9 of the part 1 report?
  - The report fails to talk about missed collections because as it stands you need to report them within one working day. If you are away or cannot get through to the call centre etc, are you expected to wait another two weeks before collection? There is no mention of giving a slightly longer time period for people to get in contact.
  - 3.59 - £1.06 million for dedicated mobilisation team – the report does not set out whether new vehicles are needed for weekly food waste collection.
  - 6.1.6 - vehicle and staffing costs are calculated from the reduced number of vehicles rounds but how is weekly food waste fitting into this?
  - 6.1.16-talks about reducing existing agency staff. It does not go into detail on the number of agency staff that will leave.
  - The result of the consultation was that 66% of respondents wanted to keep the current service yet the option taken forward was the least supported out of them all.
  - The decision does not state how much Eunomia was paid for its works on this decision.
  - Redbridge Council moved to a paid for garden waste collection service and had to reverse its decision. Eunomia states that it has high confident levels for the take up of this, but this was not the case in Redbridge, and it is a very similar borough to Enfield. Why was there not any information on this and how will we not have the same problems?

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- Why did the Cabinet Member put three options that did not comply with the Mayor's Environment Strategy on the table as part of the consultation?

The Chair reminded the committee that the decision was not just passed on the report but was also based on a robust 70-minute debate that took place at the Cabinet meeting

3. The response of Councillor Dogan, Cabinet Member Environment. He highlighted the following:

- Paragraph 3.30 states the primary driver of the evaluation is the financial savings that can be achieved. This paragraph clearly states that the evaluation also takes into account conformity with the Mayor's Environment Strategy, and the responses to the Consultation. Paragraph 3.13 states that the Consultation sought residents' views on the seven proposals and retaining the current collective system. The feedback from the Consultation has been conscientiously considered to help inform the recommendation for change and is demonstrated in the report at paragraph 3.45 which sets out 'you said, we will' and covers four pages of the report (pages 13-16). This means paragraph 3.13 supports paragraph 3.30 rather than be at odds.
- A comprehensive response was provided on the information included in Table 9 of the part 1 report (see agenda pack for the full response).
- Missed collections are addressed in Table 9. It states that LBE's policy is that any bin not collected due to the collection crew will be collected within one working day. It is proposed that the current policy remains.
- New food waste vehicles are accounted within the savings modelling.
- New food waste vehicles are accounted within the savings modelling and have been taken into account. The overall number of vehicles has a net reduction of six HGV's.
- The number of agency workers we currently use will reduce by 19. We will be creating 4 permanent posts of 2 recycling officers and 2 enforcement officers plus up to the equivalent of 19 street sweeping posts resulting in up to 23 new jobs being created within Environmental Services.
- The report explains that LBE has been clear from the start of this process what the criteria for evaluating the proposals would be and that this information was also published in the consultation documents to ensure transparency and fairness. These were primarily financial savings, and then conformity with the London Mayor's Environment Strategy and to consider the responses of the consultation.
- Financial savings for Proposal 7 were significantly higher when compared to any other proposal or the current collection system and would make a considerable single contribution to the budget gap. It conforms with the Mayor's Environment Strategy by providing separate food waste collections and has a projected step change in recycling to 49%. The report recognises that the proposal was the least preferred amongst the respondents to the consultation at 9%. With the exception of retaining the current system there was no clear majority for any of

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the other proposals. However, the current service would, in fact, require an increase in costs to retain the services which Members took into consideration.

- The total on consultants in the review of the bin collection service is £66,419.53 excluding VAT.
  - Redbridge moved to a charged garden service using biodegradable sacks. These sacks were not suitable to contain garden waste. The service and financial modelling have been produced by Eunomia Research & Consulting Ltd using proven sophisticated software specifically designed for the waste and recycling industry. Eunomia have worked with over 170 local authorities nationally to help the make savings and redesign services. They have worked with LBE for several years, consequently they have detailed knowledge of the service, its key cost drivers and the factors that influence those drivers.
  - The Mayor does have power to direct that the strategies are in conformity to the Environment Strategy but no legal powers of enforcement and accordingly it was felt that options not in conformity with the strategy could be put to the public for their consideration.
4. The response of Councillor Caliskan, Leader of the Council. She highlighted the following.
- This decision has been made in context of the budget. This year alone LBE have been forced to find £80m of savings with many areas being identified for cuts. The financial context and implications of the proposals were explained within the Council's overall budget pressures and funding constraints, summarised in section 3 of the report.
  - The Council currently spent approximately £15.1m on collecting, treating and disposing and waste and recycling across the Borough. Waste disposal costs were likely to significantly increase. Additionally, the former Government grant of £2.4m to retain weekly collections for waste and recycling has now ceased which has led to the waste collection change.
  - One of the primary drivers to implement the changes was financial as LBE are obliged to set a legal and balanced budget. However. the consultation was developed and delivered with real commitment and drive and we have done everything possible to prepare residents for this change.
  - This was a difficult time for local government, and it was essential to ensure that the Council's decision-making was responsible and financially resilient in going forward; and, protected the most vulnerable residents who depended on the Council's service provision.
  - Apologies would not be given for this administration saving millions of pounds and creating permanent jobs. Political choices have been made to put people first by protecting services such as Adult Social Care, Education and Children's services.
  - Any decision taken is done so with the least amount of risk and this was one of the most comprehensive reports she has seen since being elected.

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- Table 9 of the report refers to £500k growth investment into street cleansing and fly tipping service, these are examples of how we can invest in improving the borough in areas that we already know have challenges.
5. Other issues highlighted by officers in support of the decision included:
- The consultation documents were absolutely clear from the outset in stating the criteria for developing the recommended proposal, financial savings achievable, conformity with the Environment Strategy and to consider the responses received from the consultation. The savings that the Council was required to find in 2019/20 were highlighted and, the impact on other services if savings within waste services were not realised.
  - Whilst a number of options were non-compliant with the Mayor's Strategy, they were still 'technically' financially and operationally deliverable as set out in the background documents, so the decision had been taken to include them.
  - Jeremy Chambers, Director of Law & Governance confirmed that as the Monitoring Officer there was nothing in the Consultation Document that caused him concern and he gave his absolute assurance that it was a very well-balanced document that he was completely comfortable and happy with.
  - It was emphasised that feedback from residents through the consultation process had been fully considered and four pages of the report had been dedicated to responses from residents and responded to.
  - Although there may be a perception that full consideration was not given to the comments and views raised by the Overview & Scrutiny Committee at the original Call-In meeting, Officers were comfortable that they had listened to and captured the wider debate that had taken place and further in-depth conversations were held from the time of leaving the OSC meeting to Cabinet making the decision.
6. Members' questions responded to by officers, including:
- The investment of £500k per year into Street Cleansing Services was noted and clarification was sought on what this would result in.

In response the proposed use of the funding was outlined, as detailed in the report, an example being an additional 19 street sweepers. Resources would be targeted where necessary. This was an opportunity to invest in street cleansing. Structured plans would be put in place through the ongoing operational monitoring of the service.

- Reference was made to the proposal to charge £65 per annum for the collection of garden waste and concerns were raised that the intention was to implement this cost in November 2019, which could prove a huge burden to many families just before Christmas. Would there be an option for residents to spread this cost over several months?

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The detailed proposals relating to the £65 per annum charge were outlined, as set out in the full report, including the options that would be available to residents. This would be an opt-in service for residents. The effectiveness and implementation of this part of the service provision would be closely monitored and regularly reviewed. The suggestion of the spreading the annual charge of £65.00 was noted.

- Public Health assurances were sought, and concerns expressed by residents recognised. The addition of 2 recycling officers was welcomed. The need to encourage and include positive sustainable issues within the context of waste services noted, including awareness raising on how to minimise waste. Assurance were given that appropriate support would be provided to residents to encourage compliance and address any difficulties being experienced by individuals. The need for effective communication with residents was highlighted.
- The proposed investment in street cleansing and the appointment of additional recycling officers was reiterated. The new service was projected to increase recycling rates to 49%, as explained in detail in the report.
- Assurances were given that recruitment to posts would be in-house and Council HR policy meant that agency staff could also apply for these jobs. It was also confirmed that after twelve weeks of using agency staff there is no introductory fee if they are recruited to permanent posts
- In view of the very recent Government Consultation on the UK's Waste System, would it not be advisable to delay this decision until the outcome of the consultation is known, especially as there may be future grants available to Local Authorities from Central Government for increased frequency of waste collections?

In response Officers said that it was all about 'what ifs' as Central Government were currently consulting on many issues and some of the proposals would require legislation changes. We must understand where we are in time and we are making a decision based on our current financial situation. However, all Local Authorities will be responding to the consultation and the strong view is that if central Government do make any changes detrimental to Local Authorities, we will be looking for compensation.

7. The summing up by Councillor Laban that:

- In view of the recent Government Consultation on the UK's Waste Systems are we doing something too early? Will there be double disruption if the Government proceed?
- It is incorrect for the Cabinet Member, Environment to say that there was no indication from the results of the consultation as to what the public wanted. 66% is a clear indication as to what options residents favoured. As elected Members we are supposed to represent the

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people and deliver for them. It is residents' tax that we are using to deliver services and their views have not been taken on board.

- It was known that the Government grant of £2.4m was coming to an end so better planning should have taken place to account for this. This decision is about people as public health is very important and we already have a massive problem in the borough with fly-tipping and the concern is that with the proposed changes to waste collections in the borough, fly-tipping will continue to increase.
8. Overview and Scrutiny Committee considered the reasons provided for the call-in and responses provided. Having considered the information provided, the Committee **AGREED** to confirm the original Cabinet decision.

Councillors Bond, Susan Erbil, and Levy voted in favour of the above decision. Councillors Yusef, Smith and David-Sanders voted to refer the decision back to the decision-making body. Councillor Aramaz abstained. The Chair, Councillor Levy chose to use his casting vote to uphold the decision.

The original Cabinet decision was therefore agreed.

9. The comment of Councillor Tolga Aramaz that he would like to see the results of the Government Consultation on the UK's Waste System and Michael Gove's recommendations in a future report to OSC.

**1016**

**MINUTES OF THE MEETING HELD ON 12 FEBRUARY 2019**

AGREED the minutes of the meeting held on the 12<sup>th</sup> February 2019.

**1017**

**DATES OF FUTURE MEETINGS**

NOTED the dates of future meetings as follows:

Provisional Call-Ins

- Thursday 11 April 2019

Please note, the business meeting of the Overview & Scrutiny Committee will be held on:

- Wednesday 3 April 2019

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# OVERVIEW AND SCRUTINY WORK PROGRAMME 2018/19

## The Role of Scrutiny in Meeting the Public Sector Equality Duty

The Overview and Scrutiny Committee has a key role to play in ensuring that the Council meets all the statutory duties under the Public Sector Equality Duty of the Equality Act 2010, particularly in ensuring that the authority has due regard to the needs of diverse groups when designing, evaluating and delivering services in order to –

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

In order to do this, the Overview and Scrutiny Committee will scrutinise the Council's Equality and Diversity Action Plan and Annual Achievement Report each year to monitor the Authority's performance. The OS Committee will be flexible enough to pick up on issues of inequality, wherever they arise in the Council work programme, or to delegate to individual workstreams for investigation. OSC has a key role in providing a 'critical friend' challenge to the Council's strategic equality objectives and scrutinising performance in delivering those objectives.

In addition, as part of their normal work programme, each workstream will (where relevant and proportionate) -

- request information about the equality impact assessments/analyses that have been undertaken whenever discussing proposals for new policies or future plans, or for current services, to inform their comments on those proposals or services
- examine these assessments/analyses of impact in detail to check if they are robust and have been developed based on strong evidence and appropriate engagement
- question and consider whether appropriate people have been involved and engaged in developing equality objectives and plans, and when assessing the impact of policies and proposals.
- when procurement award criteria and contracts are determined, consider whether or not specific equality stipulations are required
- Scrutiny may also wish to investigate the accessibility of equality and other published documents, asking questions such as –
  - what is done to promote these documents?
  - what languages or formats is the information available in?
  - which documents are most regularly required?
  - how aware are the public of the Authority's equality plans and performance?

# OVERVIEW AND SCRUTINY WORK PROGRAMME 2018/19

WORK	12 June (Planning)	12 July	26 <sup>th</sup> July	5 Sept	11 Oct	7 Nov	31 Jan	12 Feb	03 April
<b>Date papers to be with Scrutiny Team</b>		3 <sup>rd</sup> July	17 <sup>th</sup> July	24 <sup>th</sup> August		29 October	23 January	4 February	25 March
<b>Specific Topics:</b>									
Leader/ Cabinet Member			Leader-discussion item	Cabinet Member for Environment-Discussion item	Cabinet Member for Children's Services-Discussion item	Cabinet Member for Finance & Procurement		Cabinet Member for Health & Social Care	
Meridian Water								Report	
<b>Pre-Decision scrutiny</b>									
Genotin Road Carpark	Report								
Safeguarding Adults Strategy consultation 2018-23		Report							
Homelessness Strategy						Report			
Customer Experience Strategy				Report					
Budget Progress Update						Report			
Housing Repairs and Maintenance						Report			
Commercial Strategy					Report				

# OVERVIEW AND SCRUTINY WORK PROGRAMME 2018/19

WORK	12 June (Planning)	12 July	26 <sup>th</sup> July	5 Sept	11 Oct	7 Nov	31 Jan	12 Feb	03 April
ICT & Digital Strategy									
Potential Changes to Waste Strategy							Presentati on		
Small Sites Housing Development									Report
<b>Standing Items</b>									
Children's and Young People's Issues				Monitoring Items: Fostering & Adoption/IRO/LA DO/ Annual LSCB report		Children's Social Care Self - evaluation		Speech & Language Provision	
<b>Monitoring/Updates</b>									
Scrutiny Involvement in Budget Consultation 18/19							Budget Meeting		
Housing Repairs Scrutiny Workstream						Update			
Human Trafficking Scrutiny workstream									Update
Annual Corporate Complaints Report									
Customer Experience								Update Report	
Crime & Health Scrutiny Panels									Verbal update
<b>Work Programme</b>									
Setting the Overview & Scrutiny Annual Work Programme 2018/19	Agree Work Programme and discuss workstreams	Finalise workstreams							

## OVERVIEW AND SCRUTINY WORK PROGRAMME 2018/19

WORK	12 June (Planning)	12 July	26 <sup>th</sup> July	5 Sept	11 Oct	7 Nov	31 Jan	12 Feb	03 April
Selection of New Workstreams for 2018/19	Discuss new Workstreams	Finalise new workstreams							

Note: Provisional call-in dates: 19th June, 9th August, 13th September, 8th November, 6th and 20th December, 15th January, 7th February, 12th and 26th March, 11th April. These dates may also be used for pre-decision scrutiny as necessary. \*11th October was originally a provisional call-in date but will now be used for business meeting. Any call-ins received will take precedence at this meeting.

Please note that the above programme may be subject to change during the year