

Public Document Pack



OVERVIEW & SCRUTINY COMMITTEE

Wednesday, 22 May 2019 at 7.00 pm
Council Chamber, Civic Centre, Silver Street,
Enfield, EN1 3XA

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Councillors : Susan Erbil (Chair), Tolga Aramaz, Guner Aydin, Sinan Boztas,
Bernadette Lappage, Achilleas Georgiou, Edward Smith and Lee David-Sanders

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)
Elaine Huckell (Governance & Scrutiny Officer)

AGENDA – PART 1

1. WELCOME & APOLOGIES

2. ELECTION OF VICE CHAIR

To elect the Vice Chair for the Committee.

3. 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.

4. CABINET PRIORITIES FOR 2019/20

The Leader, Councillor Caliskan to outline the Cabinet’s priorities for 2019/20.

5. FUTURE OF THE RESPONSIVE REPAIRS SERVICE (Pages 1 - 16)

To receive a report from Joanne Drew, Director of Housing & Regeneration.

6. WORK PROGRAMME & WORK STREAMS 2019/20

To agree the Chairs for the Crime & Health Scrutiny Panels.

The Committee to discuss Work Programme items and new workstreams for 2019/20.

7. MINUTES OF THE MEETINGS HELD ON 11 APRIL & 23 APRIL 2019
(Pages 17 - 28)

To agree the Minutes of the meetings held on 11 April and 23 April 2019.

8. DATES OF FUTURE MEETINGS

To note the dates of future meetings as follows:

Provisional Call-Ins

Thursday 20 June, 2019
Wednesday 3 July, 2019
Thursday 8 August, 2019
Thursday 19 September, 2019
Thursday 31 October, 2019
Thursday 28 November, 2019
Thursday 19 December, 2019
Thursday 30 January, 2020
Thursday 6 February, 2020
Wednesday 4 March, 2020
Thursday 26 March, 2020
Tuesday 28 April, 2020

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

Tuesday 18 June, 2019
Tuesday 23 July, 2019
Wednesday 4 September, 2019
Thursday 7 November, 2019
Thursday 13 February, 2020
Thursday 2 April, 2020

The Overview & Scrutiny Budget Meeting will be held on:

Wednesday 15 January, 2020

MUNICIPAL YEAR 2019/2020 REPORT NO.**MEETING TITLE AND DATE:**

Cabinet
12th June 2019

REPORT OF:

Executive Director Place

Director of Housing and Regeneration
Joanne.drew@enfield.gov.uk

Contact officer and telephone number:
Garry Knights
Email: garry.knights@enfield.gov.uk.

Agenda - Part:	Item:
Subject: Future of Responsive Repairs Service	
Wards: All	
Cabinet Member consulted:	

1. EXECUTIVE SUMMARY

1.1. The Councils current contracts delivering day to day repairs and compliance contracts to Council houses are due to end in April 2020. We have considered the most appropriate approach for delivering the services going forward, with an aim to:

- a) provide improved value in terms of enhanced resident satisfaction,
- b) support the local community and local supply chain and
- c) effectively improve the condition of our properties.

1.2. The day to day repairs service has seen an improvement in customer and technical performance over the past 6 months. However, there remains room for continued improvement and greater flexibility as we improve the condition of stock through investment.

1.3. This report identifies and recommends a solution which seeks to manage risk, secure the continuing improvement of the service whilst providing value for money. It includes:

- a) A phased approach to insourcing the day to day repairs service whilst continuing to outsource compliance services;
- b) Proposed transitional arrangements for the gradual in-sourcing of repairs services whilst securing back up provision from existing contractors including beyond the end of existing contracts in April 2020 as necessary.
- c) Procurement of compliance, cyclical maintenance and major works, but with a view to consider bringing these in house in the future
- d) The development of in-house capacity to ensure the commercial

management of the in-house service and effective client-side arrangements for the mixed delivery model.

- 1.4. A budget of £1.2m from the HRA will be required to mobilise the new arrangements.
- 1.5. The report also proposes that progress with the new repairs service will be overseen by the Repairs Task Force chaired by the Cabinet Member for Housing and supported by an Operational Board.

2. RECOMMENDATIONS

1. Agree a phased approach to in-sourcing the day to day repairs service as detailed in section 3 and note the creation of a multi-disciplinary Operational Board which will report on progress to the Repairs Task Force.
2. Approve budget of £1.2 million, allocated over 2 years, funded from HRA repairs reserve
3. Note that a 5 year business plan will come forward as part of the annual HRA budget cycle for 2020/21
4. Delegate authority to the Director of Housing and Regeneration to commence procurement and tendering exercises to mobilise 5 year contracts, for compliance works including gas servicing, electrical checks and lift services along with back up responsive repairs services.

3. BACKGROUND AND CURRENT POSITION

The Council owns 10,500 homes for which it carries full repairing obligations plus a further 5,000 leasehold properties for which it retains de-minimis repairing obligations (common parts, consequential damage from Council dwellings etc.

Day to day maintenance and voids activity is currently organised as follows:

- Day to day responsive repairs currently being provided by MCP property services and MNM Property Services Limited on measured term contracts expiring in April 2020.
- Void works being provided by a number of small local companies of circa 450 HRA properties plus circa 500 Housing Gateway, Regeneration and PSL properties annually

- All compliance works and Mechanical and Electrical (M&E) (gas servicing, periodic electrical inspections, legionella, lightening protection, etc), heating installation and repairs, (domestic and communal), electrical installations and repairs are provided by T Brown and Purdy on measured term contracts expiring in April 2020.
- Lift servicing contracts via Liftech and managed through MAND and running to 2022.

The following performance is currently being secured on the repairs and M&E services following a period of improvement as overseen by the Repairs Task Force. This does demonstrate that better client management can make a difference to contractor performance:

- Number of overdue repairs has reduced from around 12% to 5%
- Number of missed appointments had reduced from 2.4% to 0%
- The number of first-time fixes has improved from 26% to 76%
- Number of properties with a current gas certificate 99.76%

The voids service performs well with an average turnaround time of 18 days.

The Council has out-sourced the repairs service for a number of years and whilst the service is improving the variable quality of service remains.

A stock condition survey is currently in progress and this will give us information to develop long term investment strategies which will also inform the nature of intermediate responsive repairs. Over the years the Council has maximised all sources of investment into the stock. However, the Decent Homes Standard has not been maintained and wider issues around the condition of ageing infrastructure in high risk blocks means that there is a significant backlog of works arising. The Council is committed to investing in its stock and has developed the Better Council Homes programme, which will see some £41m investment in the stock during 2019/20.

In addition, it has launched an in-house MOT repairs service to support our vulnerable tenants, identify high and low end users of the repairs service and provide a quick response on problematic issues and residents.

With ongoing resident satisfaction testing through our quarterly BMG programme and the introduction of a new housing management system we will have greater knowledge and capacity to improve the service.

APPROACH TO DELIVERING BETTER COUNCIL HOMES

The Repairs Task Force has considered, along with specialist advice from APSE, the options for the future service. It has concluded that as well as the need for continued improvement in the delivery of responsive repairs services, strategically the best outcomes can also be achieved by having more control

over the direction and delivery of the repairs service – especially as investment work takes place and over time the needs of the stock will change.

Key priorities for a new service model have been identified as follows:

- A high quality, right first-time repairs service with an appropriate approach to the replacement of components as opposed to repair to deliver overall value for money and resident satisfaction,
- A call resolution service which is focused on repairs diagnosis, scheduling the work of the operatives and ongoing customer service management. This will eliminate duplication inherent in the existing service model and ensure that the service has the best chance to deliver the right first-time service.
- The ability to deliver a repairs “plus” service which helps identify vulnerable tenants and meet their immediate need whilst supporting and signposting to additional help
- The development of resident’s awareness of how to take care of their home and how to complete minor jobs that are part of the day to day responsibility of renting a home. This to be through Information, Advice and Guidance to be provided in a range of formats.
- Employment and development of local people including the creation of apprenticeships and seeking to support female operatives.
- Increased use of local supply chains and small and medium enterprises (SMEs)
- Greater ability to influence the culture of the workforce including embedding a customer centric ethos.
- A more streamlined service, with an improved end to end experience for customers including efficiencies being delivered through better repairs diagnosis and a reduction of administration associated with contractor payments.
- The ability flex and alter the service in the light of investment, estate renewal and new housing development without the need to renegotiate external contracts which can result in cost increases.
- An appropriate level of risk in terms of service delivery and cost is carried by LBE

MIXED DELIVERY MODEL

In response to the service priorities, a mixed delivery model has been identified as the most appropriate solution. This would allow the in-sourcing of the parts of the service that will give us most control over resident satisfaction - emergency, urgent and routine repairs works, including small electrical and plumbing works and the continuation of the MOT service with the continued out-sourcing of the high-risk compliance works, major work programmes and voids.

This to include:

- An in-house emergency, urgent and routine repairs service, including small electrical and plumbing works, by growing the existing MOT service whilst undertaking a planned demobilisation period of the existing repairs contracts.

- An organic managed growth approach which will allow the in-house service to undertake a significant % of the service by April 2020 but supported by the existing repairs contractors until full implementation is achieved.
- The potential to negotiate a back up provision from existing contractors beyond April 2020 should unforeseen challenges arise with the mobilisation. The development of in-house capacity to ensure the commercial management of the in-house service, with the potential for it to extend the range of services it offers to others and effective client-side arrangements for the mixed delivery model.

IMPLEMENTATION

A Project Board has been established which is working on a programme of activities, resource required, and the governance approach required to deliver the mixed model. The Board will report progress to a Steering Group chaired by the Cabinet Member for Housing with members of the Repairs Task force.

To support this change the following approach to the client side will be pursued:

- Commercial leadership – a senior project manager/repairs manager, with extensive experience of developing in-house services, will be engaged reporting directly to the Head of Property Services
- Back Office infrastructure - developing the appropriate back office structure which will include creating and employing a number of new roles, including planners, charge hands and quality control (A full skills gap analysis will be undertaken which will lead to a training plan and migration approach where staff from the existing model will transfer into the new structure where appropriate)
- Technology - Identify all additional IT systems and mobile working facilities.
- Supply chains development – material suppliers, plant hire, fleet hire and other associated requirements will be developed along with the appropriate governance and financial control frameworks.

The service will be mobilised as part of the Better Council Homes transformation project which will ensure the relevant ICT solution is provided as an integrated part of the transformation programme already underway. (Civica CX will form the base system but we will need to develop additional modules, additional planning software such as DRS and stock control systems).

In order to secure this programme a budget of circa £1.2 million will be required to mobilise the infrastructure required to take on the service.

This has been informed by specialist advice received from APSE. A contingency budget has been included in this forecast.

The indicative costs are broken down as follows

Cost	19/20	20/21
IT infrastructure	300,000	
Initial van stocks		50,000
Parallel running of service	150,000	150,000
Temporary management resource pending permanent recruitment	120,000	30,000
Specialist technical advice	50,000	
Legal costs	50,000	
Provision of backup repairs contractor for an initial period		100,000
Initial training	25,000	25,000
Uniform/PPE and tools		50,000
Contingency	50,000	50,000
Total estimated costs	745,000	455,000

Ongoing costs will depend on final salary and benefit packages, fleet cost, ongoing IT support and development and other relevant supply chain costs but we expect to deliver the service within the current £4.8m included in current revenue budgets (circa £111/repair).

Mobilisation will also require significant support from other services including:

- ICT to be provided as part of the Better Council Homes Transformation Team
- Dedicated HR support to manage the TUPE, employment framework and ongoing recruitment issues
- Support from the Procurement Team to manage the procurement of the contracted services to go live from 1 April 2020.
- Support from customer services to manage the transition to the new model

This approach would also require a controlled demobilisation period of the existing contracts and wider working arrangements.

A soft start approach in which LBE organically grows its in-house capability whilst reducing the dependency on external contractors would seem to be the most appropriate approach based on the relatively short mobilisation period available. There is provision in the mobilisation budget for this approach and scope from within existing budgets to manage a phased transition. LBE would grow its existing MOT service, which provides a suitable vehicle to test and hone front and back office processes, whilst having a back-up provision should initial problems occur.

This would require the Council to extend one or more of the existing relationships for an agreed period of time as a backup service. This would

require some negotiation as it would require a diminishing resource which differs from the current arrangement.

4. ALTERNATIVE OPTIONS CONSIDERED

A number of models have been identified which could be used to deliver the repairs service;

- A full in-sourced service
- A fully out-source model
- A mixed delivery model
- Partner with another public body
- Establish a wholly owned company or special purpose vehicle
- Establish a joint venture with a private organisation

With our current contracts ending in April 2020 a model will need to be adopted which is relatively quick to establish and will minimise any service downtime.

Any approach taken also needs to reflect the relatively high investment requirement in LBE homes, the increased health and safety requirements which will flow from the Hackett review, the impending change in the Decent Homes standard (which will likely bring a significant enhancement in the standard) and the number of High-Rise properties we have in our stock.

Accordingly, only two other realistically deliverable options were considered the fully out-sourced model or the fully in-sourced model.

Full in-source model - To fully in-source all services, including the significant capital works programme, all compliance works (including gas safety, legionella and fire safety) would require a significant workforce and back office function. Anecdotal evidence from contractors shows how difficult it is to recruit quality trade staff at this time and LBE's own experience of the difficulty attracting quality back office staff would suggest that this should be a longer-term aspiration, incrementally implemented.

Additionally, the full risk for all delivery, performance, health and safety failures, and service failure would lie with LBE.

Out-Sourced Solution -This would be a continuation of LBEs existing model, albeit following a re-procurement exercise which would potentially procure different contractors from those currently providing the service.

ONS repair and maintenance output prices (see appendix 1) would suggest we would see an uplift on the existing contracts of circa 5% if we undertook this approach.

However, it is very clear that the current performance of the contractors is caused in a large part by;

- Poor procurement - having 4 contractors delivering day to day repairs across a relatively small housing stock

- Poor initial mobilisation with failure to adequately address basic policy and process issues
- The lack of IT integration
- The lack of cultural integration and a clear customer charter or code of conduct
- The poor contract management from LBE

This remains the lowest risk option in terms of both cost and quality, and through relevant contract terms and pre-start approaches LBE could influence local labour, culture and an improved service to vulnerable tenants.

However, the contractual relationships would allow LBE less flexibility to change work flow as the benefits from the MOT service and major works programme are realised. It would also give LBE less direct control of operative in regard to high profile works or targeted improvement programmes.

Each of the other models working with third parties would likely require significant governance and procurement pieces which will likely preclude them being in place in time.

5. REASONS FOR RECOMMENDATIONS

This model provides the best balance of risk management and resilience whilst having control of the culture, quality and right first-time approach which will form the core requirements of the service by directly employing, training and engaging with operatives.

The council will be able to embed the repairs plus approach in the service taking direct control of the end to end customer experience whilst delivering employment and economic development strategies that will be of benefit to residents and SME providers.

The below table demonstrates the cost/benefit aims for the service:

Cost	Benefits
£1.2 million initial set up costs	Improved control over service to drive an improved customer experience and reduce failure demand
Additional overhead recharges (HR, Finance)	Support of the local economy, labour and supply chain
	Potential to create opportunity in apprentice schemes for local residents
	Reduction in the number of complaints and MEQs and the direct and indirect costs associated with these
	Quicker resolution of problems
	Greater flexibility to change service in line with the needs of the stock, changing legislation and the needs of customers

	Ability to drive cultural change in the workforce to enhance the overall delivery of our Council Housing Service
	Ability to develop a wider range of services for residents, private sector landlords and others to generate additional income to maximise the overhead costs and wider benefits from the model.

It should be noted that there is a risk that the performance of the service may initially dip as we embed new staff, processes and ways of working. Whilst this should be a short term issue other organisations who have implemented in-sourcing have experienced this and it may take some time to reach the expectations of this service. This can be mitigated to some degree by ensuring an effective mobilisation period.

6. COMMENTS FROM OTHER DEPARTMENTS

Financial Implications

These mobilisation costs will be funded from the HRA Repairs Reserve.

The current cost of the responsive repairs service is £4.8m and by in-sourcing it is estimated that the current budget will be adequate. The below summary shows a proposed high-level service plan (it should be noted that the HRA Business Plan currently has an annual CPI inflationary uplift annually)

Trades Staff	20/21 (£)	5-year costs (£)
Salaries inc on-costs x 36 FTE	1,800,000	9,000,000
Apprentices x 4 FTE	28,000	140,000
Tools	16,000	80,000
Vans	200,000	1,000,000
Mobile devices	50,000	250,000
Materials	550,000	2,750,000
PPE and Misc.	16,000	80,000
Training	20,000	100,000
Fuel	200,000	1,000,000
Back Office (additional staff)		-
Salaries inc on-costs x 8 FTE	360,000	1,800,000
Specialist Services		-
Scaffolding	250,000	1,250,000
Asbestos	350,000	1,750,000
Other Subcontractors	500,000	2,500,000
Plant Hire	25,000	125,000
Contingency 10%	435,000	2,175,000
Total	4,800,000	24,000,000

Whilst the in-house provision is not expected initially to demonstrate cost savings the aim of the service is to offer the broader benefits outlined previously.

It is also expected that the cost of delivering the service will reduce over time as the benefits of the MOT approach and the significant capital works programme will reduce the number of repairs required each year across the council's properties. It should however be noted that the construction sector in London is generally under pressure with a skills shortage and rising costs which will put pressure on any delivery model in the future.

The 5 year business plan will include a number of key assumptions:

- Inflation on costs
- An efficiency target
- Income generation targets
- A planned reduction in the number of responsive repairs being required following the major works, cyclical programmes and MOT approaches operating for a period of time

The responsive repairs budget is included within the HRA 30-year business plan and is inflated on an annual basis by CPI.

The outturns for the last 3 years are:

	2016-17	2017-18	2018-19
Responsive Repairs Spend	tbc	tbc	4,805,578

There will be a period of parallel running as the soft start mobilisation is implemented. Whilst a level of parallel running costs have been included in the mobilisation costs it may be necessary to increase this provision whilst decreasing spend with external contractors, within the overall financial envelope.

It is currently unknown how much the full fleet service costs will be, these costs will include vans (included in budget), staff to manage the contract and potential IT requirements i.e. dash cams etc. These may have additional costs which are not included in the costs above.

The software costs of IT requirements are included within the budget request but there could also be some on-going IT costs (license fees) that haven't been identified, these costs aren't included in the budget but may need to be considered in the future.

This project will require Council services to support the changes in this service. The effect on these departments will need to be considered, both financially and by deliverability (increase in workload/training requirements). For example, the customer services team will need a new process to deal with the change in how calls are allocated and managed, this could result in a new delivery model.

The repairs service also supports the Temporary Accommodation and Housing Gateway property repair requirements. Consultation with these departments will be required to ensure there is smooth transition. Any additional costs will need to be identified, but as the proposed service isn't expected to increase in cost an increase isn't anticipated.

Additional indirect service costs like HR and payroll will be identified..

Legal Implications

The Council has power under section 1(1) of the Localism Act 2011 to do anything individuals generally may do providing it is not prohibited by legislation and subject to Public Law principles. There is no express prohibition, restriction or limitation contained in a statute against use of the power in this way.

Under Section 111 of the Local Government Act 1972 local authorities may do anything, including incurring expenditure or borrowing which is calculated to facilitate or is conducive or incidental to the discharge of their functions.

Under Section 11 of the Landlord and Tenant Act 1985 (as amended) the Council has repairing obligations in respect of properties which are occupied by its tenants. Under Schedule 6, Part 111 of the Housing Act 1985 similar responsibilities are placed on the Council in respect of properties held on leases after having been sold under the Right to Buy scheme.

The Council will need to ensure that any future procurements are compliant with the Public Contracts Regulations 2015 (where applicable) and the Council's Contract Procedure Rules.

Any contracts resulting from such procurements will need to be in a form approved by the Director of Law and Governance.

(Legal imps provided by MO'C on 14/03/2019 based on a report circulated on 12/03/19).

Procurement

A benchmarking exercise on our current compliance contractors show that the current day rates are in line with other London boroughs providing similar services. This give comfort that LBE will be able to re-procure the compliance works with limited financial impact at this time. LBE will engage with the procurement hub to ensure value for money is delivered in these projects which will include an increased focus on the use of local labour and supply chains and supporting apprenticeships, targeting Enfield residents.

Property Implications

No corporate property implications considered at this time

7. KEY RISKS

RISK	MITIGATION
<u>Procurement Route</u>	
Model not tailored to our current position and future needs is adopted	Regular Engagement with the repairs task force has identified their preferred option as in-sourced Engagement with APSE to provide a summary report of the benefits and risk of the mixed model Will continue to engage with other relevant consultants as required
<u>Mobilisation/demobilisation</u>	
Ineffective service mobilisation	Develop a project board to drive the mobilisation of the service
Civica implementation	The successful introduction of in-sourcing the responsive repairs service is reliant on the implementation of the Civica CX system which is programmed to go live in December 2019. Close monitoring of the Civica project team is in place and any projected delays will be escalated accordingly
IT infrastructure not in place	Ensure adequate resource in place and business support to deliver IT

	requirements. Back up arrangements with existing contractors procured
The existing contractor's performance dips significantly during the demobilisation period	Continue to work closely with the existing contractors to help manage the demobilisation
Cost overruns	The project group will provide financial control over the mobilisation budget
Service development:	
Available workforce on LBE pay grades and contracts	Significant marketing testing and benchmarking will need to be undertaken. It may be necessary to implement alternative packages
TUPE (poor quality transferred or no transfer)	Legal requirement, limited ability to influence Scaling up of MOT service gradually provides some capacity
Business support to mobilise the individual elements, especially around HR, Procurement and IT	Engage business early and often to gain commitment. Procure additional resource if required
External competition for staff	Ensure adequate benchmarking and flexibility in pay scales
Continuity of service during demobilisation of existing contracts	Look to engage contractor for a soft start mobilisation
Suitable back office support	Benchmark salaries, consider training and upskilling from within
Internal processes are not dynamic enough to support the pace required to develop the service	Work with governance teams to understand key milestones and potential bottlenecks. The delivery programme will need to be developed to reflect this.
Service delivery:	
Reputational risk for service failures fall directly on LBE	Ensure quality of staff, systems, quality control measures are in place ahead of go live
Poor quality of staff without the right front and back office skills	Targeted requirement and appropriate pay scales. Should we fail to recruit we could use an externally managed model DLO as an interim solution.
Poor quality control	Ensure an appropriate back office structure in place to check quality
Failure to support ongoing IT needs	Work with IT teams to understand need
Delivering and evidencing value for money	Develop a core KPI suite, benchmark against others
All H&S matters	Develop H&S training matrix, tool box talks
Fleet and driving issues	Adequate policies and controls in place
Maintaining the right supply chain	Ensure suitable procurement exercise undertaken, due diligence

Higher delivery cost than existing model	<p>Close cost control and governance mechanism will be in place overseen by relevant officers.</p> <p>Direct control will give us greater flexibility to change and alter the service should additional cost pressures occur and to look for service efficiencies where possible</p> <p>A 10% contingency has been included in the high level business plan</p>
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8. IMPACT ON COUNCIL PRIORITIES - CREATING A LIFETIME OF OPPORTUNITIES IN ENFIELD

Good Homes in Well-Connected Neighbourhoods

The service will support the wider asset management strategy and resident safety programme in delivering well maintained homes which meet the requirements of our residents, help residents stay in their home and tackle fuel poverty

Sustain Strong and Healthy Communities

Our service will give us the flexibility to tackle both individual homes and the communities in which residents live. By taking a proactive approach to responsive repairs we will be able to help tackle anti-social behaviours and give residents pride in their communities

Build our Local Economy to Create a Thriving Place

We will focus on supporting residents into work opportunities within the service and using the local supply chain to support the service

9. EQUALITIES IMPACT IMPLICATIONS

To be completed

10. PERFORMANCE AND DATA IMPLICATIONS

A full suite of KPIs will be developed which measure as a minimum:

1. Calls – received and answered within corporate timelines
2. Repairs – right first time for each of the classifications (surveys, emergency, urgent, routine)
3. Repairs – cost for each of the classifications (emergency, urgent, routine)
4. Repairs – Customer satisfaction with repairs – overall service and actual repair
5. Major works - Customer satisfaction with works

6. Major works - % of projects on programme
7. Major works - % of projects on cost
8. Compliance - the full suite as already published
9. MOT - number completed
10. MOT - Customer Satisfaction
11. MOT - number of actual repairs (link to cost saving)
12. MOT - number of follow on repairs
13. Compliant - number overdue
14. Complaints
15. MEQs - number overdue

This will allow us to monitor the service against targets and also against our local peer groups

The successful delivery of the service will require an improvement in the current performance, especially around right first time, and we will work with relevant stakeholders to determine the most appropriate performance levels. Initially however we would be looking for a reduction in the number of complaints received around the day to day repairs service.

11. HEALTH AND SAFETY IMPLICATIONS

The out-sourced model currently used leaves us vicariously liable for Health and safety of operative working on our projects. This is currently mitigated through the Contractors Health and Safety polices, driving policies, the CDM regulations, relevant insurance being in place and other measures. This is validated by LBEs Corporate Health and Safety Team undertaking regular audits of the contractor.

Any in-source model will mean that LBE take direct responsibility for all Health and Safety of operatives on site.

This will be mitigated by developing current Health and Safety approach for other directly employed operative into more specific approaches for this service. LBE will also need to ensure there is sufficient provision within our insurance policies.

12. HR IMPLICATIONS

In sourcing of day to day repairs will initially require circa;

- 30 multiskilled tradesperson delivering all works.
- 3 dedicated plumbers/heating engineers
- 3 Electricians
- A number of apprentices to support the team which LBE will train and support through to full competency

This represents a realistically achievable workforce which could be recruited given the timescale (some of which may come through TUPE from the current contractors).

Excellent, timely and effective communication will be required by all parties to ensure that time frames are realistic, urgencies and legal processes are clearly understood, and workloads are effectively planned.

Elements of this proposal could constitute a service provision change under the TUPE regulations. Should this be a TUPE situation staff assigned to the provision of these services would be entitled to transfer in to the organisation with their current terms and conditions intact and these can only be changed in very limited circumstances.

The contractor, as the transferor, will lead the formal consultation process however significant support and engagement will be required from both the department and HR teams to ensure that statutory obligations are met, and the transferring employees are smoothly on-boarded and welcomed into the organisation.

In accordance with statutory regulations and Council guidelines, consultation will need to take place with staff and trade unions for existing LBE employees who may be impacted by this proposal.

New job role profiles will need to be produced and formally submitted to HR for evaluation. In addition, there may be a requirement to conduct wider industry research to understand the current market rate for these roles and ensure that we are able to offer competitive rates of pay whilst adhering to the ethos of equal pay for work of equal value. New roles should be recruited to in accordance with Council guidelines.

Any potentially displaced staff will be given access to the Council's Redeployment site and, should they be confirmed as displaced, they will have additional rights and will be entitled to be matched to suitable posts arising via redeployment. If redeployment proves unsuccessful, a redundancy payment and early retirement benefits will be payable as appropriate to eligible employees in accordance with current policy. Formal Redundancy Payment Approval will be required.

Consideration will need to be given to both the short term resource required to recruit, on-board, equip and train these new employees and the long term ongoing support that an additional team of this size will require.

OVERVIEW & SCRUTINY COMMITTEE - 11.4.2019

**MINUTES OF THE MEETING OF THE OVERVIEW & SCRUTINY COMMITTEE
HELD ON THURSDAY, 11 APRIL 2019****COUNCILLORS**

PRESENT Derek Levy, Huseyin Akpinar, Tolga Aramaz, Gina Needs,
Lee David-Sanders and Edward Smith

**STATUTORY
CO-OPTES:** *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: Doug Wilkinson (Director of Environment & Operational
Services)
Jessie Lea (Head of Strategic Property Services)
Susan O'Connell (Secretary)
Elaine Huckell (Scrutiny Secretary)

Also Attending: Councillor Joanne Laban (Leader of the Opposition),
Councillor Lindsay Rawlings, Simon Allin, (Newsquest North
London)

1064**WELCOME & APOLOGIES**

The Chair, Councillor Levy welcomed all attendees to the meeting.

Apologies had been received from Councillor Susan Erbil, Councillor Ahmet
Oykener (Cabinet Member Property and Assets), Mark Bradbury and Wesley
Pemberton.

1065**DECLARATIONS OF INTEREST**

There were no declarations of interest.

1066**CALL IN: PROPOSED MARKETING AND LEASEHOLD DISPOSAL OF
WHITEWEBBS PARK GOLF COURSE**

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 -

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Proposed marketing and leasehold disposal of Whitewebbs Park Golf Course (Report No:210).

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

Councillor Levy reminded everyone that discussion on the call-in should be about the specific reason for call-in given in the papers and response to this. He asked Councillor Laban if Overview and Scrutiny Committee were being asked to revert the decision taken by the Cabinet Member for Property and Assets and Councillor Laban gave confirmation to this.

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

1067

MINUTES OF THE MEETING HELD ON 19 MARCH 2019

AGREED the minutes of the meeting held on 19 March 2019.

1068

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).

1069

PROPOSED MARKETING AND LEASEHOLD DISPOSAL OF WHITEWEBBS PARK GOLF COURSE

The Committee received the information provided on the Proposed Marketing and Leasehold Disposal of Whitewebbs Park Golf Course, which had been included in the part 2 section of the agenda.

NOTED

The information was considered in conjunction with the report on the part 1 agenda.

The Chair invited Councillor Laban to outline the reason for call-in.

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Councillor Laban referred to the Delegated Authority Report which requested that a more flexible approach be taken to marketing and agreeing the property transaction of Whitewebbs Golf Course to optimise the delivery of the Council's wider corporate objectives. The reason given for call-in was that the report failed to go into any detail as to why the current business model is failing.

Councillor Laban highlighted the following:

- The report did not give details of the type of interest that is expected for maximising the level of commercial interest in Whitewebbs Park Golf Course.
- No reference is made in the report to Whitewebbs Park being in the heart of the Green Belt area which is greatly valued by Enfield residents.
- If losses had been made over previous years it was questioned why efforts had not been made sooner to improve the situation.

The responses given were as follows:

- Doug Wilkinson said details relating to this property asset had been included in a previous report, this was the second report on this issue.
- The Council had improved marketing and reduced costs. All efforts had been made to improve finances, but the model was failing.
- One reason the model was failing may be due to licensing restrictions.

Other points discussed included:

- This was a great community asset.
- Although numbers appeared to be declining a reduced loss was shown for 2018/19.
- Whether money should have been invested to improve facilities. It was stated that the Council was becoming more commercially focused, as it needed to ensure an enterprise was financially viable.
- A leisure related facility/ opportunity is anticipated for consideration. A lease would be limited to twenty-five years. No development to be considered if not planning compliant.
- The report shows that attempts had been made in the past to improve finances and this decision was an attempt to make the asset an economically viable one.
- Consultation would include 'Friends of Parks Group'

Following the discussion and noting the answers given, Councillor Laban said she would be happy for the decision to stand.

Overview & Scrutiny Committee considered the reason provided for the call-in and responses provided. Having considered the information provided the Committee agreed to confirm the original Portfolio decision:

2.1 Agrees to the proposed marketing and disposal process described within the report, for Whitewebbs Park Golf Course.

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2.2 Delegates the authority to the Director of Property and Economy to instruct the Director of Law and Governance to draw up legal agreements for a suitable property transaction for Whitewebbs Park Golf Course.

2.3-2.4 Recommendations detailed in the Part 2 report

Councillors Levy, Akpinar, Aramaz and Needs voted in favour of the above decision. Councillors David-Sanders and Smith voted against. The original Portfolio decision was therefore agreed.

Councillor David-Sanders said he would like it noted that he voted against the decision because he thought that this should have been undertaken once the new Property Strategy was agreed.

DATES OF FUTURE MEETINGS

NOTED the dates of future meetings as follows:

Call-In Meetings

- Tuesday 23 April 2019
- Wednesday 1 May 2019

**MINUTES OF THE MEETING OF THE OVERVIEW & SCRUTINY COMMITTEE
HELD ON TUESDAY, 23 APRIL 2019**

COUNCILLORS

PRESENT Derek Levy (Chair), Tolga Aramaz, Sinan Boztas, Edward Smith, James Hockney, Rick Jewell, Joanne Laban and Michael Rye

STATUTORY CO-OPTES: *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: Sarah Cary (Executive Director Place)
Jeremy Chambers (Director of Law & Governance)
Melanie Dawson (Senior Regeneration Lawyer)
Lisa Woo (Design and Planning Lead Meridian Water)
Peter Alekkou (Head of Service – Place)
Andy Ellis (Scrutiny Officer)
Elaine Huckell (Scrutiny Secretary)

1089

WELCOME & APOLOGIES

The Chair, Councillor Levy welcomed all attendees to the meeting. Apologies had been received from: Councillor Nesil Caliskan (Leader), Councillor Susan Erbil, Councillor Huseyin Akpinar, Councillor Gina Needs and Councillor Lee David-Sanders.

Councillor Rick Jewell was substituting for Councillor Gina Needs. Councillor Sinan Boztas was substituting for Councillor Susan Erbil. Councillor James Hockney was substituting for Councillor Lee David—Sanders and Councillor Michael Rye was substituting for Councillor Edward Smith for item 3 (Call In :ESPO Framework 664-117 Contract Awards) as Councillor Smith was leading on this Call-In. Councillor Laban was leading on the Call-In for item 4 (Procurement of External Legal Advisers for the Meridian Water Programme).

1090

DECLARATIONS OF INTEREST

There were no declarations of interest.

1091

CALL IN: ESPO FRAMEWORK 664-117 CONTRACT AWARDS

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The Committee received a report from the Director of Law and Governance outlining details of a call-in received on the Portfolio decision taken by the Leader on -ESPO Framework 664-117 Contract Awards (Report No:222).

NOTED that this report was considered in conjunction with the information in the part 2 agenda. All discussion was held under the part 1 section of the agenda.

Councillor Levy reminded everyone that discussion on the call-in should be about the specific reasons for call-in given in the papers and response to this.

The Chair invited Councillor Smith to outline the reasons for call-in.

Councillor Smith said he was not criticising the report but the outcome from the procurement process.

He highlighted his concerns as follows:

1. That only one bid had been received for the provision of multi-disciplinary planning and design services over the next four years at Meridian Water. Value for money for this was not demonstrated.
2. The report describes the procurement process employed. The decision was made to use the ESPO Framework (Eastern Shires Purchasing Organisation), with a 'Lot selection' (Lot 8g) applied for the services we required. He explained that other frameworks could have been used. Of the ten companies who could have been approached to tender for this work from the framework he anticipated that four or five would be interested and he thought they should have been spoken to by one of our senior representatives to determine their interest. From this we should have been able to determine whether the 'Lot' we had applied was appropriate or whether another should have been used.
3. Only four weeks was given for bidders to respond to this multi-disciplinary planning and design service and the field invited to tender was too large for the firms to have a realistic chance of success.
4. The parent company in the US of the successful bidder had been in various contractual disputes with the US Government and others. It was questioned whether the Leader would have been aware of this fact, when she took this decision. It was thought this should have been a consideration when deciding to award the contract.

Councillor Smith said he thought the procurement system used appears to be flawed, the arrangements used should be reviewed as it appears that the only opportunity to scrutinise decisions of this kind is through the call-in process.

Responses given were provided by Sarah Cary, Peter Alekkou and Lisa Woo as follows:

1. When considering the aspect of 'value for money' it is not only the financial details but also efficiency that should be shown. In August we

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had looked at using a multi- disciplinary approach, to work across a range of projects.

2. In September 2018 the Council invited tenders from all Service Providers contained within Lot 8g 'Regeneration and Regional Development' to submit a tender, except for those who had requested to be excluded from the tender. Of the 10 appropriate suppliers, five had confirmed their interest.
3. The four weeks given for bidders is not unusual, sometimes a period of two weeks can be given. A set- time period would not have been given without having a dialogue with bidders first. Of the bidders, five said they were interested and three that they were not. Sometimes bidders might ask for us to extend the deadline but in this case they did not. Afterwards we contacted those that had not tendered. The main reasons given for not tendering were that they were unable to take on further commitments and that they did not have the required resources for the project.
4. It was confirmed that a rigorous evaluation process had been undertaken.
5. In answer to a question from the Chair it was confirmed that all service providers including the winning bidder on the ESPO framework, are governed by UK and EU Public Contract Regulations.

Other points discussed included:

1. Councillor Rye said it was unfortunate that the person who had made this decision was not at the meeting. He was happy with the four weeks that had been given for bids to be received but as a figure of 4% above the market rate had been mentioned, he did not feel that we had demonstrated value for money had been given. Sarah Cary stated that we were happy to tolerate figures given.
2. The parent company is in the USA and the bidding company is an operational company based in the UK. The state of litigation of the parent company was not relevant for us in determining the winning bidder. Whilst Sarah Cary did not think the Leader would have been aware of litigation in respect of the parent company, she said that this was not relevant.
3. Cllr Hockney asked if the 'break clauses' quoted for the contract were unilateral and could be brought about without reasons given. It was confirmed that this was the case. It was also confirmed that the scope of the contract was refined by us at an early stage.
4. It was asked if the value of the contact quoted was based on a fixed price element – an answer was given that it was based on day rates. Our teams had come together to look at the services we may require for the future, it would be 'needs driven'.
5. It would be possible to use our 'in house' people more in future as we are building capacity. The contract would be useful in this respect.
6. It was asked if the UK company had been in any disputes such as those mentioned for the parent company, it was thought this was unlikely as they remain on the ESPO framework.
7. In answer to a question as to whether it was considered that we should have a re-bidding process as only one bid had been received, an

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answer was given that the framework agreement allows us to take just one bidder if we think it acceptable and value for money.

8. Confirmation was given that officers considered the framework used was appropriate for our needs.
9. Councillor Hockney requested that a copy of the day rates quoted would be sent to him.
10. It was confirmed that the decision to retender would not be taken lightly as it may deter all bidders.

Councillor Smith was asked to summarise, which was as follows –
He said whilst it is not a crime to have a single bidder, it is not ideal and although an interesting discussion had been held, it is not clear why, if the council went to the trouble of contacting all bidders and five had stated that they were interested, that only one bidder had tendered.

In response, it was stated that the other potential bidders had cited lack of resources and capacity as the reason they did not put in bids.

Following the discussion, Overview and Scrutiny Committee considered the reasons provided for the call in and responses given. Having considered the information, the Committee agreed to confirm the original portfolio decision:

- To award the contract to Consultant A

Cllrs Levy, Aramaz, Jewell and Boztas voted in favour of the original decision, Cllrs Rye and Hockney abstained. The original Portfolio Decision was therefore agreed.

Councillor Smith exchanged places with Councillor Rye at this point and Councillor Rye left the meeting.

Councillor Joanne Laban led the Call-in on the following item -

1092

CALL IN: PROCUREMENT OF EXTERNAL LEGAL ADVISERS FOR THE MERIDIAN WATER PROGRAMME

The Committee received a report from the Director of Law and Governance outlining details of a call-in received on the Operational Decision taken on Procurement of External Legal Advisers for the Meridian Water Programme (Report No. 221)

NOTED that this report was considered in conjunction with the information in the part 2 agenda. All discussion was held under the part 1 section of the agenda.

The Chair invited Councillor Laban to outline the reasons for call-in.

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Councillor Laban highlighted the following:

1. It is not clear why the decision to continue with the original contract - Trowers and Hamlins LLP was taken so late, when it had expired on 4 March 2019. Therefore, there had been a break in continuity.
2. Although it had been stated that the Procurement and Commissioning Board had approved the procurement and use of the CCS (Crown Commercial Service) Framework in August 2018, it took eight months to award the contract. Using the framework had taken longer than it would have done using the OJEU (Official Journal of EU). Knowing that the contract was due to expire 4 March 2019 it is not clear why there was this delay.
3. Although it has been stated that best value has been achieved, it is not clear how this has been assessed, for example whether there has been any benchmarking undertaken.
4. Under the contract we are paying via an hourly rate system, it is not clear why this should be preferable to using a capped fee service.

Cllr Boztas left the meeting at this point.

The Chair said it may be helpful if the Director of Law & Governance could explain why it was considered a crucial time for the contract to continue with the same provider rather than to transition to an alternative. Also, why if this is crucial why the contract is only for a year.

Responses given were provided by Jeremy Chambers and Melanie Dawson as follows:

1. Throughout the delivery of the Meridian Water Project, there will be different points where it may be advantageous to have a new procurement for legal advice. However, this is not the time for this as we are in a transitional phase and there are significant benefits in terms of efficiency and effectiveness in ensuring continuity of service with Trowers and Hamlins LLP. This company have extensive knowledge of the complexities of the Meridian Water project and their experience would be necessary as the next phase of Meridian Water is brought forward.
2. Robust contract monitoring is undertaken. We are sourcing our own in-house team and this would be helped by extending the Trowers & Hamlins LLP contract for the one year term. Trowers & Hamlins LLP would support the in-house team only where there is insufficient capacity or expertise in-house. Council officers are currently exploring the possibility of an arrangement whereby trainee solicitors at the council undertake a period of work at Trowers and Hamlins LLP, at no cost to the council.
3. It was acknowledged that delays had occurred. This was primarily because the CCS framework had not been ready, the launch date of the CCS Framework was outside officer's control. Had it been ready, and the decision could have been taken earlier, Jeremy Chambers stated that the same decision would have been reached.
4. In terms of using a capped fee service – the framework did not allow for this and costs are usually much heavier, Jeremy Chambers would not

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advise using a capped fee arrangement. The response to reasons for call- in also states that given the uncertain scope of services that will be required over the next 12 months it would be unrealistic to expect any firm of solicitors to agree to a capped fee at the outset of the contract.

Other points discussed included:

1. Councillor Smith said it had been noted that the 'Framework' had not been ready, and he asked if officers in the Legal Team were responsible for this or was it those in Regeneration? Jeremy answered that it was the Crown Commercial Service who had launched it later, with insufficient information provided.
2. It was confirmed that Trowers and Hamblins LLP had originally been included on a framework for a four- year period.
3. That some of our trainee solicitors may for a short period during the term of the contract be placed with Trowers and Hamblins LLP who are providing mentoring – this will be beneficial to our 'in house' solicitors 'growth of knowledge'. The arrangements for this are being finalised.
4. Councillor Hockney asked for the approximate number of days of billing the contract figure was based on. It was stated that this is a fee rate basis, there are not a set number of fixed days given. The money assigned would be determined by need.
5. It was confirmed that we were happy that the quality provided by the company was robust, they have embedded knowledge in respect of areas of land at Meridian Water. This is not a good time to change provider but this may change in future – we shall be using more in-house staff as we build capacity, however there is not a time-line for this.
6. Councillor Hockney asked if we had looked at the use of retainers for rolling over 3 month, or 6 month periods. It was stated that this would have been an expensive way to continue. The most expensive way would have been to continuously place orders on an ad hoc basis.

Councillor Laban did not wish to add anything further.

Following the discussion, Overview and Scrutiny Committee considered the reasons provided for the call in and responses given. Having considered the information, the Committee agreed to confirm the original portfolio decision:

1. To approve the direct award of contract to Trowers & Hamblins LLP (in accordance with the CCS Framework for Wider Public Legal Services) for the provision of legal services in relation to the Meridian Water Programme for a one-year period.

Cllrs Levy, Aramaz and Jewell voted in favour of the original decision, Cllrs Smith and Hockney abstained. The original operational decision was therefore agreed.

**1093
DATES OF FUTURE MEETINGS**

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NOTED the dates of future meetings as follows:

Call-In Meeting

Wednesday 1 May 2019.

Councillor Levy thanked everyone for attending the meeting.

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