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OVERVIEW & SCRUTINY COMMITTEE - 27.3.2014

MINUTES OF THE MEETING OF THE OVERVIEW & SCRUTINY COMMITTEE HELD ON THURSDAY, 27 MARCH 2014

COUNCILLORS

PRESENT Toby Simon, Alan Sitkin, Alev Cazimoglu, George Savva MBE, Rohini Simbodyal and Edward Smith

ABSENT Michael Rye OBE

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: Mike Ahuja (Head of Corporate Scrutiny and Community Outreach), Doug Ashworth (Development Manager, Property Services), John Austin (Assistant Director, Corporate Governance), Jo Clemente (Head of Organisational Development, HR), Peter Cook (Interim Head of Projects and Estates, Property Services), Joyceline Hogan (HR Apprenticeship and Placement Manager), Mohammed Lais (Principal Asset Management Surveyor, Property Services) and Julie Mimmagh (Head of HR Operations)

Also Attending:

918 WELCOME AND APOLOGIES

Councillor Toby Simon welcomed everyone to the meeting.

919 DECLARATIONS OF INTEREST

There were no declarations of interest registered in respect of any items on the agenda.

920 CORPORATE COMPLAINTS

John Austin gave a presentation on the Council's Corporate Complaints procedure.

The management of complaints formed an integral part of service provision and the investigation of and learning from complaints was an important part of the Council's learning and development. It was a good source of learning

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about customer perception and gathering information to support performance improvement.

A complaint could be made by telephone, by personal visit to any Council office, in writing, by email, by using a paper or on-line complaints form, by petition, by fax, through a Councillor, a Member of Parliament or a Member of the European Parliament, through another representative or through a parent, carer or friend, where this was agreed by the complainant.

The Council had a 2 Stage complaint process – First Stage and a Final Stage. It was noted that Enfield Homes had a three stage complaints procedure but this would change when Enfield Homes returned to the Council.

These two stages for dealing with complaints were:

First Stage – the complaint was investigated and replied to by an officer from the service concerned;

Final Stage – an investigation and review was undertaken on behalf of the Chief Executive by a senior manager from a different service group. This included Enfield Homes complaints. All final stage investigators were trained in the Council's process.

All final stage complaint responses were approved and signed off by the Chief Executive.

If still dissatisfied with the response after the final stage, complainants had the opportunity to refer their complaint to the Local Government Ombudsman or the Housing Ombudsman.

John Austin emphasised that the priority was for complaints to be resolved at the earliest opportunity and target deadlines were set out. Findings could be complaint 'upheld', 'partially upheld' or 'not upheld'.

Monitoring of all complaints (including Enfield Homes) was undertaken and quarterly reports were produced for Corporate Management Board. An annual complaints report was also produced.

John Austin then provided statistical information with regard to complaints – the information given was for the period to 25 March 2014 (not quite the full year) and showed comparisons with the previous year shown in parenthesis.

First stage complaints

- 769 complaints received (603)
- 723 completed (586)
- 557 of the 723 completed and answered within 10 working days – 77% (458 – 78%)
- 357 First stage complaints fully/partially upheld – 49% (257 – 44%)

Final stage complaints

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- 63 complaints received (83)
- 82 completed (81)
- 13 of the 82 completed and answered within 30 working days – 16% (10 out of 81 – 12%)
- 58 Final stage complaints fully/partially upheld -71% (44 - 54%)

Enfield Homes – Stages 1 and 2

- 398 complaints received (256)
- 388 completed (256)*
- 364 completed in time – 81.5% (250 – 97%)
- 71% upheld/partially upheld

- 10 complaints still in progress and within timescale

Ombudsman complaints

- 83 complaints received (80)
- Local settlements £4800* (£4294)
- Average 19.5 calendar days response – target 28 days (26.1).

* One case involved a settlement of £3000+.

John Austin explained that the following actions had been taken to improve performance:

- increased number of final stage investigations;
- increased support and training for investigators;
- more pro-active monitoring and chasing of progress; and
- improved liaison with complainants to agree extensions of time where required.

Councillor Alev Cazimoglu requested information on the numbers of complaints exceeding 30 days in response time. Councillor Toby Simon questioned whether increased workloads among senior staff were causing delays in dealing with complaints. He asked whether there was a pattern in the type of complaint received and whether there were specific trends. He suggested that consideration be given to utilising retired officers to investigate at Final Stage, rather than using staff already working to capacity.

John Austin responded that the time taken was reducing. However, he agreed to prepare an analysis and circulate to Members of the Committee.

Action: John Austin

Councillor Alev Cazimoglu noted that 71% of complaints to Enfield Homes were upheld and she questioned whether their own investigations were as robust as they should be. John Austin agreed to request Enfield Homes to provide further analysis on complaints.

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John Austin advised that if all telephone calls were dealt with properly, this could reduce the number of complaints received.

Action: John Austin

He added that if there was a multifaceted complaint covering for example five or six issues and just one of these issues was upheld, then the complaint would be regarded as being upheld.

Responding to a question from Councillor George Savva, John Austin advised that the Council's Performance Management System now provided much better information with regard to complaints received.

Councillor Edward Smith referred to the types of complaints received and the seriousness of certain complaints. He stated that some people were regular complainers and therefore there was a need to sense how important the complaints were.

He questioned when serious complaints were made the action taken and as to whether improvements were made.

John Austin replied that staff did look at trends and lessons had been learned, training issues and cultural issues identified and disciplinary action taken.

For the complainant, it was necessary to rectify the wrong and put the complainant back in the original position; compensation was paid if the complainant was out of pocket and sometimes a nominal payment was made.

John Austin advised that the Annual Report on the Council's Corporate Complaints would be presented to the Committee after the Municipal Elections to be held in May 2014.

Action: John Austin

921

USE OF CONSULTANTS, INTERIMS AND AGENCY STAFF

Julie Mimmagh presented her written report which updated the Committee on the use of agency workers, internees and consultants in the provision of services. The report also updated the Committee on changes in the provision and use of agency workers that had taken place during the previous twelve months.

She advised that since 2006, the supply of the majority of agency workers engaged by the Council had been through a competitively tendered contract awarded to Matrix SCM.

Under the terms of the contract, other councils were able to join the supply chain framework with the Council receiving a small additional business

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volume related rebate; to date four other councils together with Enfield Homes had become party to the contract.

Julie Mimmagh referred to the Agency Worker Regulations which came into effect on 1 October 2011. These regulations entitled all agency workers to receive the same pay and some of the benefits of permanent employees after twelve weeks of continuously working for the Council.

She stated that this had resulted in increased costs of individual agency workers engaged on a long term basis to cover posts held vacant either pending reorganisation or to provide redeployment opportunities for permanent staff placed at risk of redundancy as a consequence of budget reductions in other services.

Julie Mimmagh emphasised that the strategic use of agency workers had enabled the Council to contain redundancies and thereby mitigating both the financial cost of redundancy payments to the Council and the personal cost to individual members of staff.

Despite the many financial and other pressures and changes that had taken place over the past three years, the Council's use of agency workers had fallen. Currently, the total annual spend and average agency worker headcount was £16m to February 2014 and a monthly average of 432 agency workers.

She stated that this overall spend in comparison with the number of agency workers engaged had increased since 2012/2013 due to the additional costs to implement the Agency Worker Regulations with regard to pay and holiday entitlement, implementation of the London Living Wage plus the additional categories now engaged by Matrix SCM.

Julie Mimmagh then referred to the use of consultants and interns. Since late 2010/early 2011, the engagement of consultants and interns receiving hourly rates which were equivalent to an annual payment of £50,000 or more had been subject to the approval of the Cabinet Member for Finance and Corporate Resources.

Responding to various questions from Councillor Alev Cazimoglu, Julie Mimmagh stated that (i) there were currently 432 agency workers with the Council out of an establishment of just fewer than 4000 (ii) employing established workers added to potential redundancy costs and (iii) the creation of an in-house agency had previously been explored but considered to be too costly.

Councillor George Savva expressed serious concerns as to the level of expenditure incurred with using agency workers.

Responding to a question from Councillor Edward Smith, Julie Mimmagh stated that agency staff were often used for short term interim programmes where a certain expertise was required. Also agency staff were used where there was a shortage of front line staff.

Councillor Alan Sitkin referred to 33% of the agency workers being residents of Enfield; he questioned whether this number could be increased. Julie Mimmagh responded that work was ongoing to increase this number.

Councillor Rohini Simbodyal questioned whether the Council had long term agency workers. She added that it would be useful to know where all the agency workers were employed.

Councillor Edward Smith stated that he would welcome figures showing a breakdown on the use of consultants and internees.

In reply to the two questions from Councillor Rohini Simbodyal and Edward Smith, Julie Mimmagh agreed to provide details in writing.

Action: Julie Mimmagh

AGREED that the report be noted.

922

HR APPRENTICESHIP SCHEME & WORK PLACEMENTS

Joyceline Hogan referred to her written report which provided the Committee with an update of the HR Apprenticeship and Placements scheme for the period of 2013/2014.

She highlighted some of the key outcomes of the scheme:

- 86% of ex apprentices had gone on to employment or further education
- the number of apprentices on the programme peaked at 103
- the representation of young people in the Council increased to 5% (the highest among London Boroughs which averaged 2.74%)
- a Care Leaver employment programme had been established (Care to Work Programme)
- 4 NEET Care Leavers had secured an apprenticeship
- 79 ex apprentices had been employed by the Council to date
- 30 new work experience placements were facilitated which included JobCentre Plus placements and work experience placements for school leavers (non-school placements).

Joyceline Hogan then detailed the role of the Care to Work Programme which was a dedicated access to employment and apprenticeship programme aimed specifically at Enfield Council care leavers.

The Programme was designed to provide care leavers with employability skills, gained through training, work experience and a supported apprenticeship placement. The Programme consisted of three distinct elements which were an assessment period, accredited three week, paid work experience and a twelve month apprenticeship placement.

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The Leaving Care team provided additional support as required by the individual which could include travel expenses, clothing allowance and a living expense top up.

Partners liaised regularly to ensure that information was shared swiftly to ensure the continued success of the placement.

The need for this Programme and its contents had been identified via consultation and advice from KRATOS (Children in Care Council part of Youth Enfield – being part of KRATOS gave children and young people a voice and influence), previous Council apprentices who were also care leavers. There was a need to increase provisions for Enfield care leavers.

The development of the Programme was supported by the Children and Young People Scrutiny Panel and the Corporate Management Board.

Joyceline Hogan stated that six of the eight care leavers successfully completed the Programme with five progressing into positive destinations; three had been employed on the Council's Apprenticeship Programme, one had been employed as an apprentice in a local company via the Council's Enterprising Apprenticeship Programme and one started full time education. The remaining participant had complex needs and was continuing to receive support, advice and guidance from the Youth Service.

She spoke about the highlights of the Programme and provided some really positive quotes from Council managers as well as care leavers. She also spoke of the challenges that this target group could present. A key element was to keep them motivated through each stage of the process.

Councillor Toby Simon considered that this was a very important programme. He questioned as to how the Care to Work Programme was funded and was informed by Joyceline Hogan that the funding was from within existing resources across the Council.

Councillor Alev Cazimoglu referred to the way forward for the Apprenticeship Programme and questioned the role and involvement of local employers. Joyceline Hogan responded that this Programme was in partnership with JobCentre Plus and currently 44 employers were engaged. Information was available on the Council's website and employers often approached the Council to participate in the Programme.

She advised that there was a good relationship with employers. Support was given to small employers in dealing with HR issues. She added that JobCentre Plus was actively involved in matching apprentices with appropriate employers.

Jo Clemente advised that the scheme covered office workers, drivers and those in the marketing industry etc. She added that in the past many small organisations would not have had apprentices.

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In response to a question from Councillor Edward Smith, Joyceline Hogan stated that there were currently 80 young people involved in the Programme including people with special needs.

Councillor Edward Smith welcomed the success of the Programme and stated that the Programme was supported by both sides of the Council. He questioned the total number of places to be facilitated.

Councillor Rohini Simbodyal was pleased to see that different Departments were involved with the Programme and that they were taking up apprentices. She questioned which Departments could do better and as to whether it was feasible to set targets for Departments to take on a certain number of apprentices.

Joyceline Hogan stated that Parks and Health and Social Care were actively involved. She added that with regard to setting targets, finance was the big issue as Managers had to take funding out of their budgets.

Responding to a question from Councillor George Savva, Joyceline Hogan stated that vacancies were always advertised on the Council's Jobs Page on the internet. She offered to undertake a workshop for Councillor George Savva, if necessary.

AGREED that the report be noted.

923

MONITORING USE OF URGENCY PROCEDURES

Mike Ahuja introduced the monitoring information report on decisions taken under emergency procedures.

He drew the Committee's attention to the reduction in the use of emergency procedures. This had been assisted by the change in Executive Meeting Regulations, which had allowed the necessary 28 day notice of key decisions to be published whenever required, rather than waiting for publication on a monthly Forward Plan.

The Committee was asked to note the report and identify any possible trends/issues requiring further monitoring and submit comments to James Kinsella.

Action: All to note

AGREED that

1. the report be noted; and
2. Members identify any possible trends/issues requiring further monitoring and submit them to James Kinsella

924

AUDIT COMMISSION - MANAGEMENT OF THE GREEN BELT - REVIEW OF DISPOSALS AND CONCESSIONS

(a) North Lodge, Ferny Hill

Doug Ashworth presented his written report on the disposal by auction of North Lodge, Ferny Hill, Enfield including property description, method of sale, reserve and sale price achieved, date of sale and alternative options considered.

He advised that the property was subject to the Green Belt (London and Home Counties) Act 1938 which meant that the consent of the Secretary of State for Communities and Local Government was required for the sale. The primary responsibility in granting consent was to protect land affected by the Act from inappropriate industrial or building development.

The property was advertised in the local press and a minimum of 28 days allowed for any objections to the sale. There were no objections and consent to the sale was received on 14 September 2012.

The property was sold subject to certain restrictive covenants.

Doug Ashworth advised that the property was suitable for sale by auction as this was normal practice in the case of vacant dwellings in need of repair. Experience elsewhere showed that this was most likely to achieve the best price in the shortest possible timescale.

The property achieved the sum of £482,500 in the auction room; this figure was in excess of the auctioneer's expectations and the reserve price of £360,000.

He added that a sale by informal tender was considered, however, the time and expense of marketing in this way and given the relatively low value asset being disposed of, it was not considered an efficient use of resources.

Both Councillors Alev Cazimoglu and Alan Sitkin were concerned to note the vast difference in the reserve price and the selling price.

Doug Ashworth advised that 43 interested parties had downloaded details of the property and 15 viewings and offers were made prior to the actual auction.

Councillor Rohini Simbodyal questioned whether other properties had been sold at lower values than expected. Doug Ashworth responded that there were just two cases where properties sold at slightly above the starting price.

AGREED that the report be noted.

(b) North Lodge, Whitewebbs Lane, Enfield

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Doug Ashworth presented his written report on the disposal by auction of North Lodge, Whitewebbs Lane, Enfield including property description, method of sale, reserve and sale price achieved, date of sale and alternative options considered.

The property was not subject to the Green Belt (London and Home Counties) Act 1938. The property was sold subject to certain rights and restrictive covenants.

He advised that the property was considered suitable for sale by auction as this was the normal practice in the case of vacant dwellings in need of repair. Experience had shown that this was the most likely way to achieve the best price in the shortest possible timeframe and with low costs of sale.

In the auction room, the property achieved the sum of £372,000 and this was well in excess of the auctioneer's expectations and much higher than the valuation of £200,000.

A sale by informal tender was considered. However, the time and expense of marketing in this way and given the relatively low asset value being disposed of, it was not considered an efficient use of resources. In addition, it would also be unlikely to deliver an improvement to the sale price. The inherent competitive nature involved in bidding via auction was considered sufficient to satisfy the Council's legal obligation to obtain best consideration.

AGREED that the report be noted.

(c) Trent Park Café

Mohammed Lais presented his report on the informal tender process of Trent Park Café, Cockfosters Road, Barnet which included a property description and the process of the tender including any evaluation criteria used.

He advised that the opportunity for the successful tenderer was a chance to lease the Trent Park café for a period of twelve years.

The property was considered suitable for an informal tender process through the route of Property Procedure Rules as this was the normal practice in the case of leasing a Council property.

Prior to being put on the market, an open market rental valuation was obtained to realise the opportunity to guide officers in the best strategy and to maximise best value to the Council.

The evaluation criteria adopted was the highest rent that was offered would become the leaseholder of Trent Park Café, subject to the satisfactory financial due diligence, credit score and checks upon the applicant.

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Mohammed Lais reported that the Contract Procedure Rules route was considered but it was decided that as this was a tender for a lease for a café premises it should progress via a Property Procedure Rules informal tender.

He advised that the Council was currently negotiating with the outgoing tenant.

Mike Ahuja explained that the tender process had not initially been completed appropriately and a payment would be made to the current tenants for refurbishing the café. No other compensation would be paid.

Mike Ahuja offered to coordinate the paperwork when final documents were prepared.

Action: Mike Ahuja/Mohammed Lais

AGREED that the report be noted.

(d) Holly Hill Equestrian Centre

Peter Cook introduced an information report on the informal tender process of Holly Hill Equestrian Centre; the report included a property description and the process of the tender including any evaluation criteria used. The tender process was ongoing and a further report would be submitted once this was concluded.

He stated that there were 45 enquiries which resulted in 14 viewings.

Before evaluation commenced a review of the process was undertaken by Strategic Property Services in parallel with an Internal Audit of the Management of the Green Belt Portfolio.

It was noted at this stage that the tender documents mistakenly omitted the weighting for the evaluation criteria. As a result it was agreed that the marketing company would write to all bidders to set out the weightings.

To give all bidders sufficient time to review their submission the closing date was extended to 17 March 2014.

A detailed Delegated Authority Report would be submitted in due course.

AGREED that the report be noted.

925

SCRUTINY ANNUAL REPORT 13/14

The Committee received a circulated report from Mike Ahuja seeking approval to the format and timetable for the production of the 2013/2014 Scrutiny Annual Report and requesting that the Chair/Vice Chair and Mike Ahuja agree the final draft of the report.

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Councillor Rohini Simbodyal praised the good role of Scrutiny and the excellent training given. She suggested that it was essential to let people know about the role of Scrutiny. She added that Scrutiny Panels had a policy briefing about policy landscaping and what issues there were and sharing best practice.

Mike Ahuja advised that this would normally happen at the planning meeting of all Scrutiny Panels.

Councillor Toby Simon suggested that a note be circulated to all new Members elected after the May local elections, about the role of scrutiny and the role they could play, before the party groups agreed assignments.

Action: Mike Ahuja

AGREED that

1. the format and outline content for the 2013/2014 Scrutiny Annual Report be approved, including the addition of comments from co-optees and the community that had been engaged with the Scrutiny process;
2. the Annual Report be referred to full Council for adoption on 11 June 2014 and then published by August 2014; and
3. the Chair/Vice Chair and Mike Ahuja approve the final draft of the report.

Action: Mike Ahuja

926

SCRUTINY MEMBER INDUCTION 2014/15 AND PANEL WORK PROGRAMME PLANNING

The Committee received a circulated report from Mike Ahuja outlining proposals for the Scrutiny Member Induction and Panel work programme planning for 2014/2015.

As part of the ongoing Member induction process, it was proposed to offer Members the opportunity to access more formal training on scrutiny skills being offered through the Centre for Public Scrutiny – a national body representing all scrutiny.

It was expected that after the local elections in May, there would be new Councillors that would be unfamiliar with the role of Scrutiny. It was suggested by Mike Ahuja that two previous experienced Scrutiny Chairs had a slot at the induction to provide a Member's perspective of Scrutiny and how to get the best out of the role.

Mike Ahuja stated that it was proposed to continue with the individual Panel work programming workshops in 2014/2015. These workshops would include

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an opportunity for the relevant Director(s) and Cabinet Member(s) to attend at the start of each session to outline their key priorities for the year and beyond.

Provisional dates for each session were being arranged for inclusion in the Council's draft calendar of meetings for the new municipal year which was due to be approved by Annual Council on 11 June 2014. These would, however, require further consultation with relevant Chairs and Panel Members before being confirmed.

AGREED that

1. the outline programme and arrangements for the 2014/2015 Scrutiny Member induction and individual Panel work programming sessions be approved as detailed in the report; and
2. the date for the Scrutiny induction session be provisionally confirmed as Thursday 19 June 2014 thus allowing Members time to consider any issues identified in advance of their individual panel work programme planning sessions.

Action: Mike Ahuja

927

COUNCILLOR CALL FOR ACTION & PETITIONS - UPDATE

The Committee received an end of year report on the Councillor Call for Action and Petitions for the Municipal Year 2013/2014. The last update was received by the Committee on 12 March 2013.

The Committee had a key role in Councillor Call for Actions and Petitions and this was the third report the Committee had received on the issues.

To date there had been 46 Councillor Call for Action request from Members, three had been heard at the Committee and there were still four being pursued. There were 25 petitions received in 2013 and since January 2014 five petitions had been received.

Councillor Call for Actions had become increasingly complex and invariably involved several agencies and Council Departments which required a significant amount of time.

The Council had an extremely good and successful and well-used Petition Scheme which was well regarded by the local community. The Council's approach to petitions in particular the community engagement process had been seen as good practice nationally and a number of councils had sought guidance from Enfield.

AGREED that

1. the report be noted; and

2. a full summary of work undertaken so far be included in the Scrutiny Annual Report

928

ISSUES REFERRED FROM SCRUTINY PANELS FOR CONSIDERATION BY OVERVIEW & SCRUTINY COMMITTEE

NOTED that no specific items had been referred onto the Overview & Scrutiny Committee for consideration at the meeting from the individual Scrutiny Panels.

929

MATTERS REFERRED FROM THE EXECUTIVE/COUNCIL TO SCRUTINY

NOTED that no specific items had been referred onto the Overview & Scrutiny Committee for consideration at the meeting from the Executive/Council.

930

REFERENCES TO CABINET

1.1 Specific items to be referred to Cabinet

NOTED that no specific items had been identified during the meeting for referral to Cabinet, Council or any other body.

1.2 References from Scrutiny to Cabinet/Council: Monitoring Update

NOTED that no Scrutiny references had been considered by Cabinet/Council and other bodies since its last meeting on 4 November 2013.

931

MINUTES OF THE LAST BUSINESS MEETING

AGREED that the minutes of the meeting of the Overview & Scrutiny Committee Budget Meeting held on 30 January 2014 were received and confirmed as a correct record.

932

DATES OF FUTURE MEETINGS

NOTED the dates of the future meetings as follows:

1. The next meeting of the Overview and Scrutiny Committee would be held on Thursday 3 April 2014 at 7.00pm to consider Deephams Sewage Treatment Works.

Councillor Edward Smith gave apologies for this meeting; he advised that he would be substituted by Councillor Joanne Laban.

2. Provisional dates assigned for potential call-ins:

Tuesday 15 April 2014

Tuesday 6 May 2014.

3. The business meeting scheduled for Wednesday 30 April 2014 had been cancelled but the date would remain available for call-ins.

933

EXCLUSION OF PRESS AND PUBLIC

This item was not moved.

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