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OVERVIEW & SCRUTINY COMMITTEE - 19.3.2019

## MINUTES OF THE MEETING OF THE OVERVIEW & SCRUTINY COMMITTEE HELD ON TUESDAY, 19 MARCH 2019

**COUNCILLORS:** Derek Levy (Chair), Huseyin Akpinar, Susan Erbil, Tolga Aramaz, James Hockney, Rick Jewell, Lee David-Sanders.  
**PRESENT**

**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 (Director – Meridian Water), Bindi Nagra (Director of Adult Social Care), John Baker (Meridian Water Project Director), Iain Hart (Service Development Manager), Oba Ehiagwina (Principal Regeneration Officer), Susan O’Connell (Scrutiny Officer), Elaine Huckell (Scrutiny Secretary).

**Also Attending:** Councillor Nesil Caliskan (Leader of the Council), Councillor Edward Smith, Councillor Clare De Silva, Councillor Anne Brown and Simon Allin (member of the press).

**1030**

### **WELCOME & APOLOGIES**

Councillor Levy welcomed all attendees to the meeting.

It was noted that Councillor Rick Jewell was substituting for Councillor Gina Needs and Councillor Hockney was substituting for Councillor Edward Smith for item 3 – ‘Call in of Decision: Meridian Water Station Public Realm Place Making’.

Apologies for absence had been received from Councillor Alev Cazimoglu Cabinet Member for Health and Social Care and from Councillor Gina Needs.

Councillor Levy reminded everyone that discussion on the two call-ins to be looked at this evening, should be about the specific reasons for call-in given in the papers and responses to them. The reasons given should be evidence based and not opinions or statements. Discussion needs to specify what is being asked to go back to the decision taker for reconsideration.

**1031**

### **DECLARATIONS OF INTEREST**

There were no declarations of interest.

**1032**

**CALL IN OF DECISION: MERIDIAN WATER STATION PUBLIC REALM PLACE MAKING**

The Committee received a report from the Director of Law and Governance outlining details of a call-in received on the decision taken by the Leader of the Council on the Meridian Water Station, Public Realm Place Making.

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

The Chair invited Councillor Smith to outline the reasons for call-in. It was noted that this discussion was held in public under the part 1 section of the meeting.

Councillor Smith outlined the reasons for calling in the decision:

1. The report provided was not clear in some respects and although responses had been provided to the reasons for call-in – not all points had been covered. However, he said the level of reporting was improving.
2. Concern that the estimate for the cost of works had increased substantially and that the costs had not been properly reported at the call-in meeting in September 2018.
3. That the estimated cost of the project appeared to have risen by 62% in four months, which he now estimates to be £3.9million. A cost breakdown had been prepared by Councillor Smith which gave what he considered to be an estimate of total scheme costs. He had sought a detailed cost breakdown from officers, which had subsequently been provided by them and which had been included in the agenda papers.
4. The decision to award the design and works contract to a single contractor -Volker Fitzpatrick was taken after a failed procurement and a renegotiated contract, when the original Master Developer procurement was abandoned. Earlier concerns had been given that the lack of a competitive procurement process for the scheme might lead to significant increase in costs which, he felt, was now apparent.
5. Further clarity was needed regarding the cost estimate for the scheme - what fees have been included and maintenance expenditure expected.

Councillor Levy, reminded everyone that calling- in a decision was not a mechanism to satisfy curiosity as this could be achieved by other means, for example by having discussions with officers and asking for further information.

He invited Councillor Caliskan to respond to the points raised by Councillor Smith.

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The response of the Leader of the Council, Councillor Caliskan. She highlighted the following:

- The decision to call-in this report was a waste of members and officers time. Four reports relating to Meridian Water have been called-in which could have been resolved by members discussing issues of concern with officers or with the Chief Executive or herself.
- As set out in the 'Response to reasons for call- in' the latest Delegated Authority Report (DAR) provides a full and complete break down of the costs which show that there has not been an increase in costs. The correct figure for the works is £3.5 million which is within the original estimates given at the previous Overview and Scrutiny Committee in September. This reflects the VolkerFitzpatrick contract works at £3m and £500k on other packages.
- The sequencing of the Meridian Water contract meant that it was crucial for VolkerFitzpatrick, the appointed contractor, under a Preconstruction Services Agreement (PCSA), to complete the public realm works within timescales. At the meeting of Overview and Scrutiny Committee on 27 September 2018 all political parties agreed to allow the original decision to approve the works to the public realm adjacent to the new railway station on Meridian Way to be confirmed. There have been no substantial changes since that time.

The following issues/ questions were raised:

- Peter George said he would be happy to spend time with Councillor Smith explaining any issues of concern he may have regarding the Meridian Water project. Partnership working with Network Rail and LB Enfield is ensuring delivery of the new station for Meridian Water on time and on budget. The Council is supported by Stace LLP (Construction & Property Consultancy) as Project Managers and Cost Consultants. They have confirmed that the total budget price of £3.5m represents value for money.
- Councillor Hockney referred to the Part 1 report which referred to an indicative cost for the delivery of the public realm work which was undertaken using external cost consultants, in Autumn 2016. At that time a figure of £750K was identified for design and £3.25m for construction work. He asked for clarification on this. An explanation was given that figures given at this time were for high level works and gave a worse- case scenario. The works have come in under budget. The original authorisation was necessary for a PCSA with VolkerFitzpatrick to enable the planning application submission. The logistics meant It was necessary to do this to ensure the work comes in on time, ready for the station opening, May 2019.
- It would not have been possible to undertake works needed through a traditional tender process within the timeframe. It could have led to delays and increased costs. Councillor Hockney referred to Stace LLP confirmation that the estimated price was value for money. It was stated that comparisons are undertaken with cost documents used and comparing rates. There is a rigorous process in place.

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- Councillor Caliskan said members have a choice whether they want to refer the report back. This could however result in delays to the project and public realm works not being ready in time for the station opening. It could also lead to higher costs.

Councillor Smith summed up by saying that he was entitled to question decisions where it is apparent that there appears to be unjustified cost increases. Since the last call-in on this subject in September 2018 the figures given seem to show a 65% increase. He understood that under the original plans for the project the main contractor was going to pay for the new station but that this was no longer the case.

The Chair stated that Councillor Smith had made assertions and answers had been given and costings provided. The Chair reminded Councillor Smith that he can seek clarification from officers, or the Leader and request items come to Scrutiny.

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

1. Authorises the expenditure to complete public realm related works identified in the Part 2 report
2. Authorises the delegation to the Meridian Water Programme Director to place smaller packages of work to those packages as set-out in the Part 2 report
3. Authorises VolkerFitzspatrick to deliver the works by variation of existing agreements as set out in the Part 2 report

Councillors Levy, Akpinar, Aramaz, Susan Erbil and Jewell voted in favour of the above decision. Councillors David-Sanders and Hockney abstained.

Following this item Councillor Lee David-Sanders left the meeting and Councillor Smith took has place on OSC.

### 1033

#### **CALL IN OF DECISION: ENFIELD COUNCIL AND ENFIELD CLINICAL COMMISSIONING GROUP (CCG) JOINT COMMISSIONING FOR COMMUNITY REHABILITATION SUPPORT SERVICES**

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 Enfield Council and Enfield Clinical Commissioning Group (CCG) joint commissioning for Community Rehabilitation Support Services (Report no:203).

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

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

### **1034 MINUTES OF MEETING HELD ON 19TH FEBRUARY 2019**

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

### **1035 DATES OF FUTURE MEETINGS**

Noted the dates of future meetings as follows:

Provisional Call-Ins:

Tuesday 26 March, 2019

Thursday 11 April, 2019

The business meeting of the Overview & Scrutiny Committee:

Wednesday 3 April, 2019

### **1036 EXCLUSION OF PRESS & 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.

### **1037 MERIDIAN WATER STATION - PUBLIC REALM PLACE MAKING**

NOTED the information provided under the part 2 agenda.

All discussions took place under part 1 of the agenda

### **1038 ENFIELD COUNCIL AND ENFIELD CLINICAL COMMISSIONING GROUP (CCG) JOINT COMMISSIONING FOR COMMUNITY REHABILITATION SUPPORT SERVICES**

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The Committee received the information provided on the Enfield Council and Enfield Clinical Commissioning Group (CCG) joint commissioning for Community Rehabilitation Support Service 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 Clare De Silva to outline the reasons for call-in

Councillor De Silva referred to the Delegated Authority Report which set out details of the current support provision for Enfield residents with high mental health needs that require more intensive support within the community. The part 2 of the report proposes the remodelled service.

Councillor De Silva's concerns relate to the financial modelling/ costings used, she was not challenging the process of going out to tender.

The responses given were as follows:

- Bind Nagra (Director of Adult Social Care) explained the modelling process used for obtaining and assessing tenders from providers for this service.

Other points discussed included

- Briefings could be provided to Councillor De Silva regarding the proposals as they developed.
- Iain Hart (Service Development Manager), said it was hoped that the new contract would commence from the beginning of January 2020.
- Section 117 contributions were explained.

Following the discussion and noting the comments made the Committee agreed to confirm the decision.

'To agree the proposal to remodel and retender the pathway for service users with high/complex mental health needs, currently in secure units or locked rehab, requiring a well-supported transition back into the community.'

Councillors Levy, Akpinar, Aramaz, Susan Erbil and Jewell voted in favour of the above decision. Councillors Smith and Hockney abstained.

Councillor Levy thanked everyone for attending the meeting.