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OVERVIEW & SCRUTINY COMMITTEE - 1.5.2019

MINUTES OF THE MEETING OF THE OVERVIEW & SCRUTINY COMMITTEE HELD ON WEDNESDAY, 1 MAY 2019

COUNCILLORS

PRESENT Derek Levy (Chair), Huseyin Akpinar, Tolga Aramaz, Susan Erbil, Gina Needs, James Hockney 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: Nicky Fiedler, Director of Commercial
Mark Bradbury, Director of Property & Economy
Claire Reilly, Head of Service, Corporate Procurement & Commissioning
Stuart Simper, Head of Facilities Management
Susan O'Connell, Governance & Scrutiny Officer
Stacey Gilmour, Governance & Scrutiny Secretary

Also Attending: Councillor Lee David-Sanders (Call-In Lead)
Councillor Chanith Gunawardena (Observing)
Ian Davis, Chief Executive (Observing)

1113

WELCOME & APOLOGIES

Councillor Levy welcomed all attendees to the meeting.
It was noted that Councillor James Hockney was substituting for Councillor Lee David-Sanders for item 3 – 'Call in of Decision: Enfield Norse Ltd – Provision of Cleaning Services.

Councillor Levy reminded everyone that discussion on the call-in 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.

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DECLARATIONS OF INTEREST

There were no declarations of interest.

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CALL IN: ENFIELD NORSE LTD- PROVISION OF CLEANING SERVICES

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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 Operational decision taken on Enfield Norse Ltd – Provision of Cleaning Services (taken on 01/04/19).

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

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

1116 MINUTES OF THE MEETING HELD 3 APRIL 2019

AGREED the minutes of the meeting held on 3 April 2019.

1117 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.

1118 ENFIELD NORSE LTD- PROVISION OF CLEANING SERVICES

The Committee received the information provided on the call-in report: Enfield Norse Ltd – Provision of Cleaning Services.

NOTED

1. The information was considered in conjunction with the report on the part 1 agenda.
2. Councillor David-Sanders set out the reasons for calling in the decision:
 - Concern that the report does not fully explain the reasons why the extension has been unavoidable and required to be approved retrospectively.
 - Again, this is another decision that has been made very close to or after procurement has lapsed
 - The report does not fully explain how the extension will improve the contract management process between the Council and Enfield Norse Ltd.
 - The report is potentially misleading with what appears to be contradictory information regarding timelines.
 - The decision puts an additional cost pressure on the Council for 2019/20 which could have been avoidable if this had been addressed sooner.

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- The report does not fully explain why there has been a failure in the corporate governance of the company as it is a Joint Venture with the Council.
3. The response of Nicky Fiedler, Commercial Director. She highlighted the following:
- She did not feel that the report was misleading. The Council did, as stated, have a number of meetings with ENL. She did however hear the concerns of Councillors and will be mindful going forward to ensure that all reports are clear and concise.
 - As set out in the Part 1 report, sections 3.5, 3.6 and 3.7 it was the Council's intention to resolve this sooner had ENL been more responsive.
 - The Total FM solution was halted in May 2018 due to time restraints. It will take 9 months now to put in place a new service provision.
 - There are no additional costs pressures as a result of this decision. Part 1 3.10 highlights the existing cost pressure, which the council; sought to avoid by negotiations with ENL.
 - Part 1 4.2 and 4.3 sets out the alternative options, which would not have guaranteed to remove the cost pressures due to the TUPE undertaking of moving this contract to a 3rd Party.
4. Other issues highlighted by officers in support of the decision included:
- Up to 9 months contract extension will provide sufficient time for the most effective service delivery model in terms of cost/quality to be identified and implemented.
 - Officers have received assurances from ENL that they are willing to extend the contract under the existing terms. As the workforce and other resources are already in place there should be no delay or disruption in transitioning to and extending the agreement.
 - As set out in Part 1 section 5.3 of the report moving forward, all cleaning and budget management will transfer to the Property and Economy Department, thereby bringing all responsibility for financial and performance management within Property and Economy which is not currently in place.
 - Proposed changes to the Terms of Reference for the Shareholder Board had been discussed to ensure oversight of the companies the Council has an interest in.
5. The summing up by Councillor David-Sanders:
- any delay in procurement is of concern and needs to be fully investigated.
 - The whole process of procuring this contractor has been far too slow and should not have taken this long to get to this stage. He also felt that the Shareholder Board should have intervened at a much earlier stage.

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- Although it was evident that some elements of the procurement process had now been completed to turn this situation around, he felt that it was too little too late and was concerned that the Council were potentially 'getting back into bed' with this provider for the next 9 months.
 - He felt that this was not an ideal situation for Enfield Council to be in and did not feel confident that OSC would not be back here in 9 months' time.
6. Overview and Scrutiny Committee considered the reasons for the Call-In and responses provided. Having considered the information, the Committee **AGREED** to confirm the original Operational decision.

Councillors Akpinar, Aramaz, Susan Erbil and Needs voted in favour of the above decision. Councillors Hockney and Smith Abstained. The original Operational decision was therefore agreed.

7. The comment of Councillor Tolga Aramaz that most Call-Ins had not resulted in most decisions being referred back to the decision-maker, often with unanimous or semi-unanimous agreement of the Overview & Scrutiny Committee. He was concerned that the Opposition were reducing the Committee to a method of criticising Operational and Portfolio decisions rather than a neutral body to hold decision-makers to account.