

**EXECUTIVE AND RESOURCES
POLICY DEVELOPMENT AND SCRUTINY COMMITTEE**

Minutes of the meeting held at 7.00 pm on 11 October 2017

Present:

Councillor Simon Fawthrop (Chairman)
Councillors Nicholas Bennett J.P., Mary Cooke, Ian Dunn,
Robert Evans, Samaris Huntington-Thresher,
Russell Mellor, Alexa Michael, Keith Onslow (Vice-
Chairman), Tony Owen, Michael Rutherford,
Stephen Wells and Angela Wilkins

Also Present:

Councillor Graham Arthur

**63 APOLOGIES FOR ABSENCE AND NOTIFICATION OF
 SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillors David Livett and Ian Payne and from Councillor Colin Smith, the Leader of the Council.

64 DECLARATIONS OF INTEREST

Councillor Fawthrop declared an interest at Item 11 of the agenda by virtue of his employment by British Telecom and left the room during discussion of the item.

Councillor Keith Onslow declared an interest as an employee of the Royal Borough of Greenwich and a Zurich Municipal pensioner.

**65 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE
 PUBLIC ATTENDING THE MEETING**

No questions had been received.

**66 MINUTES OF THE EXECUTIVE AND RESOURCES PDS
 COMMITTEE MEETING HELD ON 7 SEPTEMBER 2017
 (EXCLUDING EXEMPT ITEMS)**

RESOLVED: That the minutes of the meeting held on 7th September 2017, excluding exempt information, be confirmed.

67 MATTERS ARISING FROM PREVIOUS MEETINGS
Report CSD17148

The Committee received an update on matters arising from previous meetings.

- Minute 52: Matters Arising from previous Meetings: It was confirmed that an update on the circumstances surrounding the sale of land at 29 Chesterfield Close had been circulated as requested by the Committee.
- Minute 53: Forward Plan of Key Decisions: A Member asked when the report on In-house nursery Provision was now due to be considered. It was confirmed that a report was not needed now.
- Minute 56 (6): London Business Rates Pilot: A Member asked whether a decision had been made to proceed with the Pilot.

Action Point 5: That an update be provided from London Councils (Action by the Chief Executive.)

RESOLVED: That the report be noted.

68 CONTRACTS SUB-COMMITTEE: MEMBERSHIP
Report CSD17146

Following the appointment of a new Leader of the Council at a special meeting of the Council on 25th September 2017, the majority group announced proposed changes to Committee memberships at the ordinary meeting of the Council the same evening. This included the appointment of Cllr Samaris Huntington-Thresher to this Committee replacing Cllr William Huntington-Thresher. Changes to various Sub-Committees were also announced by the majority group, including a change to the Contract's Sub-Committee which needed to be confirmed by the Executive and Resources PDS Committee.

RESOLVED: That Councillor Stephen Carr replaces Councillor William Huntington-Thresher as a member of the Contracts Sub-Committee.

69 FORWARD PLAN OF KEY DECISIONS

The Committee noted the Forward Plan of Key Decisions which covered the period October 2017 to January 2018.

70 CONTRACTS REGISTER AND CONTRACTS DATABASE UPDATE
Report CSD17143

The Committee considered an extract from September 2017's Contracts Register. The report was based on information, covering all Portfolios, which

was presented to the Contracts Sub-Committee on 21st September 2017. The report also provided an update on progress with the Council's new Contracts Database.

The Director of Commissioning explained that the Register contained three sets of risk ratings related to (i) financial value or political significance, (ii) procurement status and (iii) an additional flag where there were concerns about contracting process. Across the Council, the number of contracts in this third category had been reduced to five – one related to social care and four to waste management.

The Committee recorded its thanks to Mrs Lesley Moore, Director of Commissioning, for her excellent work in bringing rigour to the contracts Register and developing the Contracts Database.

RESOLVED: That the £50,000 Contracts Register be noted.

71 QUESTIONS TO THE PORTFOLIO HOLDER FROM MEMBERS OF THE PUBLIC AND COUNCILLORS ATTENDING THE MEETING

No questions had been received.

72 RESOURCES PORTFOLIO - PRE-DECISION SCRUTINY

The Committee considered the following report where the Resources Portfolio Holder was recommended to take a decision.

a Insurance Fund - Annual Report 2016/17
Report FSD17082

Following the conclusion of the 2016/17 Audit of Accounts, the Committee considered a report advising Members of the position of the Insurance fund as at 31st March 2017 and presenting statistics relating to insurance claims for the last two years. In 2016/17, the total Fund value increased slightly from £3.1m to £3.4m. A mid-year review of the Fund had also been carried out and, at this stage, it was estimated that the final fund value as at 31st March 2018 was likely to increase further to around £3.6m.

RESOLVED: That the Portfolio Holder be recommended to note the report.

73 BT/ICT CONTRACT MONITORING REPORT
Report CSD16105

The Chairman, having declared an interest, left the room prior to the start of this item and Cllr Keith Onslow, as Vice-Chairman, chaired the meeting during the Chairman's absence.

The Committee received the second performance report of the British Telecom (BT) ICT contract utilising the Pan London Framework. Nick Adams and Andrew Gee from BT attended the meeting to respond to questions. Overall, the contractor was performing very well, with only a very limited number of cases where KPI's had not been met. Staff working in the ISD Team were due to transfer to BT on 1st November 2017 and a joint transition team was working on this to ensure, in particular, that the staff transfer was achieved smoothly. It was confirmed that staff would have access to a wide range of training opportunities with BT. Two change control notices had been issued - to extend the existing contract and to transfer remaining ISD staff (excluding the Client Unit) on 1st November.

Members commented on the need to ensure that they had input into the setting of KPI's. In this case, the contract was drawn from a framework with the KPI's already embedded but normally Members would have this opportunity at the gateway report stage. It was confirmed that the contract was consumption- based, so costs could rise or fall based on activity levels. BT could pull in additional staff as needed from across their division – as far as possible these would be the same staff with experience of Bromley's systems.

Members requested further explanation of the KPI's in section 2.3.2 (page 11) of the BT report relating to Service Desk Response and Resolution, and, section 2.4 (page 12) on Call Volumes, in particular about the time taken to answer calls. A Member explained that the data as presented smoothed out peaks and troughs, and therefore could obscure where there was variation in performance outside normal control limits. Seeing more sophisticated data would help to identify where there were problems and what needed to be done to address them.

Action Point 6: BT to supply further information on calls where KPI's were not met, and to enhance the next monitoring report to the Committee (Action by Head of ICT)

A Member asked when the new eclipse system was due to be fully implemented, replacing Carefirst. The implementation had been delayed, but it was confirmed that a team of in-house staff working on Eclipse would be moving to BT, and would continue to provide the service desk for Eclipse.

Action point 7: Latest Eclipse implementation date to be provided to Members. (Action by Head of ICT)

RESOLVED that the report be noted, and the next monitoring report should include clearer presentation of KPI data.

74 SCRUTINY OF THE CHIEF EXECUTIVE

The Chief Executive, Mr Doug Patterson, attended the meeting to respond to questions from the Committee. Mr Patterson gave a brief introduction highlighting the following issues –

- Good progress had been made with Children’s Services and the Youth Offending Team (YOT), and the lessons learnt from the Ofsted Inspection were also being applied in Adult Services.
- Housing/homelessness pressures were continuing to increase.
- The budget for 2018/19 appeared to be in balance, with some potential efficiencies, but there were significant budget pressures to address for the following three/four years.
- Integrating health and social care was a major issue, with funding from the Department of Health for preventing delayed discharges from hospital.
- The Police super-boroughs were being trialled across London.
- There was a need to sharpen up performance monitoring by client-side staff.
- There was a continuing priority to deal with Priority One internal audit recommendations, and extra resources had been agreed for the Environment and Community Services Department to employ four additional staff to monitor contracts, one of whom was already in post.
- Directors had been tasked with carrying out quality assurance assessments of their services to deal with any major issues before examination by Internal Audit.
- The Director of Commissioning was carrying out work, including training, to ensure that processes around contract change controls were in place and adhered to.
- The Voter ID pilot would affect preparations for the 2018 local elections.
- An additional post had been allocated to Emergency Planning, and there was much work being carried out in the light of the Grenfell Tower fire and the recent terrorist attacks in London.

Mr Patterson then responded to questions, making the following comments –

- Asked about where Members could most constructively spend their time, he commented that effective scrutiny and policy development

were both needed. The new Leader had commented that he would consider re-balancing the executive portfolios, and Mr Patterson hoped that housing would be a key aspect of any changes. Better alignment of member and officer structures might be possible.

- The Council was awaiting the outcome of the two Police super-borough pilots before making further representations to MOPAC. The Council had already expressed opposition to being grouped with Croydon and Sutton.
- There were no firm plans for how quality assurance assessments would be reported to Members, but there would be links in to Portfolio Holders and PDS Committees.
- Additional resources had been allocated to Emergency Planning, and there would continue to be joint work with other authorities across South East London.
- The specification for the Amey contract needed to be considered - money was tighter and it would not be possible to keep services as they were.
- Discussions were taking place with the Cabinet Office about Voter ID, and it was likely that additional publicity would be issued after Christmas to raise awareness.
- In response to the Chairman's suggestion that postal vote fraud was a more pressing issue, Mr Patterson confirmed that the Cabinet Office and the Electoral Commission were reviewing this. Postal vote fraud was a national issue and although he would continue to raise the issue the Council could not act in isolation.
- In response to a request for a report to be provided to the Executive on the new Leader's priorities, Mr Patterson advised that he would discuss this with the Leader.
- In the light of the current and upcoming vacancies for the Director of Education and Director of Corporate Services posts, Mr Patterson confirmed that the Council sought both to recruit new senior staff from outside the organisation and encourage home-grown talent. Although the Council was only responsible for a small number of schools, there were still extensive statutory responsibilities for education, and he considered that there was a greater need for one senior manager than for a number of more junior staff. He commented that it was anticipated that there would be an increasing shortage of senior staff in general across London.
- A review of Council ward boundaries was anticipated in 2019 – Mr Patterson would check what information had been received on this.

- The Council needed to work better with the Health Service on issues such as CAMHS, where there was an increase in cases.
- In response to comments that Councillors needed to scrutinise and not accept reports at face value, Mr Patterson commented that in order to protect frontline services the team carrying out corporate performance monitoring had been disbanded. It might be that modest investment in performance management would produce benefits, but there was not currently new funding for this.
- The Internal Audit team was currently fully staffed, with funding to bring in external assistance where required. Electoral fraud was not a priority for Internal Audit.
- In response to a request from the Chairman for a list of statutory responsibilities for his department, Mr Patterson responded this could be done - this work had already been done some three years ago – but he cautioned that the position was complicated.

75 TFM CONTRACT (AMEY)
Report DRR17/046

The Committee considered a report providing information on the performance of the Total Facilities Management (TFM) Contract provided by Amey Community Limited and their sub-contractor Cushman and Wakefield for the period 1st October 2016 to 31 August 2017. A letter from the Amey Account Manager provided his update on each of the individual performance elements of the contract and was attached at Appendix 1 to the report.

Darren Nolan and Andy Voase of Amey, and Mark Alder of Cushman and Wakefield, attended the meeting to respond to questions. The view from Amey was that, despite some initial problems, the contract was going well, with strong governance arrangements in place and a good relationship with the client team. Of the four main elements of the contract – hard and soft facilities management, projects and strategic property, they considered that soft facilities management (cleaning, security, portage, printing and associated activities) was where they the weakest performance.

The Chairman commented that there were numerous lights out in the committee rooms – he had not reported these to see how long it would take for the bulbs to be replaced. He considered that Amey should be more proactive on this sort of activity, and stated that the good performance set out in the report did not reflect what he actually saw. Amey commented that this was reactive maintenance, driven by what was reported by Council staff, and they had no capacity under the contract to look for problems. Another Member commented that Amey staff should be reporting faults as they went about their work. The specification had been inherited from the in-house service, and required lights to be replaced within five working days of being reported, although in practice the work would be done much more quickly. A Member

commented that maintenance requests had appeared to spike in May. Amey were not aware of a particular reason for this, although reports about heating did tend to increase in May and September.

A Member commented on what he had heard was excessive bureaucracy – requisitions being required for ordinary tasks. Amey clarified that, with certain exceptions such as printing, all requests were handled through a helpdesk which accepted requests by phone or email. All requests were logged and tracked. The Chairman commented that he had been told that new keys now had to be cut in Islington, rather than by a small local supplier. It was explained that Amey had an arrangement for bulk key cutting there.

Members commented on the KPI's and requested to know what a score of 14/17 might actually represent. The Committee was not satisfied with the data provided in the report and did not consider that it gave them the information that they needed to assess how well the contractor was performing. Amey commented that there had been problems with cases not being closed down on the system even when the task had been finished – a series of workshops had been held to address this.

A Member asked about the three month delay in commencing the Cushman and Wakefield contract, and why fire risk assessments had been added to the contract at a late stage. The delay had concerned pension arrangements for the staff transferring to Cushman and Wakefield. Fire risk assessments had not been part of the responsibilities of the Property Division but of the Health and Safety Team, so had not been part of the original service being transferred. The overall cost to the Council had not changed. 171 properties needed to be assessed; early indications were that no high or immediate risks had been identified and a report identifying costs would be presented to the client team soon.

Amey also supplied services to LB Bexley, but they confirmed that the existing framework was now closed and they were not actively seeking further Council work in south east London. If they were to win more work this should not have a detrimental impact on the contract with Bromley – on the contrary there would be greater resilience and more opportunities for cooperation. It was clarified that the reference in Amey's covering letter to Education projects was to the existing programme of capital works to schools.

The Committee concluded that they were not satisfied with this first monitoring report, and wanted to see more detailed, better presented reports in future, giving a clear indication of the specifications and providing data in terms of activity levels and not just percentages.

Action Point 8: Presentation of performance monitoring to be improved for future reports. (Action by Head of Asset and Investment Management)

RESOLVED that the report be noted, but the Committee is concerned that the next monitoring report should include better presentation of KPI performance.

76 COUNCIL TAX RECOVERY PROCESS
Report FSD17080

At the committee's meeting on 13 July 2017 Members had requested that the current recovery process for collection of Council Tax debt be presented for discussion at a future meeting. Robert Jones, Katy Luk and Tracey Hollidge from Liberata attended the meeting to assist in responding to queries.

The Authority used a range of recovery methods to collect Council Tax, including bankruptcy and Charging Orders. In order to initiate bankruptcy proceedings a minimum of £5,000 needed to be owed. Since 2012, the Council had instructed 189 bankruptcy cases for debts totalling £884,000. 86 of these debts were paid in full prior to bankruptcy being granted and a further 50 once bankruptcy had been granted. The Council's policy was that there needed to be an aggregated balance on Council Tax Liability Orders of over £1,000 before an application was made to place a charge on the property. To date, the Council had applied for Charging Orders on 137 cases covering debts of £585,000. Of these cases over 40% had settled their debts whilst a further 5% had agreed to a payment arrangement.

An additional table was circulated showing high end recovery referrals to Baker Tilly. A Member commented that there was a financial incentive for Baker Tilly to recommend bankruptcy proceedings. Other Members considered that the number of cases where bankruptcy was recommended was relatively low, and officers confirmed that the final decision lay with the Council rather than Baker Tilly.

A Member commented that there was only a very small drop in recovery cases between the Final Reminder stage and summonses. He also criticised the costs as disproportionate, and suggested that the Council should do more to reduce the number of summonses issued. Officers explained that, unlike some other authorities, Bromley did set minimum value thresholds below which it did not issue summonses. Another Member commented that some very vulnerable people might not be able to respond to warnings, and the Council needed to do more to identify these cases. She suggested involving ward councillors, although there would probably be difficulties with data protection.

RESOLVED: That the current procedure for collection of Council Tax debt be noted.

77 HOUSING BENEFIT CLAIMS TAKING A HIGH NUMBER OF DAYS TO PROCESS
Report FSD17081

At its meeting on 13 July 2017, the Committee had requested that further investigation be undertaken as to the reasons why a number of claims were

showing a high number of days to process. George Talakshi of Liberata attended the meeting to respond to questions.

A significant number of claims recorded as taking in excess of 100 days to process were showing the cause as being advance notification of a change. This was not necessarily poor performance by the contractor - in these cases, performance had been measured from the time of notification, despite the fact that the change could not take effect for some time. In future, performance would be measured from the date when the change was due to take effect, rather than the notification.

RESOLVED: That the explanations provided for the claims being recorded as taking in excess of 100 days to process be noted.

78 CONTRACT CHANGE CONTROLS
Report CEO01634

The Committee received a report providing an update on changes to the Change Control Process in the light of recent internal audit reports. The report also set out the position on change control notices for the two main contracts within the Chief Executive's Department (with Liberata and British Telecom) and a list of change controls relating to Education, Care and Health Services Department contracts. A further appendix was circulated with change controls for the Environment and Community Services Department.

New guidance and a standard change control document had been issued, and staff were being trained on the issue. The Director of Commissioning would only sign off waivers when change control notices were in draft.

RESOLVED that the report be noted.

(Note: The Chairman subsequently agreed that future updates on change controls should be considered by the Contracts Sub-Committee.)

79 WORK PROGRAMME
Report CSD17149

The Committee noted its work programme for 2017/18.

80 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006, AND THE FREEDOM OF INFORMATION ACT 2000

RESOLVED that the Press and public be excluded during consideration of the items of business referred to below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

**The following summaries
refer to matters involving exempt information**

**81 EXEMPT MINUTES OF THE MEETING HELD ON 7
SEPTEMBER 2017**

RESOLVED that the exempt minutes of the meeting held on 7th September 2017 be confirmed.

**82 CONTRACTS REGISTER AND CONTRACTS DATABASE
UPDATE - PART 2
Report CSD17144**

The Committee considered an extract from the Contracts Register with additional commentary including potentially commercially sensitive information.

The Meeting ended at 10.00 pm

Chairman