

OVERVIEW & SCRUTINY PANEL

Minutes of the extraordinary meeting held on 6 December 2023 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Phil Fellows (Chair); Councillors Austin, Bright, Britcher, Currie, d'Abbro, Davis, Farooki, Kup, Manners, Packman, Pope, W Scobie and Worrow

In Attendance: Councillors J Bayford, J Bright and Whitehead

17. APOLOGIES FOR ABSENCE

Apologies were received from the following Members:

Councillor Paul Moore, substituted by Councillor Manners;
Councillor Green, substituted by Councillor Will Scobie;
Councillor Wing substituted by Councillor Garner.

18. DECLARATION OF INTERESTS

There were no declarations of interest made at the meeting.

19. THE RE-TENDERING OF THE RESPONSIVE REPAIRS CONTRACT

Sally O'Sullivan, Head of Tenant and Leaseholder Services introduced the report and made the following comments:

- This report was regarding the proposed approach to the procurement of a partnering contractor for day to day responsive repairs, voids, compliance and major works;
- This service was currently provided by Mears and the contract was due to expire on 31 March 2025;
- Due to the size and complexity of this contract, the Council had to start the process now to ensure that there was enough time to apply the right model and procure the right partner to deliver this service;
- Officers sought the assistance of a consultant to help get this right. The consultant chosen had worked extensively with local authorities across Kent to procure the same kind of contract, meaning they had a wealth of experience to apply to this process;
- Officers had carried out a series of workshops and discussed what was working well and what needed to be improved with the current service and explored different options for the approach to service delivery with the new contract. Officers had a strong focus on local delivery and the employment of local operatives;
- As part of this we looked at the option to bring the entire service in house. This was discarded due to a number of operational issues that would hinder set up and smooth service delivery; these included:
 - Not having a depot available to work out of, to store plant and materials and this would take substantial investment and time to set up;
 - Requirement for additional management for finance and ICT;
 - The ability to cope with peaks and troughs of work through seasonal demand;

- The Council would still have to procure contractors to carry out specialist works for example, asbestos management and electrical safety.
- This was discussed more extensively in section 3.12 to the committee report;
- Officers decided that the best proposal was to rework and improve the current model which is Price Per Property (PPP) and Price Per Void (PPV). This would mean there would be in place, a fixed price agreement per property through which the service provider would carry out repairs and maintenance, using the national schedule of rates for anything that fell outside;
- The main benefits of this model included the following:
 - Less administration than if the Council were to approve individual SOR for all jobs/voids;
 - Officers can focus on quality of works rather than value;
 - Officers would have faster repair completion as this model meant the contractor would complete works without seeking authorisation from TDC in a majority of orders;
 - Familiar way of working for TDC officers;
- The main disadvantage was that contractors may try to charge inappropriately for repairs they deemed as falling outside the price per property model or carry out works in a property so that the final value falls outside the price cap;
- Officers were going to write elements into the contract to mitigate against these risks and this includes:
 - Including a clear document that sets out what repairs are included within the PPP and PPV;
 - Setting an appropriate cap to the price per property;
 - Clearly defining what happens when works go above the set cap;
- Officers were keen to extend the provision of some of the in-house services; this would include minor ground works, fencing and arborist works;
- Officers intended to keep these services available to call off through this contract as well, to provide resilience to the service;
- Officers had sought to include a separate element into this procurement by introducing the requirement for a bid and delivery partner as a separate lot. This means we could have 2 partnering contractors; 1 for the main elements for delivering repair and maintenance and 1 to be our delivery partner for grant funded works.
- When grant funding became available the Council had to be ready to bid for it and often deliver the works within very tight timeframes. An estimated spend of £4m per year for this element had been included, but this would not be spent unless grant funding was available and the partner delivered a winning bid application;
- This level of spending had been included because officers were ambitious and wanted the best for the Council's assets and residents. When grant funding became available the Council should be in the best position to be awarded funding and deliver on what had been planned;
- Officers had engaged residents in the formation of this proposal as they had valuable first-hand experience of this service. Residents gave some beneficial feedback and endorsed the model proposed;

- The intention was to continue to engage with residents in this process by asking them to assist the Council with the analysis of the tenders received.

Councillor Whitehead, Deputy Leader and Cabinet Member for Housing made comments as follows:

- The level of work that goes into both procurement and organisation of a housing service of this scale is extraordinary; as is the progress that has been made within Housing since we brought it back in house;
- The Portfolio Holder said that she felt that on occasion, she was criticised for being too ambitious in relation to Housing.
- The Portfolio Holder's ambition was informed by knowledge and an understanding of both procurement and risk, and never approve a strategy or approach that she felt could endanger either Housing, or the Council's ability to deliver services;
- This contract was last extended in 2020; it could not be extended further. This meant that coming in this May as an administration gave little to no lead time to produce an extended in-house service across all areas; much as, as evidenced by the determination to bring Housing back and produce in-house temporary housing and the Council's first in-house rough sleeping accommodation, the general inclination was to create and promote in-house services wherever possible;
- Ideals had to be considered in relation to realities and the security of service, especially when what was at stake was the quality of delivered service to a very large number of our residents. As such focusing on areas that the Council could deliver in-house, such as minor works and ensuring that complex and specialist areas function and deliver without interruption was essential;
- The Council was now focusing heavily on the local economy in housing procurement. Contracts were now prioritising local jobs, local call centres and included the requirement for local apprenticeships to build not only the local economy, but also build skills and employment opportunities;
- This combined with the proposed in-house expansion of minor works, to explore our delivery of direct services, allowed the Council to deliver not only many highly complex workstreams, but also created resilience. The sheer scale of the number of new strategies being implemented and the considerable growth of our portfolio means that ensuring reliability of provision at a time when we were still a Council with disproportionately low staffing for the scale of what we deliver meant that considering the long term future of all projects was essential;
- A significant amount of high level of work had gone into the preparation of this procurement exercise, and Members were asked to recognise just how hard Ms. O'Sullivan and the team had worked.

Members asked questions and made comments as follows:

- One Member asked what the process and criteria for contracting out work was;
- They further asked under what circumstances would the Council not want to continue with the contract;
- The element on decarbonisation: Was this to be given to a contractor who had the capacity to write bids on decarbonisation or one who would be able to provide the works for the decarbonisation element of the project?

- How did the price per property model work with other Council departments who would be allocated part of this project work?
 - With the supply chain sometimes contractors would get it wrong. Was the contract going to make such contractors more accountable for their mistakes?
 - Had officers considered value for money when drafting these proposals? It appeared as though the estimates were too high for maintenance costs per property in comparison with the industry averages;
 - Had options been considered to roll this project over a year?
 - Had an alternative business model for managing this portfolio, like having one manager managing between 100 and 120 housing units?
 - This would manage these units with help from the Legal Department, supervisors and one contractor;
 - What was the bottom line figure for this project?
 - Was it possible to develop a parallel in-house service whilst this contract was being developed?
 - It was encouraging to note that the Council was having a long contract partnership. Was there any performance related payment built into the contract?
 - Were there any independent auditors in the market who could pick out any woolly performance stats when performance reports were submitted to the Council?
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- This approach was as good as it was going to be monitored and enforced;
 - An open and transparent tender process would normally identify the right contractor. If the process was unable to identify the right contractor that would be a message for the Council to investigate why;
 - One of the key recommendations from the Grant Thornton external audit report was for less outsourcing work and more in-house service provision;
 - There should have been a lot more member involvement in putting together these proposals;
 - The triage for the two stage process was what the Panel would need to be informed about;
 - Accountability had to be built into this whole process;
 - One Member said that Grant Thornton had not advised the Council to outsource less but was rather reporting on progress over time. Officers worked hard and it was important for Members to acknowledge that;
 - One of the biggest risks faced by the Council was cyber security. Digital integration being proposed should consider issues of due diligence on third parties;
 - With regards to the insolvency: the no fault break clause would only mitigate further damage but not stop damage to the Council's balance sheet. There were no mitigations detailed in the report.

Sally O'Sullivan and Councillor Whitehead responded to Member comments and questions as follow:

- The officers' view was that this was a large, complex and costly task to procure a contract like this approach was more appealing to the market and enabled the Council to form a true partnership that should yield good results;
- With regards to retrofit decarb works; the Council was looking for a bid writer who would also be able to deliver the project in partnership with the Council;
- There was a provision for other Council departments call off on works they required. They would not work by the PPP model; this is for social housing stock only;

- The Council would manage the performance of the contractors and the contractors would take responsibility for their performance;
 - Contractors were able to raise any safeguarding concerns as they go about their work;
 - The Council considered value for money with regards to the bid and delivery lot. This lot would enable the Council to react quickly when grant funding became available and provide the vehicle to deliver the works within the tight timeframes that are often applied to grant funding all of the proposed budget of £11 million would be spent each year;
 - Capital works, for example, if a property was discovered to have windows that were falling in and posing a health risk and therefore needed repairs, we would have the ability to react quickly to resolve the H&S issue without having to carry out a lengthy procurement exercise for a contractor to carry out the work.
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- The current contract could not be extended further. Any delays would risk the Council going against procurement regulations or risking a failure in current service provision
 - Various models were explored and this was viewed as the best as it would provide resilience for the service;
 - Setting up an in-house service as an alternative approach would take about three years;
 - Officers had not considered using the performance payment approach as this can be difficult to manage;
 - Officers were confident that the Tenant and Leaseholder Services team were capable of managing this contract;
 - The tendering process would start with a pre-qualification questionnaire that would be open to any contractor to submit a tender to. The Council would then choose the top 3-5 tenders to invite to submit a full tender for the contract.

Councillor K. Bright proposed, Councillor Will Scobie seconded and Members agreed that the following recommendations to Cabinet:

That Council explore the inclusion of a performance related monitoring of the contract that would lock into the contract a performance related fee and penalty.

20. TENANT AND LEASEHOLDER SERVICES Q2 REPORT FOR 2023/24

Sally O’Sullivan, introduced the report and advised Members that a new look Key Performance Indicators (KPIs) reporting format was introduced by the Service and was used for presenting the Quarter 1 and Quarter 2 performance. Ms O’Sullivan made further comments as follows:

- As part of the new look KPIs, the Service also developed a dashboard style way of reporting that was hope would be more accessible than our previous reports;
- The compliance reports would remain the same for now as their requirements were prescribed within policy;
- Officers had also introduced a new dashboard to show progress on the Tower blocks retrofit and refurbishment programme;
- Most of our operational Performance Indicators (PIs) were running as was envisaged;

- In Q2 the team achieved voids target for the first time since the service came back in-house. This had been due to the hard work of the voids team and strong contract management by the Senior Repairs Surveyor;
- The Council was also continuing to reduce tenant arrears, which had now fallen to under 3.9%. This was a massive achievement as when the service came back in-house, arrears were at around 7%;
- Where the Council needed to do better was with its capital spend. The Council had struggled to procure contracts over the last six months and finally by the end of Q2 were in a position to award some key contracts. This meant that over the next six months, officers hoped to catch up on much of the capital programme that had fallen behind;
- For the compliance statistics, the Council was again operating steadily for most workstreams. Worth highlight was the progress made on the electrical safety programme, which had increased to 97.67% and continued to increase to a level where soon officer would feel comfortable to move this service area to a business as usual workstream;
- Worth pointing out also was that there was one property that did not have a valid gas safety certificate. This was because the resident was a hoarder and officer had been unable to complete all the tests required to obtain a valid certificate;
- Officers had done everything possible and there was evidence to show the efforts made should the Council be approached by the regulator for social housing. Unfortunately, officers were now having to apply for an injunction to clear the property to allow these works to be completed.

Councillor Whitehead, Cabinet Member for Housing made comments as follows:

- As evidenced by the thoroughness of these reports, a huge amount of work goes into both collecting and analysing data within Housing, and the comprehensive nature of this work was something that Officers involved deserve significant credit for;
- Councillor Whitehead made special praise to the new dashboard style reporting, which made information more accessible and very clear to understand, and also welcomed the inclusion of in-depth reporting on the tower block retrofit and refurbishment programme.
- This was a huge piece of work that had already included an inclusive and comprehensive resident consultation. Inclusion of this as a separate workstream was exceptionally positive, as it was of interest to both residents and Members;
- The Portfolio Holder was heartened that gas compliance had only one outstanding case and that this was linked solely to very complex access issues. This indicated the level of effort the Council made and was making to ensure that residents were being protected;
- The drop in tenant arrears was extremely positive considering the level of financial stress that many residents were currently facing;
- This position reflected a huge amount of support that the TLS team were giving to residents to help them access support that they may be entitled to and supporting them when times were challenging;
- The work in relation to voids was also very pleasing; faster turnaround times meant more families accommodated more quickly, which was essential to reduce disruption to families and provide secure accommodation as quickly as possible;
- The performance reports were always very thorough, and this was no exception. The Portfolio Holder to recognise all the work that went into

collating and presenting this information, and extend thanks to Ms. O'Sullivan and her team.

Members asked questions and made comments as follows:

- One Member said that all indices since the service came back in-house were thriving in comparison to when the service was being managed by East Kent Housing;
- Was there a robust eviction procedure for when a tenant did not pay rent?
- Were there any plans to lease Millmead Hall as it was empty most of the time?
- For the resident who was a hoarder had any safeguarding concerns been raised?

Sally O'Sullivan and Councillor Whitehead responded to Member comments and questions as follow:

- Yes, there was a robust in-house eviction procedure. There was a policy position on evictions;
- Millmead would continue to be kept in-house and could be hired by communities. Currently the building was being hired the RISE team;
- The issue of the resident who was a hoarder was a multi-agency matter. Unfortunately, the resident was not engaging with the Council.

Members noted the report.

21. JACKEY BAKERS RECREATION GROUND

Mike Humber, Director of Environment introduced the item and made the following key points:

- This report set out proposals for Cabinet's approval for improvements at Jackey Bakers Recreation ground;
- The report referred to a petition that was received by the Council in June about the management of Jackey Bakers and describes the actions taken since then;
- The report also proposed the adoption of a master plan (attached at Annex 1 to the report) for the future development of the site. The master plan proposals were not currently funded but the adoption of the plan would inform direction and represent a first step towards securing the required funding for the long-term future of Jackey Bakers;
- The report further proposed that authority be delegated to investigate the options for a future development on the site based on the master plan, including car parking, a new pavilion and other sporting/recreational facilities that might enhance the offer at the site;
- A further report would be presented to the Overview and Scrutiny Panel and the Cabinet once these options had been further explored;
- The recommendation included the demolition of the existing pavilion subject to planning prior approval being granted at the meeting of Planning Committee on 13 December 2023;
- Following demolition, it was proposed that temporary facilities were provided with team changing rooms, showers, officials changing, storage and toilets.

Councillor Joanne Bright spoke Council Procure Rule 20.1.

Speaking under 20.1 the Member made the following points:

- They welcomed the much needed investment in the Jackey Bakers recreation ground. They asked if future park designers would specifically consider the needs of girls and young women in these new plans;
- Women and girls were much less likely to use sports fields than men and boys and they frequently did not feel comfortable visiting these spaces as they were not being designed with their needs in mind;
- Recent research from Leeds University and the charity 'Make Space for Girls' identified issues such as a lack of social seating, well-lit paths, a lack of toilets and a focus on facilities favoured by boys as reasons why girls were less likely to use parks than boys;
- The research showed, teenagers using multi-use games areas (such as football fields and basketball courts), were 92% boys and young men;
- Facilities such as tennis courts, play spaces and outdoor gyms were more likely to be used by girls; but still these were only 34%;

- The draft master plan for Jackey Bakers imagined a facility used by the whole community but in reality, these types of facilities did not properly cater for 50% of the population. Teenage girls were less likely to exercise outside than teenage boys and this was not going to change unless gender mainstreaming was applied in the planning and design of parks and recreational spaces;
- The proposed investment in this large recreation site seemed like the perfect opportunity for Thanet District Council to lead by example and prove that teenage girls had as much right to outdoor fun as teenage boys;
- Other countries and other local councils had successfully designed parks to be more inclusive;
- The Member further asked if it would be possible to ensure that the facilities at Jackey Bakers appealed to girls and boys more equally;
- Local schools and youth organisations could be consulted to find out the needs and requirements of local girls to ensure these facilities were designed to be as gender inclusive as possible.

Members asked questions and made comments as follows:

- Would girls and women needs be accommodated in order for them to access the facilities at Jackey Baker?
- Those needs included good lighting and safe play spaces;
- Teenage girls were less likely to use those facilities for outdoor exercising;
- Parks should be made to appeal to girls and boys equally by mainstreaming gender needs;
- Another Member welcomed the focus on Jackey Bakers;
- One Member said that it was encouraging to note that the Council was responding to a petition in the manner as reflected in the committee report;
- Could the covenant document for Jackey Bakers be made public?
- There was a similar petition that might be coming to the Council regarding Northdown Park. Could this be funded in a similar way;
- Had an asbestos survey been carried out?
- Demolition costs were higher by a factor of 400%. Did the Council consider competitive costs?
- Jackey Baker had its own policy position in the Local Plan;
- If there were new sporting facilities to be established at the site, there was an opportunity for revenue that would come into the Council;

- Mental health benefits that came from accessing such a facility were significant;
- One Member requested that officers check and correct the spelling for Jackey Bakers as it should be “Jacky Bakers”.
- Another Member suggested that the Panel approached the Youth Council and engage in discussion on this matter to get their view on this project.

Mike Humber and Tony Marmo, Head of Coastal and Public Realm responded to Member comments and questions as follow:

- The land identified for housing at Jackey Bakers was transferred from the General Fund to Housing Revenue Account (HRA) after a decision made by cabinet in March 2023;
- The report was not meant to provide support to housing related issues;
- Officers will circulate the covenant documentation for Jackey Bakers Recreation Ground to councillors;
- Jackey Bakers had been identified by Kent FA as a potential location for funding and therefore a master plan is helpful in accessing this funding, as it shows the Council’s commitment to developing the site;
- The demolition costs at Jackey Bakers Recreation Ground are estimated to be £250k because of the asbestos in the roof structure and the extensive mechanical and electrical services that would need to be removed;
- Demolishing the pavilion and replacing it temporarily with a portacabin container type of facility would make more sense than trying to refurbish the existing pavilion;
- Officers will undertake an assessment of the Northdown Park and the pavilion at this location.

Councillor Will Scobie proposed, Councillor Austin seconded and the Panel agreed to forward the following recommendation to Cabinet:

1. That wording is added to recommendation (c) in the Panel report as follows:
 - a) Approves a public engagement exercise to inform the master planning for Jackey Bakers, based on SECTION 1 OF the draft master plan attached at annex 1;

Councillor Kristian Bright proposed, Councillor Fellows seconded and the Panel agreed to forward the following recommendations to Cabinet:

1. To ensure the temporary changing facilities are properly insured and secured;
2. That the Council explores facilities that will be installed that will encourage safe enjoyment of Jackey Bakers by girls and young women.

22. PUBLIC TOILETS REFURBISHMENT AND RENEWAL PROJECT

Mike Humber introduced the report and made following comments:

- This report proposed a schedule of investment in public toilets around the district;
- Budgets totalling £1.25m with a mixture of revenue and capital funding had been identified. A further sum of £250k was anticipated although not yet approved via an external grant from Southern Water;

- The report proposed maintenance works at seven sites. This would focus on addressing existing defects and was not a full refurbishment of the toilets. But it would return them to a much higher standard of repair. Examples of the work content could be found at Annex 1 with the estimated cost;
- The total spend on revenue repair work was £279k and subject to approval at Cabinet it was proposed to undertake these works in the new year so that they were completed before the start of the 2024 season;
- The report also proposed capital works at three sites, Margate Clock Tower, Stone Bay and Botany Bay;
- These capital works would provide significantly improved and accessible facilities at all three sites;
- There were currently 27 public toilets in Thanet and this report proposes works in 10 of those 27 locations. This investment was proposed to be the start of an anticipated wider and longer term programme of public toilet improvements subject to further funding being identified;
- The report also proposed that a further report be taken to Cabinet before the end of October 2024 to provide an update on toilet refurbishment and improvement works;
- The report would update on the capital works programme and would propose next steps to address refurbishment or improvements at the public toilets not included in this initial phase.

Speaking under public speaking, Ms Ruth Bailey made the following comments:

- Ms Bailey said that this was a subject that she had raised quite often and she therefore wanted to come along to the Panel to welcome this long awaited toilet strategy;
- Ms Bailey said that this issue was of great importance to residents and visitors alike and was also speaking from experience having been on the frontline listening to complaints when manning the Visitor Information Kiosk;
- Toilet provision was not a statutory duty for the Council. However, clean and hygienic toilets, particularly in a seaside destination, were essential. There was no getting away from that;
- Having this strategy in the public arena was a real positive step forward. Therefore, well one to all concerned;
- The report was clear and honest in its limitations, the detailed rationale, costings and schedule of works was welcome, as was the re-assessment of disability and baby changing provision;
- It was pleasing to note that, despite fears to the contrary, this refurbishment programme did not seem to entail the closure or selling off of any of the toilet facilities;
- The first tranche of toilets would be ready for next summer; which is great. However, the timespan of the total programme was given as 10 years (at paragraph 3.4. of the report) which did seem a rather prolonged period. It was hoped funding could be found to speed this up as some of the remaining toilets could not likely wait that long;
- It would be good to know what the realistic timescale was for the proposed new builds at Margate, Botany and Stone Bay as they were all in a dire condition;
- Once the toilets were spruced up and more acceptable to our residents and visitors, had any thought been given to introducing a charging system to put money back into their future maintenance?

- Similarly, had any consideration been given to having commercial advertising on the outside of the toilets, where appropriate, or even inside, in order to attract revenue?
- And finally, can the public dare hope that once refurbished, the toilets would be open, available and operational at reasonable hours, especially during the long summer evenings when people were still out and about, instead of being closed late afternoon?

Members asked questions and made comments as follows:

- Was funding from Southern Water going to be used for funding repairs of the existing toilets or for porta-loos?
- How much funding was the Council going to get from Southern Water?
- Where was the Council going to get the money to pay back the £400k borrowing if the toilets were going to be accessed for free?
- One Member said that charging for the accessing the toilets was not a good idea;
- Approaching Your Leisure to take over the toilets was a good option worth considering. Had this been considered and what was the future plan?
- Southern Water were keen to make amends for the historic damage they made. What were the current relations like between the Council and Southern Water?
- There was some scope to look at the option of setting up a partnership with a private organisation to manage the toilets in return for a long lease;
- Another Member said that this was a hugely welcome proposal. Local events were going to enable toilets to pay for themselves;
- Had infrastructural surveys been conducted and was there a report that Members could review;
- The need for toilets at the Western Undercliff needed to be highlighted as well;
- Could the Western Undercliff location be considered on the list of toilets to be refurbished?
- One Member requested to have the site of those 27 toilets that had been surveyed but had not ended up on the list before the Panel.

Mike Humber and Tony Marmo, Head of Coastal and Public Realm responded to Member comments and questions as follow:

- The Geoff Oliver & Associates report suggested a ten-year time frame to repair the toilets. However, the Council would try to work to a shorter time-span, but this was dependent on the availability of funding for the programme;
- Charging for accessing the toilets was something the Council could consider in the future. However, this would require a different model to the one being proposed this time around;
- Closing times for toilets are dependent on the availability of resources to man the cycle of closing times;
- There are seven toilets on the list that will get revenue repair works done. Margate, Stone Bay and Botany Bay toilets will be new build capital works;
- This report was the start of a journey and the commitment was to come back next year with more proposed works;
- The £400k borrowing would be paid through the Council budget;
- There were no conversations currently going on with Your Leisure. Such conversations would need to take place only after the standards of the toilets would have been improved;

- Southern Water had indicated that they wished to fund the Botany Bay toilets refurbishment. They were currently studying the quantity surveyor's report, before announcing the amount of exact funding but estimated it to be £250k;
- The Western Undercliff toilets would be added to the list of toilets to be considered for funding when further funding becomes available;
- Officers would share the conditions survey report with Members.

Councillor Austin proposed, Councillor Garner seconded and the Panel agreed to forward the following recommendation to Cabinet:

That the Western Undercliff public toilets be added to the list of toilets for consideration when further funding becomes available.

Meeting concluded: 9.12 pm