

OVERVIEW AND SCRUTINY COMMITTEE

Meeting: Wednesday, 7th December, 2022
at 2.00 pm

Present: Councillors Shirley (Chairman), Cassidy (Vice-Chair), Gawne, McEwan, Morgan, and C. Thomson.

Officers Present: Debbie Storr (Head of Legal and Governance), Susan Roberts (Director of Resources), Sandra Baines (Head of Culture and the Visitor Economy), Les Davies (Head of Asset Management), Helen Houston (Head of Regeneration and Planning Policy), Chris Pollard (Cemeteries and Crematorium Manager), Marie Richards (Head of Operational Services), Caroline Wagstaff (Head of People and Communities), Paula Westwood (Scrutiny and Democratic Services Team Leader) and Katie Pepper (Democratic and Electoral Services Officer).

26 Apologies for Absence

Apologies for absence had been submitted from Councillors Hall, McClure and Robson.

27 Minutes

The Minutes of the meeting held on 2nd November, 2022 were taken as read and confirmed.

28 Public Participation

RESOLVED:- Acting Inspector 1240 Joanne Smith from Cumbria Constabulary had attended the meeting and addressed the Committee in respect of Agenda Item No. 10 – Anti-Social Behaviour Town Centre Update (Minute No. 31)

Barrow BID Manager Paul Hodgson had attended the meeting and addressed the Committee in respect of Agenda Item No.8 – Barrow Business Improvement District (Minute No. 29)

29 Barrow Business Improvement District

The Head of Regeneration and Planning Policy provided an update of the work of Barrow Business Improvement District since their re-election for a second term in 2021.

Barrow BID was established in 2016 as a result of a democratic vote of the businesses within the defined BID area, 77.5% of the businesses voted for the creation of a Business Improvement District for Barrow Town Centre.

The levy was used to deliver projects which will benefit the businesses in the BID area and during the first term successfully delivered a range of events and projects within the town centre.

The second term for Barrow BID commenced 1 September 2021, following further ballot process where businesses voted to continue the Business Improvement District. At the time arrangements were confirmed for a BID Liaison Officer for the Council which was currently undertaken by the Head of Regeneration and Planning Policy.

To support the collaborative working relationship between Barrow BID and the Council regular BID Liaison meetings are held and the BID Liaison Officer meets regularly with the BID Manager. Since September 2021 the following activities have been undertaken:

BID Liaison

Regular liaison meetings were held between Barrow Borough Council and Barrow BID these presented the opportunity to provide an update on the BID Levy collection undertaken by the Councils Revenues & Benefits Team and any other activities which are relevant to the work of the BID or the Council.

In addition to the formal meetings which occurred bimonthly the Head of Regeneration & Planning Policy had informal meetings with the BID Manager when required. The relationship between the Council and the BID had improved following the formalisation of the relationship through the liaison meetings.

Levy Collection

Barrow Borough Council collected the BID levy from businesses within the BID area and issued bills and reminders at appropriate times. The payment of levies was reported through the Liaison Meetings.

Events, Marketing and Promotion

A number of events and activities had been held during 2022 which had been a great success and welcomed people back to the town centre. Events included Santa Dash, Dino Day, Soapbox Challenge, Shop Barrow Day, Festival of Transport, Piano Trail. A full list of events was circulated to the Committee.

The BID and Council had worked together on numerous occasions, publicising events and undertaking joint promotional campaigns.

Welcome Back Fund

Following the pandemic Barrow Bid and the Council worked together to deliver a package of activity funded by the Welcome Back and Reopening High Streets Safely Funds. This work was intended to support local businesses 'bounce back' from the pandemic and welcome visitors and residents back to our high streets and centres by giving them confidence that they would be met by a safe and welcoming environment. Activity included a promotional campaign through Visit Barrow, promotional material including videos, leaflets and a map/guide to local businesses and attractions, enhanced social media coverage, temporary public realm enhancements on Dalton Road and delivery of a bespoke event to support retailers.

HSHAZ

Barrow BID had supported the Rediscover Barrow High Streets Heritage Action Zone on Duke Street with match funding in years 1 and 2. They sat on the steering group and cultural consortium along with other stakeholders and worked in partnership on heritage projects within the town centre.

High Streets Task Force

Barrow BID, along with other town centre stakeholders, were invited to work with High Street experts from the High Streets Task Force who had now held two sessions in the town centre one in 2021 and one in 2022. Following a workshop in October 2022, the BID and the Council would work collaboratively to deliver some of the suggestions put forward by the experts to revitalise the town centre in the short term, whilst the long term regeneration plans take place.

Levelling Up Fund

Barrow BID had been working collaboratively with Council officers to support the successful Levelling Up Fund application for the redevelopment of the Market Hall and surrounding space. A number of BID levy payers including market traders were affected by the redevelopment work and the BID were supporting traders through this process and supporting events and activities in the Market, Forum, Town Square and Market Square.

The Barrow BID manager presented their business plan for the following five years and provided information on the various schemes and events they had arranged.

RESOLVED:- To note the contents of the Barrow Business Improvement District Report.

30 Performance Management Q2 2022-2023

The Director of Resources had submitted a report containing the cumulative service performance information from April to September 2022.

The performance was reported quarterly and a red, amber, green (RAG) rating had been applied to indicate where performance is of concern.

The scale applied to award the RAG rating was:

- +/- under 10% - green
- +/- between 10% and 20% - amber
- +/- 20% or more – red

Where performance had been rated amber or red, then an explanation would be provided in the quarterly report for consideration and to identify any actions.

It was proposed that the RAG rating was added to the Service Performance Framework and that would include clarification of the comparative, for example, some of the indicators could be measured against each quarter to see progressions, but others such as the collection of local taxes were best compared with the same period the previous year.

The Forum indicator was for show/performance attendance. The Head of Visitor Economy and Culture had also reported that the external events, Jubilee party, pride, and unity that the Forum supported attracted more than 20,000 people, and the Autumn programme had many sell out performances.

Waste containers delivered within 7 days – good performance would be a high percentage of containers delivered within 7 days. Issues with performance during the April to September period had been recognised and improvements would be apparent from October onwards.

Corporate complaints dealt with in the timescale – this had improved from quarter 1 and would continue to be monitored.

Average time to process new housing benefit claims and claim changes – good performance would be a low number of days. As previously reported the claims remaining on housing benefit were complex and related to supported accommodation and temporary accommodation; the service was also managing staff shortages through external support. The number of days had increased during quarter 2 due to additional service pressures:

- Housing Benefit Assurance Process – this was a mandatory DWP duty which was a comprehensive review of several claims, including visits and interviews. The samples were supported accommodation claims, flagged for various reasons and the Council must comply with the evidence requirements and justify the decisions that had been made.
- Housing Subsidy Claims – the DWP claims for 2020-2021 and 2021-2022 were subject to audit and a large volume of claims were tested. Where the determinations or evidence relied upon was queried, this went to the Service to respond.
- Delivery of the mandatory and discretionary Energy Rebate Schemes and compliance with government reporting.

Long and short term sickness averaged per employee were both higher than the same point in the year in 2021. The detailed quarterly analysis would be considered by the Senior Management Team.

The percentages of assisted list collections missed was 1.61% and 1.5% for general containers missed.

The percentage of household recycling remained outstanding, and officers had been progressing the data requests.

RESOLVED:- To agree that the red, amber, green scale be added to the service performance framework.

31 Work Programme Update

The Scrutiny and Democratic Services Team Leader had submitted a report outlining a summary of the progress made in respect of each topic as follows:-

Flood Work Group Update

At the previous meeting the Head of Programme Management and Climate Change had provided a briefing note for Members including details of the Cumbria Coastal Strategy. A concern had been raised over South Walney being recorded as 'No active intervention' as there were well established coastal erosion problems on South Walney and the sea cuts right across the Nature Reserve.

This query had been fed back to the relevant Officer who had advised that both the Walney Island Strategy and the Cumbria Coastal Strategy agree with the Shoreline Management Plan policy that South Walney (from Haw Hill on the west coast, anticlockwise to Creepshaw Marsh on the east coast) was recorded as 'No active intervention', mainly due to the fact that very few properties were at risk of flooding or erosion over the Strategy's 100-year timescale. The 'No active intervention' policy does not preclude private defences being constructed, subject to the necessary permissions/licences.

The committee agreed that the flooding on Walney Promenade Workgroup be signed off.

Review of Anti-Social Behaviour Strategy and Action Plan

The Head of People and Communities provided the Committee with an update on the Anti-Social Behaviour Strategy and Action Plan.

A new Safe and Strong Communities Team had been created so they were able to work with Residents. They had taken on a Public Space Protection Order and issued 4 fixed penalty notices for littering and 2 for fly tipping, 16 abandoned cars had also been removed.

They had received funding for CCTV Cameras, and they were waiting for the procedure to be put in place by Cumbria Constabulary before these were installed, a report on the CCTV would be taken to Executive Committee.

Acting Inspector 1240 Joanne Smith from Cumbria Constabulary informed the Committee that crime rate had lowered to 100 in the Town Centre and they had 12 instances of anti-social behaviour in November.

A meeting had taken place earlier in the year with management at McDonalds, since then McDonalds had seen an improvement in the number of Anti-Social behaviour taking place.

Extra lighting was going to be installed around the Town Centre around the Town Centre, including at the end of Preston Street.

The Committee requested to see a copy of the CCTV report before it was reported at Executive Committee.

Impact of Covid-19 Going Forward

The Work Group had met with the Public Protection Manager on 18th November where the following update had been provided: -

Nationally

- 1 in 40 people had covid but case numbers were decreasing; and
- Hospital admissions and mortality rates were decreasing.

Locally

- Case numbers had been decreasing since mid-October;
- Vaccine rates in Cumbria were better than other areas with 64% of over 50's having received their Booster
- Hospital admissions were stable across Cumbria; and
- More elderly people had tested positive, probably due to testing in care homes.

The Council had run a social media campaign for covid and flu vaccinations.

Councillor McEwan informed the Committee in the previous week there had been 2 covid related deaths in the area.

Barrow BID

The Head of Regeneration and the BID Manager had been invited to present a report to the Committee. The report had been covered under minute No. 29.

RECOLVED:- To note the updates on progress in respect of each of the Work Groups.

32 Memorial Bench Policy

The Cemeteries and Crematorium Manager reported that at Executive Committee on 10th November 2021 a set of guidelines for the installation of memorial benches on Council owned land was agreed.

A review of the Policy was incorporated into the Overview and Scrutiny Committee work programme, on the 10th November 2022 the Memorial Bench Work Group discussed the Memorial Bench Policy and recommended the following changes.

- i. Due to the volume of memorial benches already in place, no new benches should be permitted around the coastline of Walney Island.
- ii. When applying for a bench, customers would be informed that planting or placing tributes around the bench was not permitted. Any tributes placed around the bench would be removed.
- iii. The bench would be recycled plastic as opposed to hardwood.
- iv. Any unauthorised benches would be removed.
- v. The fee as subject to any annual increase in line with the Council's fees and charges.

The amendments had been incorporated into a revised Policy and if Members agreed them, then they were asked to recommend them to Executive Committee for adoption. The current policy dated November 2021 and the proposed revised policy dated December 2022 had been attached as appendices to the report.

The Committee agreed that the wording for change (ii) be altered to permit flowers being placed excluding cellophane and elastic bands.

RESOLVED:- That the amendments to the Memorial Bench Policy be recommended to Executive Committee

33 Catering and Cleaning Contract Management Report

The Head of Culture and the Visitor Economy Officer reported that the formal agreement for the catering and cleaning provision at the Forum & Dock Museum, along with catering in the Town Hall came to an end in 2019. At previous Executive Committee meetings, approval had been sought to extend the current Catering Contract to allow for a new contract to be drawn up and advertised. The new agreement was for the Catering & Cleaning Contract at the forum and Dock Museum only.

In accordance with the Council's procurement policy the contract was advertised on the chest on the 14 February 2020. A bidder's day took place on 26 February 2020 and the final submission date for tenders was 24 March 2020. Due to Covid19, a request was made from one of the bidders to extend the final submission date. This was agreed and the deadline was extended to 17 April 2020.

The new contract was awarded to Elior, commencing on 1 March 2021 until 28 February 2026 with the option of a three-year extension.

Elior pay the Council on the first anniversary of the agreement and annually thereafter either; a % of annual net sales or a fixed sum whichever was the higher. The combined annual fixed cost of the cleaning services at the Forum and Dock Museum was fixed for the duration of the contract. A contribution to utility & property insurance costs was paid annually.

Weekly, monthly and quarterly meetings were held with Elior. Agreed KPI's were carried out quarterly by the Head of Culture and Visitor Economy and a representative from Elior.

The agreed KPI's were used to measure the performance of the Services. Consistent failure to meet 5 or more of the Target KPIs labelled "Not Happening" in a rolling 3-month period or 10 or more Target KPIs labelled "Unsatisfactory" in a rolling 6-month period may result in an improvement notice being issued, as detailed in the agreement.

Should there be inconsistency or concerns in the delivery of the services these were discussed with Elior at a local level and agreed improvement plans had been put in place. If at the quarterly review meeting there was still cause for concern, appropriate action would be taken, and a further review would be carried out 28 days later.

At the quarterly review held in October 2022 Elior reported "the last 3 months of trading had proved very challenging across the hospitality trade. Despite this both Cafes at the Forum and Dock had traded well. Sales were matching those of 2019 and there was more interest coming in for future events".

Recruitment was proving challenging and staffing levels were low, Elior had been looking at different options, apprenticeships and NVQ's.

RESOLVED:-

- i. To approve the quarterly contract review terms of reference; and
- ii. To approve the KPI's currently being used.

34 Cleaning of Public Conveniences, Bus Shelters and Stairwells Contract 2020 - 2022

The Head of Asset Management reported that at its last meeting, Overview and Scrutiny Committee agreed to incorporate management assurance into its work programme. The Cleaning of Public Conveniences Contract related to the provision of regular cleaning services and key-holding at Council-owned public conveniences (at Roa Island; Tudor Square, Dalton; Park Pavilion and Fell Street, Barrow; and Earnse Bay), the car park and stairwells on Portland Walk and 42 bus stops within the borough.

The contract was tendered by an open advertisement on The Chest and Contracts Finder in September 2019.

The contract began on 1st April 2020 for a term ending on 31st March 2022 with a total contract value of £147,000. The current contractual arrangements with GC were currently rolling over.

The cleaning contract was managed by the Council's Asset Management Team whose role was to ensure high standards of cleaning were maintained throughout the term of the contract.

The contract contained elements of cleaning that included the following standards:

- Toilets and Conveniences
 - Standard 1 - Daily cleaning
 - Standard 2 - Weekly cleaning
 - Standard 3 - Monthly cleaning
- External Cleaning
 - Standard 1 - Daily cleaning
 - Standard 2 - Weekly cleaning
 - Standard 3 - Monthly cleaning
- Bus Shelters
 - Standard 1 - Daily cleaning
 - Standard 2 - Weekly cleaning
 - Standard 3 - Monthly cleaning

At the present time there had been no risk assessments or method statements, or progress/inspection reports available on file. Members of the Asset Management Team were in the process of establishing communication links with GC to ensure specifications were being met and the quality of work was carried out to a high standard.

Whilst the contract terms and conditions could be varied by agreement, there had been no variations to the original contract terms and the contract currently did not contain any Key Performance Indicators. There was also a need to ensure that active performance monitoring had been undertaken.

The Asset Management Team had recently taken ownership of the contract and were applying existing good practice in remedying the gaps in management arrangements.

Given the closeness to Vesting Day and all of the preparation work that Local Government Reorganisation entailed, this contract would continue to roll in the short term to ensure service continuity for day 1 of Westmorland and Furness Council.

The Committee asked that the risk assessments be reviewed with the contractors and reported back to Overview and Scrutiny Committee.

RESOLVED:- To note the report.

35 Building cleaning (Offices and Housing Common Areas)

The Head of Asset Management reported that at its last meeting, Overview and Scrutiny Committee agreed to incorporate contract management assurance into its work programme. The Building Cleaning Contract formed part of the Council's routine maintenance of its housing stock and related to the cleaning of stairwells, entrances and their peripheries within residential blocks of flats for the period April 2019–March 2023; together with the undertaking of periodic surveys to ensure the quality of the work and report on risks or hazards.

The contract was awarded following a 'selective tendering' exercise. The total award was for £177,701.56, which was raised from a specific charge placed upon residents of the properties.

The existing contract with ACC had been awarded on 1st April 2019 for 4 years.

The cleaning contract was managed by the Council's Asset Management Team whose role was to ensure high standards of cleaning are maintained throughout the term of the contract.

The contract contains elements of cleaning that included the following standards:

- Remove dirt marks, dry polish
- Warm wash with antibacterial disinfectant wash, dry polish
- Remove debris, scrub clean excessive soiling, warm wash with germicidal detergent. Includes removing and cleaning under mats
- Scavenge, clear of debris, sweep
- Wash with neutral detergent, rinse & dry
- Clear all debris and sweep
- Wash with neutral detergent, rinse & dry
- Clear debris

Members of the Asset Management Team held regular office-based and site-based meetings with ACC managers to ensure specifications were being met and the quality of work was carried out to a high standard.

The contract risk assessments and methods statements were suitable and sufficient to ensure works on site had been carried out safely and risks were minimised. This was particularly important in public areas and communal spaces. Signage, advising of potential slips, trips and falls were in place during and after completion of cleaning works and potentially hazardous chemicals were stored safely between use.

ACC provided a monthly progress report to highlight performance against cleaning standards and contract timescales. A sample site inspection report had been attached for Members' information. The contract did not contain any Key Performance Indicators.

Customer complaints had been very low throughout the term of the contract. Complaints were dealt with promptly by ACC's site manager and where necessary a member of the Asset Management Team visited site to liaise directly with the complainant.

The Contractor tendered for the works on the basis of a unit price per site address and the price covered the work outlined in the cleaning specification and associated health and safety requirements.

The contract terms and conditions could be varied by agreement of both parties.

The tendered hourly rates for ACC increased by 7.2% in April 2020 in line with the Government's implementation of the National Living Wage increase.

A further hourly rate increase was agreed with ACC from 1st April 2022. This increase aligned with the Government increase to the National Living/Minimum Wage by 6.5% and introduced the new Health & Social Care Levy of 1.25%.

Given the closeness to Vesting Day and all of the preparation work that Local Government Reorganisation entailed, the contract was in the process of being extended for 12 months to ensure that further commitments could be made in light of the Westmorland and Furness Council service plans.

RESOLVED:- To note the report

36 Grounds Maintenance & Playgrounds Contract

The Head of Operational Services reported that the Grounds Maintenance and Playgrounds maintenance contract was delivered by Continental landscapes and was delivered throughout the borough. It had been delivered effectively by a robust maintenance and monitoring schedule and kept the borough's parks, playgrounds and open spaces maintained to a high standard.

The grounds maintenance aspect covered verge maintenance, burials, litter bin emptying, shrub maintenance and grass cutting for all Parks, Playgrounds, Cemeteries, Open spaces throughout the borough and also included Barrow Park Café, putter and Ranger provision.

The contract was procured by former Officers of the Council and followed a joint full OJEU tender procedure by Barrow and South Lakes. The contract was awarded to Continental Landscapes and commenced on 1st April 2010 for 7 years with an option to extend for a further 7 years extension, which was agreed from 1st April 2017 to 31 March 2024 with the inclusion of the Playgrounds inspections, maintenance and litter collection, the inspections undertaken were weekly and quarterly documented safety inspections of all the equipment to ensure they were safe for all users and litter collection of litter bins and the surrounding playground enclosure.

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The contract was managed by the Operational Services department with Officers carrying out inspections for health & safety compliance and contract performance, there was a rectification structure within the contract, however, this was infrequently used due to the open and honest communication with the contractor. Delivery of the contract requirements were discussed openly through weekly operational meetings and monthly documented contract meetings. The key performance indicators within the contract were set out in the contract document, and they aimed to deliver these services to this specification. A list of the performance measures had been attached as an appendix to the report. Officers understood the importance of contract requirements and addressed any contract failures directly with the contractor.

The contract verification process had been set out within the Contract particulars and had been used with the addition of the Playgrounds in 2017 and would expire on 31 May 2024, no arrangements had been made to retender or review.

RESOLVED:- To note the report.

The meeting closed at 3.18 pm.