

# Cabinet



Wednesday, 21 October 2020 at 5.00 p.m.

Online 'Virtual' Meeting - <https://towerhamlets.public-i.tv/core/portal/home>

## Supplemental Agenda Pack

### Further Information

Reports for consideration, meeting contact details, public participation and more information on Cabinet decision-making is available on the following pages.



## Public Information

### Viewing or Participating in Cabinet Meetings

The public are welcome to attend meetings of the Cabinet. Procedures relating to Public Engagement are set out in the 'Guide to Cabinet' attached to this agenda. Except where any exempt/restricted documents are being discussed, the public are welcome to view this meeting through the Council's webcast system.

Physical Attendance at the Town Hall is not possible at this time.

### Meeting Webcast

The meeting is being webcast for viewing through the Council's webcast system.

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## A Guide to CABINET

### Decision Making at Tower Hamlets

As Tower Hamlets operates the Directly Elected Mayor system, **Mayor John Biggs** holds Executive powers and takes decisions at Cabinet or through Individual Mayoral Decisions. The Mayor has appointed nine Councillors to advise and support him and they, with him, form the Cabinet. Their details are set out on the front of the agenda.

### Which decisions are taken by Cabinet?

Executive decisions are all decisions that aren't specifically reserved for other bodies (such as Development or Licensing Committees). In particular, Executive Key Decisions are taken by the Mayor either at Cabinet or as Individual Mayoral Decisions.

The constitution describes Key Decisions as an executive decision which is likely

- a) to result in the local authority incurring expenditure which is, or the making of savings which are, above £1million; or
- b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the borough.

Upcoming Key Decisions are published on the website on the 'Forthcoming Decisions' page through [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee)

### Published Decisions and Call-Ins

Once the meeting decisions have been published, any 5 Councillors may submit a Call-In to the Service Head, Democratic Services requesting that a decision be reviewed. This halts the decision until it has been reconsidered.

- The decisions will be published on: **Friday, 23 October 2020**
- The deadline for call-ins is: **Friday, 30 October 2020**

Any Call-Ins will be considered at the next meeting of the Overview and Scrutiny Committee. The Committee can reject the call-in or they can agree it and refer the decision back to the Mayor, with their recommendations, for his final consideration.

### Public Engagement at Cabinet

The main focus of Cabinet is as a decision-making body. However there is an opportunity for the public to contribute through making submissions that specifically relate to the reports set out on the agenda.

Members of the public may make written submissions in any form (for example; Petitions, letters, written questions) to the Clerk to Cabinet (details on the previous page) by 5 pm the day before the meeting.

## Cabinet

Wednesday, 21 October 2020

5.00 p.m.

### Supplemental Agenda Pack

		Pages
<b>6 .5</b>	<b>Covid 19 Volunteer Hub - Grant Variation for Capacity Building and Infrastructure Grant Programme</b>	<b>7 - 16</b>
<p><b>Report Summary:</b>                      It is proposed that a grant variation is made to the funding agreement between the Council and Tower Hamlets Council for Voluntary Service (THCVS) in relation to the Infrastructure and Capacity Building Grants Programme. Significant variations in grants are required to come to Grants Determination (Cabinet) Sub-Committee, or Cabinet itself. The proposed variation will change the volunteering focus of the programme to prioritise the delivery of a Covid 19 Volunteering Hub to VCS organisations. This grant is delivered by a partnership led by THCVS, with the relevant element within that delivered by Volunteer Centre Tower Hamlets (VCTH).</p> <p><b>Wards:</b> All Wards  <b>Lead Member:</b> Cabinet Member for Resources and the Voluntary Sector  <b>Corporate Priority:</b> A borough that our residents are proud of and love to live in</p>		
<b>6 .6</b>	<b>Approval of Procurement of Electric Vehicle Charge Points</b>	<b>17 - 22</b>
<p><b>Report Summary:</b>                      To approve the procurement of 100 Electric Vehicle Charge points using DfT ORCS grant funding recently approved .</p> <p><b>Wards:</b> All Wards  <b>Lead Member:</b> Cabinet Member for Environment and Public Realm (Job Share) - Lead on Environment  <b>Corporate Priority:</b> A borough that our residents are proud of and love to live in</p>		



**Report Summary:**

Cabinet approval is sought for a short extension to contract H3190 for housing repairs, maintenance, gas servicing and repair, beyond the end of the contract term, until a range of new contracts can be mobilised. The timetable for procurement of the new contracts has been impacted due to Covid-19 and the resulting effect on the industry/market.

**Wards:** All Wards

**Lead Member:** Statutory Deputy Mayor and Cabinet Member for Housing

**Corporate Priority:** A borough that our residents are proud of and love to live in

**Next Meeting of the Committee:**

Wednesday, 28 October 2020 at 5.30 p.m. in Online 'Virtual' Meeting - <https://towerhamlets.public-i.tv/core/portal/home>



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<p><b>Cabinet</b></p> <p>21<sup>st</sup> October 2020</p>	 <p><b>TOWER HAMLETS</b></p>
<p><b>Report of:</b>                  Sharon Godman – Divisional Director, Strategy, Policy and Performance                  Will Tuckley – Chief Executive</p>	<p><b>Classification:</b>                  Unrestricted</p>
<p><b>Covid 19 Volunteer Hub - Grant Variation for Capacity Building and Infrastructure Grant Programme</b></p>	

<b>Lead Member</b>	<b>Councillor Candida Ronald, Cabinet Member for Resources and the Voluntary Sector</b>
<b>Originating Officer(s)</b>	Mark Waterman - Strategy and Policy Manager, Emily Fieran-Reed - Senior Strategy and Policy Manager
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	No
<b>Forward Plan Notice Published</b>	9 October 2020
<b>Reason for Key Decision</b>	N/A
<b>Community Plan Theme</b>	It covers the following outcomes from Priority 1, Priority 2 and Priority 3: <ul style="list-style-type: none"> <li>• People access joined up services when they need them and feel healthier and more independent (Outcome 3)</li> <li>• People feel they are part of a cohesive and vibrant community (Outcome 8)</li> <li>• People say we work together across boundaries in a strong and effective partnership to achieve the best outcomes for our residents (Outcome 10)</li> </ul>

## REASONS FOR URGENCY

The report was not published five clear days in advance of the meeting as it was unclear until very recently whether there would be a need for the continuation of the Covid-19 Volunteering Hub. With the second wave of the pandemic arising in September 2020 it is now clear that there is a need for this continuation. Furthermore, monies for the £50,000 funding for the contract between the Council and VCTH for Hub activity were not identified until late September 2020. They are now available through a Government grant to the Council’s Public Health Department. No alternative Council funding was available for this contract. It is essential to approve the grant variation as soon as possible in order to permit continued Council funding for VCTH delivery of the Hub work relating to the voluntary sector as the previous Council funding for this work concluded on 30<sup>th</sup> September 2020.

## **Executive Summary**

It is proposed that a grant variation is made to the funding agreement between the Council and Tower Hamlets Council for Voluntary Service (THCVS) in relation to the Infrastructure and Capacity Building Grants Programme, which is delivered by a partnership led by THCVS. This is being proposed as it would change the volunteering focus of the Programme to prioritise the delivery of a Covid 19 Volunteering Hub to voluntary and community sector (VCS) organisations. This grant is delivered by a partnership led by THCVS, with the relevant element within that delivered by Volunteer Centre Tower Hamlets (VCTH).

The above proposal would permit the Council to fund VCTH to continue to manage the Covid-19 Volunteering Hub between October 2020-September 2021 to link Tower Hamlets residents to volunteering opportunities to respond to the Covid-19 pandemic in the borough. VCTH set up the Hub in mid-March 2020 and successfully managed it between mid-March to September 2020. Grant funding for VCTH for its work in managing the Hub activity in relation to VCS organisations would amount to around 60% of the £63,000 that VCTH is scheduled to receive for its work on the Programme between October 2020-September 2021. It is important that the grant variation for the Infrastructure and Capacity Building Grants Programme is agreed as soon as possible in order to permit LBTH to fund VCTH for its work in managing the delivery of the Covid-19 Volunteering Hub work relating to VCS organisations, particularly in the context of the second wave of the Covid-19 pandemic commencing.

## **Recommendations:**

The Mayor in Cabinet is recommended to:

1. Agree the proposed grant variation to the funding agreement between the Council and Tower Hamlets Council for Voluntary Service (THCVS) in relation to the Infrastructure and Capacity Building Grants Programme. This grant is delivered by a partnership led by THCVS, with the relevant element within that delivered by Volunteer Centre Tower Hamlets (VCTH). The proposed variation will change the volunteering focus of the programme to prioritise the delivery of a Covid-19 Volunteering Hub to VCS organisations.

### **1. REASONS FOR THE DECISIONS**

- 1.1 The Council has been funding Volunteer Centre Tower Hamlets (VCTH), from mid-March to the end of September 2020, to set up and manage the Covid-19 Volunteering Hub in order to link volunteers in Tower Hamlets to volunteering opportunities to respond to the Covid-19 pandemic. The Hub has played a significant role in the response to the pandemic in the borough.
- 1.2 Council funding for VCTH to manage the Covid-19 Volunteering Hub

concluded on 30<sup>th</sup> September 2020. There is an urgent need for the work of the Covid-19 Volunteering Hub to continue to support the response in the borough, particularly from VCS organisations, to the second wave of the Covid-19 pandemic. The proposal to continue its important work is:

- the Council would fund VCTH to continue to manage the delivery of the Volunteering Hub for a further 12 months (October 2020-September 2021) in order to support the response to the second wave of the Covid-19 pandemic in the borough.
- the Council funding for the VCTH's management of the Hub would come from two sources – 1) a new contract funded by the public health covid grant – this would cover volunteering with the Council – this is not the subject of this paper but is mentioned for context; and 2) grant funding from the Infrastructure and Capacity Building Grants Programme, which is delivered by a partnership led by THCVS. VCTH is the relevant partner in this Programme in relation to the proposed variation.

1.3 The grant variation proposes a change of priorities for VCTH in the Programme, with around 60% of the funding VCTH receives as part of the grant for this Programme being diverted to fund VCTH's continued management and delivery of the Covid-19 Volunteering Hub through the Programme.

## **2. ALTERNATIVE OPTIONS**

2.1 LBTH does not approve the grant variation. This is not a viable alternative, due to the need to address the challenges presented to the borough by the second wave of the Covid-19 pandemic. The volunteering support delivered by VCS organisations in the first wave of the pandemic, was supported by VCTH securing additional volunteers. This played a crucial role in the response to the first wave of the pandemic in the borough. A similar response, with similar levels of volunteers in the borough's VCS organisations, will be required to effectively meet the challenges of the second wave of the pandemic in the borough. Furthermore, volunteering will be one of the key priorities of the new Voluntary and Community Sector Strategy for 2020-2024 that the Council has been developing with the VCS, led by THCVS, Tower Hamlets Clinical Commissioning Group and Tower Hamlets Homes.

2.2 The Council manages the Covid-19 Volunteering Hub directly. This is not a viable or preferred option as:

- the Council does not have the staff with the required expertise and skills to directly manage the Hub.
- the Council does not have the credibility that VCTH has in engaging with

local VCS organisations in regards to their volunteering needs of being a VCS organisation itself or of having a specialist remit in regards to volunteering.

- there will be start-up costs for LBTH in assuming responsibility for managing the Hub as it would have to establish its own systems and procedures for the Hub
- the Council does not have established relationships with the Hub's volunteers.

2.3 The Council funds VCTH to manage the Covid-19 Volunteering Hub activity relating to VCS organisations between October 2020-September 2021 from an alternative source. This is not a viable option as we have not been able to identify any alternative sources of funding for this work.

### **3. DETAILS OF THE REPORT**

3.1 The Council funded VCTH to set up and manage the Covid-19 Volunteering Hub between mid-March and the end of September 2020. It has been a very important intervention to respond to the challenges of Covid-19 in the borough. Its achievements have included:

- 2,341 individuals signed up as volunteers via the Hub
- 2,815 matches of volunteers to volunteer roles in the Council and local VCS organisations (as at mid September 2020)
- VCS organisations supported to adapt or re-open their services safely. (The Hub works with 470+ local VCS organisations in the borough).
- Recent recruitment by the Council of over 200 COVID-19 Community Champions supported by the hub
- Volunteers matched to a number of roles in the Council, including roles providing vital assistance to socially isolated residents. Volunteer roles which the Hub has matched volunteers to include:
  - car drivers, delivering PPE to carers' homes
  - van drivers, and food packers distributing bulk food supplies to VCS organisations and foodbanks
  - Volunteers, supporting the Summer Holiday Hunger funded projects
  - shopping volunteers, delivering shopping to housebound residents
  - community kitchen volunteers
  - Bengali-speaking telephone befrienders
  - online English for Speakers of other languages (ESOL) conversational volunteers and online ESOL class volunteers

3.2 The continuation of the Covid-19 Volunteering Hub is essential for Tower Hamlets, particularly given the growing impact of Covid-19 due to the second wave of the pandemic. There is a need to ensure sustainable volunteering resources in the borough to help the Council and VCS organisations continue

to respond to the Covid-19 pandemic. Furthermore, volunteering has been identified as a key priority of the Council and will be one of the key priorities of the VCS Strategy 2020-2024 that is currently being developed, including a commitment to develop a volunteering plan for the borough. The Hub will be essential to deliver this work.

- 3.3 The previous funding of the Volunteering hub was on a quarterly basis, with the decision about the second quarter being taken at the end of the first quarter. There is a need to ensure that funding for the Covid-19 Volunteering Hub is on a more long-term basis to provide a reasonable level of security to the Hub and enable it to plan ahead for future activity in response to the rising needs of the pandemic.
- 3.4 The Council funds the Infrastructure and Capacity Building Grants Programme, which operates for three years from October 2019 – September 2022. VCTH receive funding as part of this grant. The Council funding agreement for this grant is with Tower Hamlets Council for Voluntary Service (THCVS), and VCTH are one of 2 partner agencies that deliver the service. The other partner in the Programme is Tower Hamlets Community Transport (THCT). VCTH is scheduled to receive £63,000 per year for its work on this Programme. It has been successfully delivering its scheduled activity for the Programme to date.
- 3.5 It is proposed that, for year two of the grant (October 2020-September 2021), around 60% of the funding VCTH receives as part of the above grant be diverted instead to fund VCTH's continued management and delivery of the Covid-19 Volunteering Hub. The justification for this is that supporting the VCS response to the second wave is now the biggest priority for work with the VCS around volunteering. This will enable the part of the Hub that relates to VCS organisations to continue. This funding will support the Hub to place volunteers in VCS organisations in the borough, in order to help them respond to the demands of the pandemic and assist VCS organisations to effectively support these volunteers in their roles. The funding for the above Programme was designated to provide infrastructure support to the VCS in the borough, and therefore the diversion of programme funds to work to assist VCS organisations to respond to the volunteering demands that they will face during the pandemic is consistent with the programme's initial aim.
- 3.6 VCTH will deliver a range of activities through the Covid-19 Volunteering Hub element of the Infrastructure & Capacity Building Grants Programme to support VCS organisations in the borough respond to the volunteering demands of the Covid-19 pandemic, including:
  - overall coordination and management of the Hub
  - attending Council meetings relating to volunteering
  - liaising with Council staff to develop and advertise their volunteer roles (eg COVID Champions, Food Hub volunteers, Parks Volunteers, etc),
  - supporting VCS organisations to develop robust volunteer roles
  - providing best practice advice on recruiting and supporting volunteers (including safeguarding)

- compiling and disseminating weekly alerts on current volunteer opportunities to the expanding volunteer pool
- connecting interested volunteer to organisations
- registering new VCS organisations and conducting a volunteering health check on them.

3.7 VCTH will also continue to deliver the highest priority elements it was originally funded for in October 2020-September 2021, including training for volunteer managers and the delivery of peer learning sessions. It has been successfully delivering in October 2019-September 2020 its scheduled activity for the Programme. Some of the lower priority activities will no longer be delivered in October 2020-September 2021, or will be provided on a downscaled basis. VCTH will also be offering replacement activities to offset the above changes. Changes will be as follows:

- removal of some of the advice information in VCTH monthly e-bulletins to VCS organisations. These items will be replaced by occasional blogs on VCTH website which will share good practice.
- reduction in the number of VCS organisations receiving best practice support, from 24 organisations over 40 sessions to 18 organisations over 30 sessions. VCTH will be able to provide additional support to organisations via its work with them through the Covid-19 Volunteering Hub, particularly in relation to developing and refining volunteer roles.
- removal of casework support for 3 organisations to achieve Investing in Volunteers (IiV) quality accreditation per annum. VCTH will be offering instead a limited amount of support to organisations working on IiV (either the full standard, or the new free 'IiV Essentials' health check) as part of the above best practice support work. Furthermore, the National Council for Voluntary Organisations has launched a free health check (IiV Essentials), which is likely to be more appealing to organisations in the current financial crisis.
- an updated bank of shared good practice resources from across the sector (24 organisations per annum contribute to good practice bank; 50 organisations per annum use resources from good practice bank) will not be provided. VCTH will instead share resources directly with organisations as needed. Some good practice resources - eg fact sheets - will remain available on VCTH website.
- a co-production exercise to explore potential for a Strategic Volunteer Managers' Forum will not take place. VCTH will instead facilitate the occasional targeted strategic meeting as necessary, eg in relation to the volunteering element of the VCS Strategy.

3.8 The above proposed provision of Covid-19 Volunteering Hub activities to support VCS organisations in the borough offers excellent value for money to the Council as the Hub is already established at VCTH and therefore there will

be no start-up costs. VCTH has management and staff who are experienced in working with the Hub and they can start delivering immediately.

- 3.9 If demands relating to Covid-19 volunteering decrease, then the Council would negotiate with THCVS and VCTH about revising the funding agreement for the Infrastructure and Capacity Building Grants Programme to agree on any reductions in Covid-19 volunteering work and resumption of Programme volunteer-related activity that had been suspended. These changes would be subject to Grant Determination (Cabinet) Sub-Committee approval.
- 3.10 With the support from its legal team, the Council is ensuring that the revised funding agreement for the Infrastructure and Capacity Building Grants Programme includes:
- clear output and outcome targets
  - clauses to ensure that the Council enjoys intellectual property rights, in relation to information about volunteers, within the confines of General Data Protection Regulations (GDPR).
- 3.11 As referred to in Paragraph 1.2 above, the Council also plans to fund VCTH through a contract of just under £50,000 between October 2020-September 2021 to manage the work of the Hub that relates to supporting volunteering for the Council. This funding is from a Government grant made to LBTH Public Health to support the response to Covid-19 in Tower Hamlets. This information is provided for context and is not the subject of this report.

#### **4. EQUALITIES IMPLICATIONS**

- 4.1 An Equality Impact Assessment has been carried out on the Covid 19 Volunteer Hub - Grant Variation for Capacity Building and Infrastructure Grant Programme proposal. This Assessment found that a full Equality Impact Analysis is not required as proposal is likely to have no or minimal impact on the protected characteristic groups listed in Equality Impact Assessment Screening Tool.
- 4.2 The Covid-19 Volunteering Hub activity of the Programme will support a vast range of local VCS organisations, that encompass the breadth of the VCS sector, ranging from micro volunteer-led groups to well-established charities. This will include support for BAME-led VCS organisations, and those VCS organisations providing services to protected characteristic groups, such as disabled people, women, LGBT communities, older people, children and young people.
- 4.3 The Council monitoring of Hub activity, as part of the Council's overall monitoring of the Infrastructure and Capacity Building Programme, will monitor its progress in effectively addressing equality issues.

## **5. OTHER STATUTORY IMPLICATIONS**

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

5.2 There are no further statutory sector implications relating to this report.

## **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

6.1 This report seeks approval to agree to the proposed grant variation to the funding agreement between the Council and Tower Hamlets Council for Voluntary Service (THCVS) in relation to the Infrastructure and Capacity Building Grants Programme.

6.2 As part of the programme THCVS is scheduled to receive £63,000 for the year (October 2020 – September 2021). The proposed variation will divert 60%, approx. £38,000 of funding to continue the management and delivery of the Covid-19 Volunteering Hub.

## **7. COMMENTS OF LEGAL SERVICES**

7.1 Section 2B of the National Health Service Act 2006 requires every local authority to take such steps as it considers appropriate for improving the health of the people in its area. Section 2B(4) makes it clear that these steps may include the making of grants or loans on such terms as the local authority considers appropriate. Therefore, the Council has the legal power to amend the grant as is proposed in this report.

7.2 The grant agreement will be amended to reflect the changes referred to in this report. This will allow the Council to monitor the grant and ensure that it is used for the purposes for which it is intended and that the activities resulting from the grant are effective efficient and economic. This will assist the Council to demonstrate that the use of the grant meets the Council's best value duty.

- 7.3 The Council has undertaken an Equalities Assessment to ensure that the repurposing of the grant complies with the Council's legal duties under the Equality Act 2010.
- 7.4 Ordinarily the Council makes decisions relating to grants as part of the Grants Determination (Cabinet) sub-committee. However, the ability for the sub-committee to make such decisions is due to a delegation from the Mayor under the constitution. If so minded, the Mayor is entitled to make the decision referred to in the recommendations as at any point the delegator of a decision can make the particular delegated decision in accordance with Administrative Law.
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### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

- NONE

#### **Appendices**

- NONE

#### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

- NONE

#### **Officer contact details for documents:**

- N/A

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<p><b>Cabinet</b></p> <p>21 October 2020</p>	
<p><b>Report of:</b> Ann Sutcliffe, Corporate Director Place</p>	<p><b>Classification:</b> Unrestricted</p>
<p><b>Approval of Procurement of Electric Vehicle Charge Points</b></p>	

<b>Lead Member</b>	<b>Councillor Dan Tomlinson, Cabinet Member for Environment and Public Realm</b>
<b>Originating Officer(s)</b>	Margaret Cooper, Team Leader Programme Monitoring & Commissioning
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	No
<b>Forward Plan Notice Published</b>	No
<b>Reason for Key Decision</b>	This report has been reviewed as not meeting the Key Decision criteria.
<b>Strategic Plan Priority / Outcome</b>	<b>A borough that our residents are proud of and love to live in :Outcome 5: People live in a borough that is clean and green</b>

### Reasons for Urgency

The report was not published five clear days in advance of the meeting. The reason for urgency of this report is that we have recently secured some additional DfT funding to allow us to install extra Electric Vehicle Charge Points in the current financial year. The deadline for delivery is March 31<sup>st</sup> and to achieve that we need to raise an order as soon as possible to start the procurement process. We have already have approval to use the TfL Supply contract and have placed a first call off for 82 charge points for delivery by January with previously approved funding.

### Executive Summary

Additional funding was announced in June by DfT Office for Low Emission Vehicles (OLEV) for provision of on-street electric vehicle charge points (EVCPs). Bids were coordinated through London Councils. The Council submitted a bid in line with the delivery of the Strategic Priority target for delivery of 100 on-street EVCPs. On 16/9/20 we received confirmation of £170,250 grant funding for works to be completed by 31/3/21. This is to be matched by 25% borough funding, which will therefore be £56,750 and will be provided via the Council's Street Scene Enhancements Revenue account to cover the revenue elements of the projects (i.e. statutory consultation, ongoing maintenance etc.) The overall project cost is therefore £227,000 and a Capital estimate of £170,250 must therefore be adopted to

approve this expenditure.

Procurement will be made by call off from the TfL (GULCS) Electric Vehicle Charging Infrastructure Framework. To ensure delivery, orders must be placed by a deadline of 31/10/20. Due to previous procurement on this contract, the total value of works will be in excess of £400k therefore Cabinet approval is required in order to proceed.

### **Recommendations:**

The Mayor in Cabinet is recommended to:

1. Adopt a capital estimate of £170,250 to be included in the capital Programme 2020/21, and earmark £56,750 from the Highways & Transportation Service Streetscene Enhancement Revenue budget to deliver 100 Electric Vehicle Charge Points by 31 March 2021.
2. Approve the use of the TfL (GULCS) Electric Vehicle Charging Infrastructure Framework to procure these EVCP's.

## **1 REASONS FOR THE DECISIONS**

- 1.1 To ensure Financial Regulations are followed in the procurement of EVCP's.
- 1.2 To ensure progress on the delivery of the Strategic Plan target for 250 EVCP's on street by 2022.

## **2 ALTERNATIVE OPTION**

- 2.1 Do nothing

## **3 BACKGROUND**

- 3.1 The Strategic Plan 2020-23 seeks to promote use of cleaner fuel types amongst residents and businesses under Outcome 5: People live in a borough that is clean and green. The development of a network of on-street electric vehicle charge points (EVCPs) is a central element of this objective and targets have been established to deliver 250 EVCPs by 2022 and 500 by 2025.
- 3.2 In September 2017 Cabinet approved an Electric Vehicle Delivery Plan which agreed a network of points would be developed across the borough using a mixture of types of charging point:
  - Slow chargers mounted on or in streetlighting columns within CPZ bays (providing for a slow overnight charge).

- Fast chargers – bollard sized units located on dedicated parking spaces (providing a full charge in 3-4 hours)
  - Rapid chargers – a petrol pump sized unit providing a full charge in 20-30 minutes)
- 3.3 The majority of EVCP's provided within the borough will be the slower variety as these do not have an impact on restricting residential parking and provide a protected facility for residents use during operational CPZ hours. Approximately 20% of the network will be fast chargers providing supply for visitors as well as residents while according to TfL guidance it is unlikely that demand will require more than 10 rapid chargers in the borough before 2025.
- 3.4 Since 2018, the Council has invited residents to request EVCP's in their streets through the website with a particular priority being given to "early adopter" drivers who already own or are intending to purchase an electric vehicle. These requests are assessed for suitability and site constraints before being progressed to a shortlist for delivery as funding becomes available.

## **PROGRESS**

- 3.5 At present there are 42 EVCP's installed on streets in the borough – 21 slow charge points on street lighting columns and 21 fast chargers which are bollard style points located in dedicated parking bays. These were part funded by GULCS ( Go Ultra Low City Scheme ) Tranche 1 funding of which the Council received £36k.
- 3.6 A further 82 EVCP's are now on order. Installation was originally targeted for the end of December 2020 but due to works having to be temporarily halted during the COVID 19 lockdown, a Londonwide backlog of orders has led to the delivery deadline being extended to 31 March 2021. These EVCP's will all be on street lighting columns and are funded through GULCS Tranche 2 £100,000 funding with £86000 additional contribution from Highways & Transportation revenue funding.

## **NEW FUNDING**

- 3.7 In June 2020, the DfT through the Office for Low Emission Vehicles (OLEV) doubled the amount of grant funding available for on-street residential EVCP's and invited further bids. These were coordinated by London Councils and on 16 September 2020 the Council received notification that it had been successful in securing a further £170,250 which is to be matched by £56,750 LBTH funding (via Highways& Transportation Service). Implementation must be complete by 31<sup>st</sup> March 2021 to fulfil the grant funding requirement therefore it is proposed to follow the same procurement route as with Tranche 2 (see below).
- 3.8 In order to satisfy Financial Regulations, the Mayor in Cabinet is recommended to adopt a capital estimate of £170,250 to include this

expenditure in the Council's Capital Programme. This new funding secured will then be formalised through the Capital Governance process.

- 3.9 As a result of the above work, by April 2021 there will be 224 EVCP's installed on borough roads and work is continuing to deliver additional fast chargers and rapid charge points.

#### **4 Procurement**

- 4.1 In order to maximise value for money and efficiency in the delivery of this infrastructure across the capital, TfL and London Councils established a framework contract for use by all London local authorities. Access to this contract has been considered by Legal and Finance officers and approved as being compliant with current procurement regulations: it is numbered contract P5690 internally.
- 4.2 A call off contract for the supply and installation of approx. 82 slow charge electric vehicle points to be installed on street lighting columns with maintenance covered by the supplier has already been procured through this framework for delivery originally by Dec 31 2020. Feasibility and survey work is progressing well with the shortlist of sites now agreed.
- 4.3 A further call-off contract is now proposed to be placed for the supply and installation of a further 100 EVCP's by 31 March 2021. It is again proposed to use the Direct Award route to appoint the supplier offering the lowest PAYG average price to the end user as per the contract rate card. The end user cost is something which has been shown to be of importance to residents in their feedback to us.
- 4.4 The Mayor in Cabinet is therefore recommended to approve the use of the TfL (GULCS) Electric Vehicle Charging Infrastructure Framework to procure these EVCP's.

#### **5 EQUALITIES IMPLICATIONS**

- 5.1 There are no physical changes to the highways as a result of these works which might affect accessibility.
- 5.2 The equipment is being procured through a nationally recognised supplier who is working collaboratively to continually improve standards of practice in service delivery.

#### **6 COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 The report proposes total spending of £227k on the installation and ongoing maintenance of 100 Electric Vehicle Charging Points throughout the Borough. The installation will require capital spend with the ongoing maintenance requiring revenue budget allocation.

- 6.2 The Council has received notification that it had been successful in securing a capital grant for £170,250 (75% of the total cost) from the Department for Transport to meet the installation costs. The capital grant requires that the works are completed by 31 March 2021. This amount and associated funding will need to be adopted within the current year's capital programme.
- 6.3 It is a condition of the grant award from Department for Transport that LBTH will match fund 25% of the total cost of the scheme. It is proposed therefore that LBTH will ringfence £56,750 of revenue funding within its street scene enhancement budget to meet the ongoing maintenance of the charging points. There is sufficient capacity within existing budgets to meet this cost.

## **7 COMMENTS OF LEGALSERVICES**

- 7.1 In accordance with the Council's constitution, Cabinet has the powers to approve the capital estimate pending the receipt of a grant.
- 7.2 The TfL (GULCS) Electric Vehicle Charging Infrastructure Framework has been procured in accordance with the provisions of Regulation 33 of the Public Contracts Regulation 2015. As such, call-offs from this framework in accordance with the framework terms will be valid
- 7.3 Having previously issued a call-off from this framework for a similar scheme, the Council is conversant with the terms of the framework and call-off terms as such the risk associated with the use of the framework is very low and Transport for London has given all London Borough Councils access to use the framework without entering into an access agreement.
- 7.4 The framework permits direct awards (without a mini competition) if the Council deems the framework terms suitable to cover its requirements

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### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

- NONE

#### **Appendices**

- NONE.

#### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

- NONE

#### **Officer contact details for documents:**

N/A

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# Agenda Item 6.7

<b>Cabinet</b>  21 October 2020	 <b>TOWER HAMLETS</b>
<b>Report of</b> Ann Sutcliffe, Corporate Director, Place	<b>Classification:</b> Unrestricted
Extension of contract H3190: Housing Repairs and Maintenance and Gas Servicing and Repair	

<b>Lead Member</b>	<b>Cllr Sirajul Islam: Statutory Deputy Mayor</b>
<b>Originating Officer(s)</b>	Karen Swift: Divisional Director, Housing and Regeneration
<b>Wards affected</b>	All Wards
<b>Key Decision?</b>	Yes
<b>Forward Plan Notice Published</b>	22 September 2020
<b>Reason for Key Decision</b>	Financial Threshold and Impact on Wards
<b>Strategic Plan Priority / Outcome</b>	A borough that our residents are proud of and love to live in. People live in safer neighbourhoods and anti-social behaviour is tackled.

### Reasons for urgency:

The report was not published five clear days in advance of the meeting. This is due to the additional time required to review the report and its appendices and the need to bring the report forward to an earlier than planned meeting. As the existing contract expires in March 2021 any extension needs to have as much time as possible to enable continuing services to be planned and resourced for by the contractor. Reducing preparation time for the extension potentially reduces the ability of the contractor to guarantee a smooth transition into extension. If the decision is not taken there is a potential risk to the continuation of services.

### Executive Summary

LBTH has a contract in place for the maintenance of its housing stock, which delivers statutory responsive repairs and servicing (incl. gas, fire, water) and all associated communal plant room repairs and servicing. The contract expires on 31<sup>st</sup> March 2021. On 10 July 2019 (Tollgate 1 process), the Council approved a plan to procure 4 individual contracts for the provision of this service from April 2021.

Whilst there has been some delay with publishing the tenders to the market at the beginning of the year, it was the Covid-19 outbreak (uncertain market conditions, furloughed staff within the contractor environment and the necessary re-prioritisation of projects) that made it impossible for the four new contracts to be procured and mobilised by the time the current contract expires. New contracts are now planned to

be concluded by end of November 2021. In response to this, it is necessary to extend the existing contract for 8 months. This extension will include the option for an earlier exit for all the four elements as new contracts come on stream.

This contract extension is not automatically compliant with the requirements of leasehold consultation. As such it requires a change in practice/operating procedures when undertaking works to communal areas. Revised procedures have been put in place to manage this risk.

### **Recommendations:**

The Mayor in Cabinet is recommended to:

1. Extend the existing contract H3190 for housing repairs, maintenance, and gas servicing and repair for 8 months from 1<sup>st</sup> April 2021 to 30<sup>th</sup> November 2021 with an option to exit any of the four service elements earlier; the value of the contract extension is estimated to be up to £10M (the total contract value over ten years is around £160M) – this is not a requirement for additional funds; this is budgeted for within existing budgets for 2021/22
2. Note the risk and mitigation actions in relation to leasehold recharging that will be in place (Appendix B).

## **1 REASONS FOR THE DECISIONS**

- 1.1 Mears Ltd provides repairs and maintenance services to all Council housing stock. These services include statutory repair obligations to residents in council housing. The contract is due to expire on March 31st, 2021. This single contract is planned to be replaced by 4 new contracts originally due in April 2021 but delayed primarily due to the disruption caused by the Covid-19 pandemic. An extension of the existing contract for a period of 8 months is required to maintain repairs services to the housing stock. The contract extension will retain all existing contractual and service provisions, so there will be no change in the service delivered.

## **2 ALTERNATIVE OPTIONS**

- 2.1 Due to the scale of operations across the borough and the required upfront mobilisation costs in relation to the services, options are very limited.
- 2.2 Procure a short-term open market contract for 8 months - this option would not stimulate market interest as this type of contracts normally warrant long durations (10 years). The upfront costs present significant commercial risk to companies who are not likely to express interest. Corresponding operational disruption in changing suppliers for the short term would likely to cause a significant downturn in performance.
- 2.3 Procure new short-term contracts via an existing third-party framework. For

3 of the 4 services provided it would require extensive leasehold consultation across the borough and would present the same commercial challenges as above.

- 2.4 Extend the existing Mears contract – This option provides the best opportunity for services continuity with the least amount of disruption and a high degree of cost certainty. There are some risks with the recovery of leasehold income however Tower Hamlets Homes have undertaken a risk-based approach to those works which fall within the scope of leasehold charges. See Appendix B (Leaseholder re-charging risk mitigation).

### **3 DETAILS OF THE REPORT**

#### **3.1 BACKGROUND**

3.1.1 In 2011 LBTH tendered two requirements, namely 'Housing repairs and maintenance' and 'Domestic gas servicing and repairs'. One procurement process with separate lots was run and since Mears Ltd won both lots, one contract was awarded, covering both requirements (contract ID H3190). The contract went live on 1 April 2011 for the initial period of 5 years with an option to extend it for further periods of up to 5 years. The annual value estimates in the official OJEU contract notice were £11M - £20M for 'Housing repairs' and £1.5M - £4M for 'Gas servicing and repairs'. The total contract value over the 10-year period was estimated at £125M - £240M.

3.1.2 In 2015, LBTH issued a Variation to Contract H3190 by which the 'Mechanical and electrical servicing and repairs', with the estimated annual value of £1.8M, was added to the original contract. This variation was originally for 2 years, till 31 March 2017. This would go beyond the end date of the original contract (the initial 5-year contract term was due to expire on 31 March 2016.). However, the original contract was then also extended for a period of one year, therefore aligning both termination dates to 31 March 2017. Contract H3190 (now also including the M&E variation) was then extended again for a further period of 4 years till the end of March 2021, which is the current final contract expiry date - all contractually provided options for extension have been utilised.

#### **3.2 Re-Procurement of Contract H3190**

3.2.1 In Q3 of 2018, THH on behalf of LBTH, started preparatory work for the re-procurement of the services in scope of contract H3190. Following extensive work with the relevant resident groups and business areas as well as approvals of the relevant Council governance bodies, the composition, scope and contract lengths have been agreed as follows:

- a) The Repairs, Maintenance and Minor planned works Term contract (5+3+2 years)
- b) Domestic gas and Minor planned works Term contract (5+3+2 years)

- c) Communal Mechanical Plant (Repairs, Maintenance, Servicing and Minor planned works) Term contract (5+2+2 years)
- d) Fire Safety (Repairs, Maintenance, Servicing and Minor planned works) Term contract (3+2 years)

3.2.2 While the new delivery model envisages four individual contracts, it should be noted that the fire safety requirement is included in the current main Housing repairs contract. Therefore, these four services are all currently covered by the existing contract H3109.

3.2.3 The procurement process including all the relevant governance procedures was due to be concluded by the end of September 2020. Statutory leaseholder consultation would follow and complete the overall process by the end of November 2020. This would then allow 4 months to mobilise the contracts for their go live date of 1 April 2021.

### **3.3 Project Progress – before Covid-19**

3.3.1 Prior to the Covid-19 outbreak there was an 8-week delay with the project. The delay was caused by:

- a) Resources – THH have experienced issues with securing the right project resources in terms of providing the necessary technical and service delivery input for the preparation of tender documents; this has now been resolved.
- b) Counsel opinion in relation to Regulation 33 of PCR 2015 – Complexity in relation to long term contracts required counsel advice in conjunction with the Council's legal team.

### **3.4 COVID-19**

3.4.1 The Covid-19 pandemic is unprecedented and has had significant impact on business, people and governments across the World. It has required organisations to adapt their business operations, which included reprioritising and focusing on essential tasks only. In view of this, the Project team has experienced three main issues impacting on the delivery of the re-procurement of the responsive repairs service:

- a) Pandemic impact - Both, THH and LBTH had to respond to the urgency of the pandemic by re-prioritising projects and ensuring a swift transition to remote working. The focus of the initial response was health and safety of staff and residents as well as ensuring continuity of service for residents.
- b) Market conditions – Many, if not all, businesses have themselves been dealing with the consequences of the pandemic. Many had to furlough staff. This means they were less likely to be able to respond to new business opportunities, or to respond to them in a way that delivers the best outcomes for LBTH. While it is feasible, that some businesses

would be able to submit a proposal, it is very likely that competition would be negatively affected, in terms of numbers as well as adverse price proposals.

- c) THH also received external advice (Browne Jacobson LLP) confirming existing contracts can be extended: “THH will in most circumstances have the grounds to directly award a contract to a provider or make an extension to an existing contract to deal with the immediate impact of the Pandemic.”
- d) Service specification – Covid-19 has changed the shape and/or scope of the services of the responsive contracts. While some of these changes are temporary, it is likely others will be in place over a longer period. This means additional/new service standards to be established and to ensure they are reflected correctly in the relevant procurement documentation for new contracts. Furthermore, the required (new) standards have a direct impact on the cost of the service. It is therefore important to ensure we approach the market for these long-term contracts at a time, when the worst uncertainty has been eliminated. Otherwise we may risk paying a premium price over the entire duration of the contracts.

### **3.5 Revised Plan for the Re-procurement of Responsive Repairs Service**

3.5.1 In view of the project progress to date and the pandemic impact the Project team has identified the following approach as the best way forward:

- a) focus on working with the existing supplier (Mears) to maintain continuity of service and continue to adapt the service offer as required to respond to the pandemic,
- b) extend the existing contract for additional 8 months but with an option to exit any of the four service elements earlier; the value of the contract extension is estimated to be up to £10M (the total contract value over ten years is around £160M) – this is not a requirement for additional funds; this is budgeted for within existing budgets for 2021/22,
- c) resumed (now underway) re-procurement of the four contracts now the initial impact of the pandemic has settled, and resources can be re-directed back to the project (August/September 2020); high-level revised timeline for all four procurements is attached in Appendix A,
- d) stagger the procurements in a way that will see the new contracts starting between July and December 2021.

### **3.6 Grounds for the Revised Strategy**

3.6.1 Contract extension: Regulation 72 of The Public Contracts Regulations 2015 provides legal basis for the required contract extension.

3.6.2 Performance of existing supplier: Mears performance remains satisfactory.

A. Pre-pandemic:

- Emergency orders completed in target (across all Mears workstreams) >99%
- Non-emergency orders completed in target >98%
- Gas servicing – 100%

B. During/post-pandemic

- Emergency orders completed in target – still delivered above target (98.7% to July)
- Non-emergency orders completed in target – still delivered above target (99.3% to July)
- Gas servicing – still achieved 99.9% compliance, despite hugely challenging circumstances
- During the pandemic, Mears continued to provide services in line with the government guidance and provided additional support to THH caretaking team delivering food parcels to our residents and putting up posters to aid communication with residents during lockdown

3.6.3 Existing supplier's view of proposed approach: Informal discussions with Mears have taken place and they have indicated they would be willing and able to continue with the delivery of the service and then (demobilise) disengage to the new contracts in a planned incremental manner.

3.6.4 In addition, THH sought improvement from Mears in a few specific areas at the end of 2019 and an Action Plan was agreed in early 2020, to ensure adequate focus on these. Swift action and marked improvements were noted in some, including voids turnaround, before we entered lockdown in March. Although lockdown did compound the situation due to furlough etc, Mears have been responsive in addressing this. Further targeted action has also been agreed in recent weeks around overdue jobs and the impact of resulting chase-up calls on THH's Housing Service Centre as well as on residents. This is being closely monitored by the Director of Asset Management, who has met with Mears Regional Directors to ensure ownership.

### 3.7 RISKS

3.7.1 Pandemic impact – With the pandemic ongoing, Covid-19 remains a risk that will continue to be monitored and managed. Therefore, in the event of a further Covid-19 lockdown or similar disruptive event, officers may be forced to seek a further extension beyond 8 months.

3.7.2 Brexit – The transition period of the UK leaving the EU is scheduled to end on 1 January 2021. It is not anticipated this will have any immediate significant

impact on the procurement process required to procure new contracts so the risk of this impacting on the process is minimal.

3.7.3 Leaseholder re-charging – risk of not being able to recover all the moneys from leaseholders. Continuation of the Repairs service provision beyond the intended Mears contract end date on 31 March 2021 can be accommodated with the relevant procurement legislation. However, the proposed contract extension is not automatically compliant with the requirements of leasehold consultation. The contract will limit recovery of costs to £250 (per block/estate) for all works under the contract. As such, this will require a change in practice/operating procedures when undertaking works to communal areas. The potential value of leasehold charges over an 8-month period is between £0.38M and £0.6M. Robust processes and controls have been put in place to manage this risk as follows:

- a) Emergency, urgent, or essential works which are not immediately compliant will be undertaken and a retrospective application to the FTT for s20 dispensation will be made if required.
- b) non-urgent planned works will be delayed or other contractors from the better neighbourhoods framework will be used.
- c) Each individual works order will be scrutinised prior to issuing to contractor(s)
- d) Estimates for planned works will be included in service charges estimates prior to the year commencing.

#### **4 EQUALITIES IMPLICATIONS**

4.1 The report seeks an extension of an existing repairs contract. Therefore, there are no equalities implications within this report as demonstrated by the attached impact assessment appendix c.

#### **5 OTHER STATUTORY IMPLICATIONS**

5.1 Best Value Implications: see section 3.6.2 of this report. In addition, the terms of the existing contract will continue to operate, to maintain short-term continuity of service during the period of extension. These were market tested at the time of contract procurement and offer ongoing best value until new contracts are in place.

5.2 Consultations: the existing contract was widely consulted on at the time of original procurement. However, this contract extension is not automatically compliant with the requirements of leasehold consultation. As such it requires a change in practice/operating procedures when undertaking works to communal areas. Revised procedures have been put in place to manage this risk.

5.3 Risk Management: refer to section 3.7 of the report and appendix B.

5.4 Safeguarding: The Contractor is required to follow safeguarding protocols.

5.5 Data Protection / Privacy Impact Assessment: GDPR and information sharing arrangements will continue during the period of extension. The Contractor has contractually signed up to LBTH standard data protect policy and there are no implications.

## **6 COMMENTS OF THE CHIEF FINANCE OFFICER**

6.1 The report is seeking an extension of the existing repairs and maintenance contract with Mears for a period of eight months to allow for a competitive tender to be undertaken to re-let these contracts. The extension is being requested due to delays in re-tendering as a result of COVID-19 and to ensure service continuity over this period.

6.2 Annual costs incurred for repairs and maintenance vary year on year, being dependent on the works completed. The total contract value over the past ten years has been in the region of £160m, an average cost of £16m per annum. It is estimated that the cost of the eight-month contract extension will be approximately £10m. These costs are revenue in nature and will be contained within the HRA.

6.3 There is existing budgetary provision within the HRA for repairs and maintenance, in line with the existing contract provision. This budget will be available to fund the cost of the contract extension.

6.4 At present the cost of any contract extension is unknown. Should the costs exceed the budget provision then the overspend must be contained within the HRA and mitigating savings identified to meet this cost. Likewise, any saving against budget resulting from the contract extension will be retained for the benefit of the HRA.

## **7 COMMENTS OF LEGAL SERVICES**

7.1 This report is seeking approval to extend the existing contract for 8 months at an additional cost of £10M, because the commencement of the re-procurement for the services was delayed due to the Covid-19 pandemic.

7.2 This contract is regulated by the Public Contracts Regulation 2015. Any modification during its term must be in accordance with the Regulation.

7.3 The extension of this contract is justified under Regulation 72 (1) ( c ) of the Public Contracts Regulations 2015, for the following reasons that (a) the need for the modification was brought about by the pandemic which was not foreseeable to the authority; (b) the modification does not alter the overall nature of the existing contract; and the increase in the price which is £10M does not exceed 50% of the original tendered value of the contract price of £160M. Therefore, the extension to this contract wholly complies with the relevant procurement law

- 7.4 The contract will continue throughout the extension in accordance with the original tender submission and be monitored in accordance with the terms by THH and the Council. Therefore, the contract throughout the extension period should continue to satisfy the Council's Best Value Legal Duty.
- 7.5 In order to reclaim the costs of works under the extension the Council via THH would have to consult with leaseholders in accordance with S.20 of the Landlord and Tenant Act 1985. However, a cost benefit analysis shows that the cost of undertaking such a further consultation exercise for the short extension period outweighs the potential reclamation of expenditure by the Council.
- 7.6 Therefore, the cost of works under the extension will be managed by the following factors:
- 7.1.6 Under the Landlord and Tenant Act 1985 the Council would be entitled to reclaim up to £250 per affected leaseholder without consultation and
  - 7.2.6 The works may be mainly managed in such a way as to restrict unreclaimable expenditure and
  - 7.3.6 In the event of unforeseeable and unmitigatable significant expenditure the Council could consider achieving retrospective approval for recharging although this in itself may be expensive and a further cost benefit analysis would need to be undertaken before proceeding down this route and
  - 7.4.6 Throughout the extension period newly procured and consulted upon replacement contracts (in particular in respect of heating) will be mobilised under which the Council may recharge the cost of the works
- 

## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- NONE

### **Appendices**

- Appendix A – Responsive repairs Project Plan – revised
- Appendix B – Leaseholder re-charging risk mitigation
- Appendix C - Impact Assessment

### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

- NONE.

**Officer contact details for documents:** N/A

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	1/2 Oct	2/2 Oct	1/2 Nov	2/2 Nov	1/2 Dec
publish OJEU notice	gas			M&E and fire	
SQ submission			gas		
issue ITT					gas
ITT submission					
Tollgate 2					
standstil period					
section 20 consultation					
contract mobilisation					
contract goes live					

2/2 Dec	1/2 Jan	2/2 Jan	1/2 Feb	2/2 Feb	1/2 March	2/2 March	1/2 April	2/2 April
	GB							
M&E and fire			GB					
			M&E and fire			GB		
		gas			M&E and fire			GB
						gas	gas	
								gas
							n	

1/2 May	2/2 May	1/2 June	2/2 June	1/2 July	2/2 July	1/2 Aug	2/2 Aug	1/2 Sep
M&E and fire	M&E and fire		GB	GB				
		M&E and fire			GB			
			M&E and fire	M&E and fire	M&E and fire	M&E and fire	GB	GB
gas	gas	gas	gas	M&E and fire	M&E and fire	M&E and fire	M&E and fire	GB
				gas				M&E and fire

2/2 Sept	1/2 Oct	1/2 Nov	2/2 Nov	1/2 Dec
GB				
GB	GB	GB	GB	
				GB

## APPENDIX B

### Leaseholder re-charging risk mitigation

The following actions to be taken to manage the risk of financial loss:

- i) Prioritise highest risk contracts for replacement at the earliest opportunity;
  - a. M&E contract to be prioritised before General Build, due to higher value individual orders
- ii) Introduce control measures to limit the volume and value of works carried out by  
Mears;
  - a. Identify categories of work and/or individual orders which can/should be delivered through alternative means;
    - Use of existing alternative contracts/frameworks for individual high value orders
    - New procurement for parcels of work e.g. project work or high value work
  - b. Identify individual orders which cannot be delivered through other means but for which individual S20 should be sought (via Leasehold Services – retrospective if required);
  - c. Identify any categories of work or individual orders, which can be deferred until the new contracts are in place, put these on hold and assign in due course;
- iii) Monthly monitoring of expenditure on by block/estate to predict and anticipate areas in risk of reaching the threshold, then initiating dispensation for these as required.

#### The Control Measures to deliver these actions:

1. Upfront identification of works to be considered for deferral or to be diverted, including, but not limited to:

1.1. Estate Curtilages work – some aspects of this programme are quite expensive but can easily be packaged and assigned to alternative contractors, either on a framework or by going out to mini-tender, on an Estate or Neighbourhood basis, or by workstream. The Project Manager overseeing these works is exploring options.

1.2. Major M&E works – where major components have failed in any M&E plant and machinery, these can be expensive to replace. Unless they are emergencies, the team will seek assistance from colleagues in Property Services to address these.

If urgent/emergency and unavoidable, they will use the quick calculator below to identify if additional individual S20/dispensation required.

1.3. Boiler installations (only relevant if Domestic Gas contract not live on 01 April) – programmed boiler installations already happen via GEM and Mears only carry out ad-hoc installations. With more flexibility and responsiveness from GEM, it may be possible to arrange for them to also undertake emergency installations.

## 2. Quick calculator tool

2.1. A new tool has been developed to assist Repairs staff in identifying high value individual orders, which ought to be subject to individual Leasehold consultation. This allows a quick decision to be made on the appropriate route for works to be delivered.

2.2. The tool provides a quick and easy calculation of the unit cost and recommends whether an alternative course of action should be considered.

## 3. Monthly Mears expenditure monitoring and tracking

3.1. A monthly monitoring and reconciliation process has also been developed, whereby Leasehold Finance team can highlight any blocks or estates where expenditure is close to or considered likely to exceed the threshold.

3.2. This process will track all aspects of expenditure with Mears, both revenue and capital, across all workstreams.

3.3. The monthly tracker will be maintained and can be presented to EMT and/or relevant colleagues/alternative meetings as required.

3.4. Decisions can then be made around dispensation for specific blocks or estates, where high levels of spend have been unavoidable and where additional authority is required.

## 4. Cost Benefit Analysis

4.1 It could be argued that there are sound reasons, both financially and reputationally, that would dictate that we would concede an element of write-off in a given situation. There are and no doubt there will be situations where the s20 limit is exceeded but to a 'de-minimus' level. Such that staff time and resources spent on trying to recover relatively small sums means that that the resources expended actually exceed the amount we are seeking to recover. This is a scenario that is irrespective of the contract extension.

4.2 Where the potential loss could be more significant (£10,000's) we would still need to balance the potential costs of a dispensation case against the likelihood of success. Note that where we bring a dispensation case we pay for the lessee's legal costs. We also need to be aware of the proportion of leaseholders involved. Where the block/estate is heavily tenanted then of course the potential loss is reduced proportionality.

4.3 Ultimately the plan is that we minimise high value repairs and conduct these either via an already compliant contract or we defer until the new repairs QLTA comes on stream.

4.4. Another point to bear in mind is that costs incurred in this period will not be actualised until September 2022. This does allow for more than adequate time to take a decision on not charging or seeking dispensation.

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# Equality Analysis (EA) (appendix c)

Financial Year  
**2020/21**

## Section 1 – General Information (Aims and Objectives)

Name of the proposal including aims, objectives and purpose

“A 6-month extension of contract H3190 for housing repairs, maintenance, gas servicing and repair, until 30 September 2021 to maintain repairs services to the housing stock”.

See  
**Appendix A**

Current decision  
rating



### **Conclusion - To be completed at the end of the Equality Analysis process**

*(the exec summary will provide an update on the findings of the EA and what outcome there has been as a result. For example, based on the findings of the EA, the proposal was rejected as the impact on a particular group was unreasonable and did not give due regard. Or, based on the EA, the proposal was amended, and alternative steps taken)*

There are no findings from the Equality Analysis (nor the Equality Analysis Quality Assurance Checklist completed as stage 1 of the Equality Analysis) which indicates residents or groups by protected characteristics will be negatively impacted by the extension of the existing contract H3190 and this is underpinned from monitoring arrangements under the existing contract delivery.

**Name:**

(signed off by)

**Date signed off:**

(approved)

Service area:

Asset Management

Team name:

Repairs

Service manager:

Hillary Kelly (Head of Repairs)

Name and role of the officer completing the EA:

Nadja Rajgelj (Specialist Procurement Programme Lead)

### **Section 2 – Evidence (Consideration of Data and Information) *What initial evidence do we have which may help us think about the impacts or likely impacts on service users or staff?***

Several evidence sources and considerations have been included in producing the Equality Analysis:

- a) Leaseholders re-charging

- b) Tower Hamlets Homes Residents Profile and Equality Data
- c) Complaints/Members Enquiries
- d) Customer feedback surveys

a) Leaseholder re-charging

During the period of extension, the recovery of costs from Leaseholders will need to be limited to £250 (per block/estate) for all works under the contract. Due to this there might be some elements of work that will need to be deferred or delivered under a different contract or leaseholder consultation for emergency works will have to be done retrospectively.

b) Tower Hamlets Homes Resident Profile and Equality Data

THH has information on 15,057 tenants (noting there are some unknowns and prefer not to say). The data details:

- ethnicity (largest groups Asian or Asian British: Bangladeshi 39.3%, white British 18.2%, Black or Black British: Somali 1.6%)
- Communication support needed (overall 0.14% of residents with 0.09% requiring literacy support and less than 10 residents each requiring speech – sign language, text phone or other)
- Written communication (largest needs 625 or 4.15% requiring large print)
- Language need spoken (Bangla 1126 or 7.48%, other 240)
- Language need written (similar for line above)
- Religion – tenants 50.1% Muslim, 15.5% Christian and 5.7% no religion
- Disability (one or more) amongst tenants is 18.7%
- The largest age groups of tenants are 40-49 at 23.6% and 65+ at 23.3% with c70% of tenants being of working age

Generally, there is the same proportional need identified amongst the 12,903 leaseholders albeit the unknown section is higher when compared to tenants.

The proposed contract extension will not change the service standard provided under the current contract, so any existing provisions that cater for profiles identified above, will be retained.

c) Complains/Members enquiries

THH has resident feedback in various forms including satisfaction data, as well as complaints and Members Enquiries. There is no evidence of adverse impact for any protected group, in terms of access arrangements currently in place, communication (language and written), hours of delivery and appointment slots available to complete works (which have been developed with residents to offer choice e.g. to accommodate school runs).

None of these elements of service provision will change during the proposed contract extension so we can be confident there will be no adverse impact in relation to this.

d) Customer Feedback Surveys

THH undertakes routine customer surveys in relation to the repairs service. Third party independent company “Kwest” seek resident feedback via telephone, including satisfaction. There are on average 4,700 specific telephone surveys made each year to residents on the repairs service using industry standard questions. All areas score well and broadly achieve targets, which are set using industry data.

There is no anticipated change during the proposed contract extension so there will be no adverse impact in relation to this.

A staff related measure of the Institute of Customer Service 'strategy and culture set' of questions shows performance at 78% which is above the Local Government Sector benchmark of 73.6%

### **Section 3 – Assessing the Impacts on the 9 Groups**

Please refer to the guidance notes below and evidence how your proposal impacts upon the nine Protected Characteristics in the table on page 3?

**For the nine protected characteristics detailed in the table below please consider:-**

- **What is the equality profile of service users or beneficiaries that will or are likely to be affected?**

Use the Council's approved diversity monitoring categories and provide data by target group of users or beneficiaries to determine whether the service user profile reflects the local population or relevant target group or if there is over or under representation of these groups

- **What qualitative or quantitative data do we have?**

List all examples of quantitative and qualitative data available  
(include information where appropriate from other directorates, Census 2001 etc)

- *Data trends – how does current practice ensure equality*

- **Equalities profile of staff?**

Indicate profile by target groups and assess relevance to policy aims and objectives e.g. Workforce to Reflect the Community. Identify staff responsible for delivering the service including where they are not directly employed by the council.

- **Barriers?**

What are the potential or known barriers to participation for the different equality target groups? Eg- communication, access, locality etc.

- **Recent consultation exercises carried out?**

Detail consultation with relevant interest groups, other public bodies, voluntary organisations, community groups, trade unions, focus groups and other groups, surveys and questionnaires undertaken etc. Focus in particular on the findings of views expressed by the equality target groups. Such consultation exercises should be appropriate and proportionate and may range from assembling focus groups to a one to one meeting.

- **Additional factors which may influence disproportionate or adverse impact?**

Management Arrangements - How is the Service managed, are there any management arrangements which may have a disproportionate impact on the equality target groups

- **The Process of Service Delivery?**

In particular look at the arrangements for the service being provided including opening times, custom and practice, awareness of the service to local people, communication

Please also consider how the proposal will impact upon the 3 One Tower Hamlets objectives:-

- Reduce inequalities
- Ensure strong community cohesion
- Strengthen community leadership.

**Please Note -**

Reports/stats/data can be added as Appendix

Target Groups	Impact – Positive or Adverse What impact will the proposal have on specific groups of service users or staff?	Reason(s) <ul style="list-style-type: none"> <li>Please add a narrative to justify your claims around impacts and,</li> <li>Please describe the analysis and interpretation of evidence to support your conclusion as this will inform decision making</li> </ul> Please also how the proposal will promote the three One Tower Hamlets objectives? <ul style="list-style-type: none"> <li>-Reducing inequalities</li> <li>-Ensuring strong community cohesion</li> <li>-Strengthening community leadership</li> </ul>
Race	None	The existing contract arrangements include various provisions, including translation services for residents for whom English is not their first language. Proposed contract extension will continue in the same way and will therefore have no additional positive or negative impact in relation to this characteristic.
Disability	None	The existing contract delivers a range of services for residents with disabilities, which will continue during the proposed extension and thereby have no additional positive or negative impact in relation to this characteristic.
Gender	None	There is no evidence to indicate that the existing contract arrangements have any particular impact on this group. The proposed contract extension will therefore have no additional positive or negative impact in relation to this characteristic.
Gender Reassignment	None	There is no evidence to indicate that the existing contract arrangements have any particular impact on this group. The proposed contract extension will therefore have no additional positive or negative impact in relation to this characteristic.
Sexual Orientation	None	There is no evidence to indicate that the existing contract arrangements have any particular impact on this group. The proposed contract extension will therefore have no additional positive or negative impact in relation to this characteristic.
Religion or Belief	None	Current contractors are respectful and supportive of all religions and beliefs. They endeavour to accommodate these and offer particular assistance where required e.g. during Ramadan. This will continue during the proposed contract extension and will therefore have no additional positive or negative impact in relation to this characteristic.
Age	None	Although different age groups choose to access services in different ways, the current contract offers access to all and an equitable service to all. The proposed contract extension will continue to do so and therefore have no additional positive or negative impact in relation to this characteristic.
Marriage and Civil Partnerships.	None	There is no evidence to indicate that the existing contract arrangements have any particular impact on this group. The proposed contract extension will therefore have no additional positive or negative impact in relation to this characteristic.

Pregnancy and Maternity	None	There is no evidence to indicate that the existing contract arrangements have any particular impact on this group. The proposed contract extension will therefore have no additional positive or negative impact in relation to this characteristic.
Other Socio-economic Carers	None	There is no evidence to indicate that the existing contract arrangements have any particular impact on this group. The proposed contract extension will therefore have no additional positive or negative impact in relation to this characteristic.

## Section 4 – Mitigating Impacts and Alternative Options

From the analysis and interpretation of evidence in section 2 and 3 - Is there any evidence or view that suggests that different equality or other protected groups (inc' staff) could be adversely and/or disproportionately impacted by the proposal?

No

If yes, please detail below how evidence influenced and formed the proposal? For example, why parts of the proposal were added / removed?

*(Please note – a key part of the EA process is to show that we have made reasonable and informed attempts to mitigate any negative impacts. An EA is a service improvement tool and as such you may wish to consider a number of alternative options or mitigation in terms of the proposal.)*

*Where you believe the proposal discriminates but not unlawfully, you must set out below your objective justification for continuing with the proposal, without mitigating action.*

N/a

## Section 5 – Quality Assurance and Monitoring

Have monitoring systems been put in place to check the implementation of the proposal and recommendations?

*Yes – existing monitoring arrangements will remain in place such as reviewing complaints, satisfaction surveying (independent).*

How will the monitoring systems further assess the impact on the equality target groups?

*It will be possible to identify any issues that arise and to monitor any emerging trends/themes, in order to address these.*

Does the policy/function comply with equalities legislation?

(Please consider the [OTH objectives](#) and [Public Sector Equality Duty](#) criteria)

Yes

If there are gaps in information or areas for further improvement, please list them below:

*None that will significantly impact.*

How will the results of this Equality Analysis feed into the performance planning process?

*Monitoring via contract management; complaints handling; leaseholder-recharging, through monitoring and proactive action.*

## Section 6 - Action Plan

As a result of these conclusions and recommendations what actions (if any) **will** be included in your business planning and wider review processes (team plan)? Please consider any gaps or areas needing further attention in the table below the example.

Recommendation	Key activity	Progress milestones including target dates for either completion or progress	Officer responsible	Progress
<b>Example</b>				
1. Better collection of feedback, consultation and data sources	1. Create and use feedback forms. Consult other providers and experts	1. Forms ready for January 2010 Start consultations Jan 2010	1. AB	
2. Non-discriminatory behaviour	2. Regular awareness at staff meetings. Train staff in specialist courses	2. Raise awareness at one staff meeting a month. At least 2 specialist courses to be run per year for staff.	2. CD	

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Recommendation	Key activity	Progress milestones including target dates for either completion or progress	Officer responsible	Progress
As this is an extension of an existing contract arrangement, there are no additional actions or recommendations to be implemented during this short period.				

## Appendix A

### (Sample) Equality Assessment Criteria

Decision	Action	Risk
As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . It is recommended that the use of the policy be suspended until further work or analysis is performed.	<b>Suspend – Further Work Required</b>	Red 
As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . However, a genuine determining reason may exist that could legitimise or justify the use of this policy.	<b>Further (specialist) advice should be taken</b>	Red Amber 
As a result of performing the analysis, it is evident that a risk of discrimination (as described above) exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.	<b>Proceed pending agreement of mitigating action</b>	Amber 
As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.	<b>Proceed with implementation</b>	Green: 