

**MINUTES OF A MEETING OF THE  
OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE  
HELD ON 1 AUGUST 2018 FROM 7.00 PM TO 9.25 PM**

**Committee Members Present**

Councillors: Parry Batth (Chairman), Philip Houldsworth (Vice-Chairman), Andy Croy, Lindsay Ferris, Guy Grandison, Mike Haines, Ian Pittock, Malcolm Richards, Bill Soane and Shahid Younis

**Other Councillors Present**

Councillors: Norman Jorgensen

**Officers Present**

Neil Carr, Democratic and Electoral Services Specialist  
Peter Baveystock, Service Manager, Cleaner and Greener and Reactive Highway Services  
Sarah Swindley, Lead Specialist, Human Resources

**21. APOLOGIES**

Apologies for absence were submitted from Kate Haines and Ken Miall.

**22. MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting of the Committee held on 18 July 2018 were confirmed as a correct record and signed by the Chairman.

**23. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**24. PUBLIC QUESTION TIME**

There were no public questions.

**25. MEMBER QUESTION TIME**

There were no Member questions.

**26. EQUALITY ACT 2010**

The Committee considered two reports, set out at Agenda Pages 13 to 42, which gave details of progress relating to the Council's statutory duties under the Equality Act 2010.

The Committee were reminded that the Equality Act 2010 placed general and specific duties on public bodies including the Council. The General Duty required the Council to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people who shared a protected characteristic and those who did not. The protected characteristics were: age, sex, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, religion or belief and sexual orientation.

In order to demonstrate compliance with the Equality Duty, public bodies had specific duties to publish information and set out and monitor Equality objectives. At its meeting on 30 March 2017 the Executive agreed the following Equality Objectives:

Objective 1 – services are easily accessible for all our residents and are capable of responding to the changing needs of our communities;

Objective 2 – vulnerable individuals and groups are supported and looked after;

Objective 3 – consultation and engagement are effective and inclusive for all our communities;

Objective 4 – the Council's workforce is committed to equality and reflects the communities it serves;

Objective 5 – the Strategy and Commissioning team will lead on the Council's commitment to equality through service commissioning and delivery, improved procurement and partnership working.

In 2017, the Executive and the Overview and Scrutiny Management Committee agreed that an annual monitoring report on Equalities be submitted to each body to ensure that suitable progress was being made against the Council's Equality Objectives.

In relation to Objective 4 (Council workforce) the Committee considered the WBC Equality Monitoring Workforce Report for 2017/18 (Agenda pages 13 to 29). The report demonstrated how the Council was complying with the Equality Duty in relation to its workforce, specifically how it captured data about employees (excluding schools) and related this data to the protected characteristics and other relevant indicators. Sarah Swindley, Lead Specialist, Human Resources attended the meeting to introduce the report and answer Members' questions.

The report highlighted the following equality issues:

- Gender – the Borough population was an equal split between male and female. However, the Council's gender profile was 74% women and 26% men. The Council's salary profile demonstrated a skew towards women occupying lower salary ranges.
- Age – while the Council's age profile was not representative of the Borough, it was similar to the national picture for local authorities with 42% above the age of 50 and only 12% under 30.
- Disability – from the information provided 4.4% of the workforce had a disability, but this could be higher as 33% did not declare their status. 2.8% of the Borough's population had a declared long-term health problem or disability.
- Ethnicity – the reporting indicated that the workforce was more diverse than the local population, with 79% of the workforce being White British compared to 88% of the Borough's population.
- Religion and Sexual Orientation – the Council provided an opportunity for employees to provide information but 88% did not declare in relation to religion, belief and sexual orientation.

The report also included an Action Plan for 2018/19. This included a focus on:

- Recruitment – further analysis of recruitment data and an increased take up of apprenticeships;

- Training – introduction of biennial refresher training for all employees using e-learning;
- Career Opportunities – complete Equality Impact Assessments for each stage of the 21<sup>st</sup> Century Council change programme;
- Data Collection – increase staff confidence in disclosing personal information in order to improve the accuracy of workforce monitoring;
- Accreditations – review the “Disability Confident Employer” accreditation and work towards the most appropriate level.

During the ensuing discussion Members raised the following points:

Were there any plans to establish networks for ethnic minority groups of employees? It was confirmed that attempts had been made in previous years to establish networks for ethnic minority employees. However, these had failed to endure due to lack of interest. The Council had established an officer equalities steering group and was continuing to seek new members to ensure that the group reflected the composition of the workforce. Furthermore, the monitoring report indicated a trend for increasing diversity in the workforce with almost a third of new starters being from ethnic minority groups.

In relation to the gender profile of the workforce (74% female, 26% male) were there any specific factors underlying the proportion of female employees? It was confirmed that the Council offered flexible and part-time working which was attractive to female employees.

In relation to the age profile of the Council's workforce, what changes were likely over the next five years? It was confirmed that the age profile was likely to fall in the next few years with 71% of new starters under the age of 50 and a higher proportion of the older workforce leaving. The new Apprenticeship levy would also bring younger employees into the organisation.

The report highlighted a disproportionate number of employees with protected characteristics going through grievance, capability and disciplinary action. Were there any specific factors relating to this issue? It was confirmed that this appeared to be a spike in the data which was not evident in the most recent monitoring reports.

How did the Council ensure that its buildings were accessible for employees with disabilities? It was confirmed that the Council had specific duties as an employer to make suitable adjustments for employees with disabilities. The Council was also part of the Disability Confident scheme which informed current and potential employees of its positive approach to employing people with disabilities.

The Committee considered a second report, Agenda pages 31 to 41, which outlined changes made to the Council's approach towards Equality Impact Assessments (EqIAs). Michael Oatway, Customer Delivery Officer, attended the meeting to introduce the report and answer Member questions.

An EqIA was an analysis of a proposed organisational policy, or change to an existing policy, procedure or service which assessed whether the proposal had a disparate impact on persons with protected characteristics. The Equality Act 2010 did not require public

authorities to carry out EqlAs but they were considered to be an effective way for bodies to demonstrate compliance with the Equality Duty.

The report stated that, following a review, a modified approach to EqlAs was being developed. This involved a two-stage process with an initial impact assessment which was then followed by a full impact assessment in cases where negative impacts were identified. Work was also ongoing to design a new Council-wide approach to project management and it was envisaged that EqlAs would be embedded into the formal decision making process for the formulation of projects, policies or service changes.

During the ensuing discussion Members raised the following points:

There was evidence that some Equality Impact Assessments had been completed after projects had started and were seen as a “tick box exercise”. How would the new arrangements ensure that assessments were carried out as part of the project design and approval process? It was confirmed that there needed to be a cultural shift to ensure that EqlAs were carried out before key decisions were made. Additional training for officers would reinforce the new procedures. In addition, a new standard for project management was being developed which included impact assessments as part of the project initiation phase.

In relation to projects, such as the town centre regeneration programme, where risks changed on a daily basis, how were the impact assessments updated? It was confirmed that the relevant project managers were responsible for updating risk and impact assessments and liaising with contractors as necessary. The Strategy and Commissioning team acted as a “critical friend” in this process. It was the responsibility of project managers and senior management to ensure that appropriate impact assessment were undertaken.

Would the Committee be able to see a selection of Equality Impact Assessments? It was confirmed that examples of impact assessments would be provided for the Committee to review.

Finally, the Committee were informed that a further report would be submitted to its September 2018 meeting giving details of progress made by the Council against the remaining Equality Objectives.

**RESOLVED** That:

- 1) Sarah Swindley and Michael Oatway be thanked for attending the meeting and answering Member questions;
- 2) the Wokingham Borough Council Equality Monitoring Workforce Report 2017/18 be noted;
- 3) the review of the Equality Impact Assessment procedure be noted;
- 4) examples of completed Equality Impact Assessments be submitted to the Committee for consideration and review;
- 5) the Committee receive a further report at its meeting on 19 September 2018 on progress against the Council’s Equality Objectives;

- 6) the Committee receive a further report on progress against the Council's Equality Objectives in 2019.

## **27. GROUNDS MAINTENANCE CONTRACT REVIEW - TERMS OF REFERENCE**

The Committee considered a report, set out at Agenda pages 43 to 48, which set out proposed Terms of Reference for a Scrutiny review of the Council's Grounds Maintenance contract with a specific focus on the grass cutting service.

The report reminded Members that the current Borough-wide Grounds Maintenance contract had commenced in April 2016. The contract had been awarded to ISS Facility Services Landscaping (subsequently taken over by Tivoli Group Ltd) following a joint procurement exercise with the Royal Borough of Windsor and Maidenhead.

Following a large number of complaints in May/June 2018 about grass cutting across the Borough, a request had been submitted to the Committee to carry out a review of the service. The proposed Terms of Reference included a number of key objectives for the review, including:

- Understanding the key terms of the contract with Tivoli Group Ltd and the joint management arrangements with the Royal Borough of Windsor and Maidenhead;
- Reviewing the delivery of the grass cutting service in terms of frequencies, timings, local priorities and complaints handling;
- Analysing how the service operates with partners such as Town and Parish Councils and community groups;
- Reviewing performance management data and the financial operation of the contract;
- Understanding best practice from other parts of the country and the potential for service improvements.

The report also included a list of potential witnesses and a timetable which envisaged that the Committee would finalise its report to the Executive at its meeting on 21 November 2018. The report also included a draft Call for Evidence, which was a public notice giving details of the review and inviting residents and community groups to submit evidence to the Committee.

### **RESOLVED** That:

- 1) the proposed Terms of Reference for the Scrutiny review of the Council's Grounds Maintenance contract be approved;
- 2) the proposed Call for Evidence relating to the review be approved for publication.

## **28. GROUNDS MAINTENANCE CONTRACT REVIEW**

The Committee considered a report, set out at Agenda pages 49 to 54, which provide background information on the operation of the Council's Grounds Maintenance contract. The report provided baseline information about the contract which provided a starting point for the Committee's Scrutiny review.

Norman Jorgensen (Executive Member for Environment, Leisure and Libraries), Peter Baveystock (Service Manager, Cleaner, Greener and Reactive Highway Services) and Emma Pilgrim (Specialist, Place Clienting) attended the meeting to introduce the report and answer Member questions.

The report stated that the current Grounds Maintenance contract commenced in April 2016 following a joint procurement exercise with the Royal Borough of Windsor and Maidenhead. The contract was let to ISS Facility Services Landscaping and was subsequently taken on by Tivoli Group Ltd following a buy-out of ISS in 2018.

The report gave details of the scale of the contract which covered 4.4 million square metres of parks and verges across the Borough, over 50 sports pitches and over 100 play areas. The contract had a value of £809k and included a £40k performance bonus.

Following a public consultation in 2014 it was decided that the contract would move to an outcome/output specification which would offer more flexibility by moving away from a rigid maintenance programme.

The report also gave details of the performance indicators used to underpin the contract. These included inspection scores, stakeholder/customer satisfaction, sports user satisfaction, justified complaints, community involvement, staff development and the identification of new income streams. The report highlighted a failure in service delivery relating to grass cutting which had generated a significant number of complaints which peaked in mid-May 2018. Officers were working with the new Tivoli Area Manager to improve service performance. This had resulted in the deployment of extra resources at no additional cost to the Council.

In order to address the issues outlined in the report the Chairman had agreed a set of Key Lines of Enquiry (KLOEs) which comprised:

### **KLOE 1 – Grounds Maintenance Contract**

Provide more details on the key terms of the Grounds Maintenance contract, including the terms of the output/outcome specification.

Explain how the contract is structured to deliver a more flexible approach to grass cutting.

In relation to the 2014 public consultation, provide a summary of the consultation process and a copy of the consultation outcomes report/decision sheet which sets out the rationale for moving to an output/outcome specification.

Explain how the £40k performance bonus is awarded and how it is linked to the performance management of the contract.

Explain how the contract is structured to enable input variations to ensure that the agreed outputs/outcomes are met.

### **KLOE 2 – Stakeholder Engagement**

Provide evidence of progress against each of the six priorities identified in the report for the development of the contract.

### **KLOE 3 – Market Engagement**

Explain the contract specification variations between WBC and RBWM.

Provide details of any working relationship between the two boroughs in relation to the management of the grounds maintenance contracts.

Provide details of any feedback on the operation of the grounds maintenance contract at RBWM including the level of complaints received in May/June 2018.

### **KLOE 4 – Scope of Tendered Services**

Provide more details of the operation of the CRM Dynamics system, including involvement of the contractor and examples of responses provided to residents.

### **KLOE 5 – Performance Management**

Provide performance management data for each of the Key Performance Indicators and Management Performance Indicators for 2016/17, 2017/18 and the first quarter of 2018/19.

The report gives details of areas where there has been good performance including partnership working, community engagement, staff training and biodiversity. Provide evidence of good performance in these areas.

The report also states that improvement has been required for justified complaints and sports surfacing, with some KPIs out of scope or under development. Explain the process for delivering improvements in relation to justified complaints and sports surfacing. Explain the reference to KPIs out of scope or under development.

Provide details of benchmarking undertaken in relation to the service and lessons learnt from best practice in other parts of the country.

### **KLOE 6 – Contract Performance, Customer Feedback and Complaints**

The report states that, in the current contract year, there has been a failure in service delivery relating to grass cutting which has resulted in a number of complaints registered on the CRM Dynamics system.

Explain the process for identifying the failure in service delivery and the steps taken to address this issue with the contractor.

Provide details of the number, type and geographical location of complaints received in the first quarter of 2018/19 compared to 2016/17 and 2017/18.

Explain how the service issues were communicated to residents, Town and Parish Councils, community groups and other stakeholders.

### **KLOE 7 – Next Steps**

Explain how the Council is working with the contractor and the level of additional resources identified in order to achieve the agreed standards.

The report identifies further areas where WBC is seeking to work with the contractor:

- Looking at introducing some online grass cutting information to provide residents with clear expectations;
- Improving customer engagement using the CRM Dynamics system, keeping residents updated on the progress of their reports;
- Agreeing the resource and machinery level for the current contract to make sure that the service provided is sustainable;
- Working to introduce more areas of long grass and wildflowers at appropriate locations.

Give details of progress in each of these areas.

Explain how the Council's 21<sup>st</sup> Century Council programme is being utilised to deliver improvements in communication, engagement, complaints handling and the overall customer experience.

Explain how the development of Locality services will deliver improved engagement and performance management of the contract.

Explain the consultation process to be used for service changes such as the introduction of additional long grass areas.

In the ensuing discussion Members raised the following points:

What were the specific issues in the spring/early summer which led to the reported problems with the contract and the large number of customer complaints? It was confirmed that, in relation to grass cutting, the first cut is the deepest and this year it took 6 to 7 weeks to complete the first cut rather than 4 to 5 weeks in a typical year. It was apparent that, in addition to the challenging weather conditions in the spring, the contractor did not deploy the anticipated level of resources. It was also apparent that some parts of the Borough were affected more than others. For example, the areas which were cut first, including Earley, were not subject to many complaints and, indeed, received positive feedback.

In relation to performance monitoring of the contract, what was the inspection process? It was confirmed that 60 officer inspections took place each quarter with a pass rate of 80% satisfaction. Failure to reach the required standard had a financial impact on the contractor's bonus payments.

As the Royal Borough of Windsor and Maidenhead (RBWM) were using the same contractor, were similar problems experienced in relation to this year's performance? It was confirmed that RBWM had experienced similar problems and had held discussions with senior management from the contractor. The key issue was the flexibility to deploy additional resources at the height of the grass growing season.

As the contract was output/outcome based, what measures were used to determine when grass should be cut. It was confirmed that in relation to frequently cut grass, it should be no higher than five inches. Part of the problem was that when the contractor responded to

complaints and brought in grass cutting machinery at short notice, work such as strimming and verge maintenance could not be completed at the same time. The result was that areas looked unfinished and scruffy.

In relation to complaints/customer feedback, was the Council able to analyse the data to highlight the type/volume of complaints in different parts of the Borough? It was confirmed that the Dynamics system was implemented part way through the year, so it was not possible to provide detailed year-on-year comparative data. However, the system would provide more comparative data as it became fully embedded.

In relation to biodiversity, was the Council striking the correct balance between its positive biodiversity targets and the negative feedback from potentially small numbers of local residents? It was confirmed that the Council tried to strike a balance on this issue. It was important to win "hearts and minds" on the biodiversity agenda. The Council also need to communicate more effectively with residents about the designated areas where grass would be allowed to grow.

In relation to the development of new income streams, what had been achieved to date? It was confirmed that the contractor had worked with Town and Parish Councils, schools, etc to identify additional work. In these circumstances the Council received a financial benefit.

In relation to the areas of longer grass, how could the Council improve communication with the contractor, residents, Towns and Parishes and community groups? It was confirmed that the Council's new mapping system, when fully operational, would provide better information to the contractor on the biodiversity areas. The Council did consult with Town and Parish Councils and had developed its campaign for a cleaner and greener environment. Improved mapping would also assist in improving communications with local residents.

In relation to next steps, what measures were under consideration to improve the delivery of the grass cutting service. Peter Bavystock reported that Officers would be considering the key lines of enquiry and compiling evidence for the next meeting of the Committee. Discussions were ongoing with Tivoli about the resourcing of the contract and measures to improve the customer experience using feedback from the Dynamics system. It was also felt that the development of Locality Services through the 21<sup>st</sup> Century Council programme would provide more proactive community engagement and more opportunities to discuss service issues with local stakeholders.

**RESOLVED** That:

- 1) Norman Jorgensen, Peter Baveystock and Emma Pilgrim be thanked for attending the meeting to present the report and answer Member questions;
- 2) Officers attend the next meeting of the Committee on 19 September 2018, to provide more detailed responses and evidence in relation to the key lines of enquiry and Member issues raised at the meeting;
- 3) a representative of Tivoli Group Ltd be invited to attend the meeting on 19 September 2018;
- 4) a site visit be arranged for Members to see the operational issues under consideration as part of the Scrutiny review.

## **29. COMMITTEE WORK PROGRAMMES**

The Committee considered its forward work programme and that of the Overview and Scrutiny Committees as set out on Agenda pages 55 to 68.

The Committee noted that an extraordinary meeting would be arranged to consider a Call-In of the 26 July Executive decision on the School Crossing Patrol service.

Members also considered the potential for more time-limited task and finish groups to consider items from the Overview and Scrutiny Committee work programmes.

**RESOLVED:** That Councillors Bath, Croy, Ferris and Houldsworth meet to consider the content of the work programmes and the feasibility of establishing time-limited Task and Finish Groups.

## **30. UPDATE REPORTS FROM CHAIRMEN OR NOMINATED MEMBER OF THE OVERVIEW AND SCRUTINY COMMITTEES**

The relevant Chairmen provided updates on recent issues considered by the Overview and Scrutiny Committees and future Agenda items.

**RESOLVED:** That the update reports be noted.