

James Birch (Kier Highways)
Richard Brooks (Anthony Collins Solicitors)

Public attendees: Toby Birch
Alice Morgan
Councillor Jane Birch, Northampton Town Council

61. Declarations of Interest

None advised.

62. Minutes

The Chair advised that attendance at the last meeting of the committee had been very poor and reminded members to send apologies and arrange a substitute if they were unable to attend.

RESOLVED:

That the Minutes of the meeting of the Place Overview & Scrutiny Committee held on 17th May 2022 be approved and signed as a correct record.

63. Chairman's Announcements

The Chair advised that agenda item 5 – Highways and transport Contract Review would be a joint scrutiny item with members of the Corporate Overview and Scrutiny Committee.

64. Highways and Transport Contract Review

The Chair welcomed members of the Corporate Overview and Scrutiny Committee, who would be joining the members of Place Overview and Scrutiny Committee to carry out joint scrutiny on the Highways and Transport Contract Review.

The Chair welcomed Councillor Phil Larratt the Cabinet Member for Environment, Transport, Highways and Waste, Nick Henstock the Head of Highways and Transport, James Birch (Kier Highways) and Richard Brooks (Anthony Collins Solicitors).

Councillor Larratt introduced the item. Nick Henstock the Head of Highways and Transport provided the Committee with a presentation outlining the process with which the contract was awarded and the details included within the contract.

Richard Brooks of Anthony Collins Solicitors outlined the legal aspects of the procurement exercise, which was bound by the Public Contract Regulations 2015. The procurement involved a mathematical process for identifying the winning bidder.

James Birch of Kier noted that the current contract had been jointly operated by Kier and WSP which had led to limitations on how the contract could operate. The new contract would be operated by Kier only, with a new team and a focus on the customer, the environment and sustainability. Kier already had vast knowledge of the network and would promote a stance that was customer and member centric with an emphasis on community engagement.

The Chair welcomed the presentation and invited Members to ask any questions. The Committee made comments and asked questions. In response to questions, the following points were explained:

- Kier were the highest scoring contractor under every variant on quality and price
- The previous contract had no flexibility and was inadequately resourced. There would be more staff going forward as well as a 12.5% increase in funding
- The contract was a new opportunity and member support was needed for monitoring, scrutinising and reviewing.
- The Business Plan would be shared once available and a member Briefing session arranged.
- WNC and NNNC would share the same contractor which would provide flexibility and savings, but both Authorities would have separate contracts
- Supervisors will be 'on the ground' on a regular basis, rather than office based
- Kier wanted to increase the number of women employed across the business, particularly in operational roles.
- An inclusive recruitment policy would be pursued, including working with NEETS (Not in Education, Employment or Training), graduates and apprentices
- Financial Standing requirements had been considered and passed, and financial data analysed to assess any risks. The contract required Kier to settle any damage claims if they were found to be at fault. A web link would be sent to Councillors explaining the criteria.
- A 'common sense' approach would prevail. i.e. if a pothole was filled and a pothole nearby did not fulfil the criteria yet, it would be filled too.
- A more efficient use of the workforce was proposed, which would lead to an improved service provision
- Parish engagement would be welcomed and Parishes/NCALC be briefed on the proposals in July
- The Key Performance Indicators (KPIs) would be shared with the Committee
- A sharing mechanism had been included in the contract to share any financial benefit accruing from efficiencies. An innovation fund had also been established.
- The service should be seamless to residents with one point of contact

At 7.45pm, the Chair called a brief break in proceedings. The meeting reconvened at 7.55pm

Following discussions with the Chair, Councillor Ian McCord announced that a joint Task and Finish Panel would be set up to review the contract, comprising five members from each committee. Members were asked to email the two Chairs with their interest in joining.

Councillor Danielle Stone proposed three recommendations:

- i) That Cabinet agrees that major contracts undergo pre-scrutiny
- ii) That contracts should align with strategic plans

- iii) that contracts should be able to illustrate how much of the money stays in the local area.

The proposition was seconded by Councillor Sally Beardsworth. On being put to the meeting the recommendations were agreed with 15 voting in favour and nine against.

The Chair thanked officers for their presentation and members for their contributions.

RESOLVED:

That the Place Overview and Scrutiny Committee and Corporate Overview and scrutiny Committee:

- i) Notes the presentation on the Highways and Transport Contract.
- ii) Agrees to the formation of a joint Task and Finish Panel with the Corporate Overview and Scrutiny Committee to review the contract, with five members from each Committee
- iii) Recommends to cabinet that major contracts undergo pre-scrutiny
- iv) Recommends to Cabinet that Contracts should align with strategic plans
- v) Recommends to Cabinet that contracts should be able to illustrate how much of the money stays in the local area.

65. Call in of the Cabinet Decision of 14 June 2022: Item 10: UK Levelling up fund Round two

The Chair introduced the Call-In request and explained that upon the advice of the Monitoring Officer, the Call-In request had been through the appropriate channels and it was confirmed that the procedure had been followed. The Chair explained the procedure for the Call-In. The speakers would be invited to address the Committee – Mr Toby Birch, Councillor Wendy Randall and Councillor Sally Beardsworth. The Call-in Originator, Councillor Bob Purser would be invited to expand upon their reasons for concern.

Mr Toby Birch, the Chair of Community Spaces Northamptonshire, addressed the Committee and considered that ward councillors should be involved in the funding process, due to their knowledge of small charities and organisations in their local area. It was suggested that Southfields Community centre should have been considered for funding.

Councillor Wendy Randall addressed the Committee and was disappointed that ward councillors were not consulted, due to their local knowledge. The criteria should have been explained to councillors so that they were aware of the criteria and process.

Councillor Sally Beardsworth addressed the Committee and expressed disappointment with the 'Levelling Up' funding which should be utilised to help the underprivileged in areas of deprivation. Southfields Community Centre was desperate for improvements.

The Chair read out a letter received from the VCSE (Voluntary, Community and Social Enterprise), which acted as a collective voice for the voluntary community. The

organisation felt that there was a lack of transparency with the funding scheme and that a significant funding opportunity had been missed.

At the Chair's invitation, Councillor Purser, Call-In Originator addressed the Place Overview and Scrutiny Committee and expanded on their reasons for the Call-In. Councillor Purser felt that Cabinet had made fundamental errors by not consulting with ward councillors and that Cabinet had misunderstood the Levelling Up funding criteria. Ward Councillors should have been consulted on the initiative, particularly those in areas of higher need. The Levelling-Up funding appeared to disadvantage the most disadvantaged as many of the projects were from more affluent communities.

Councillor Purser proposed to Cabinet that:

- 1) Ward Councillors are consulted early on in the process of a bidding programme
- 2) Capacity is developed so that communities have schemes ready to go should funding opportunities arise
- 3) Communities should not just be considered as geographical in nature. The needs of other groups that come together should also be considered e.g. ethnic groups, women's groups

Councillor Purser was keen that lessons were learnt from the most recent funding process and changes made to improve the process for the future.

The Place Overview and Scrutiny Committee heard a comprehensive presentation by the Head of Major Projects and Regeneration, which explained the background to the bidding process and explained the criteria imposed in respect of the decision made.

The Committee then asked questions of the Head of Major Projects and Regeneration and the Executive Director - Place and Economy:

- The criteria imposed was strict and timescales short
- There was no call for project suggestions due to the short timescales involved
- The Southfields Community Centre was considered but the required level of design and costing information was not available at the time
- It was appreciated that improvements to the process needed to be made for future rounds of bidding and there was commitment to do so
- There was an undertaking to be more inclusive of member views and engagement for the next bidding round
- The Executive Director - Place and Economy was aware that the process could have been managed better and lessons would be learnt. The bidding process allowed just 16 weeks for bids to be put forward which required schemes that were already well developed.
- A 'project pipeline' would be developed, allowing schemes to be prepared to a level where they would be ready for future funding applications.
- An all member briefing session would be arranged for future rounds of bidding
- Due to the strict timescales involved in the Round 2 bidding process, the outcome would not have changed even if the process had been managed differently. There was a good chance of achieving funding for the identified projects
- It was possible to convert some schemes from revenue to capital funding but the criteria was very strict

- The voluntary sector would be included in the future
- There was agreement that ward members must be consulted in the future but that the current bids remain as they are

Findings and Conclusions

During the deliberation session, Place Overview and Scrutiny Committee concluded that it did not uphold the Call-In but that the Committee would make recommendations to Cabinet requesting changes to the process.

Upon a vote, it was:

RESOLVED that:

- a) The Call-in be rejected on the grounds that the Levelling Up Fund round 2 must be submitted by 6 July 2022.
- b) It is recommended to Cabinet that the process for Round 3 is reviewed to include all ward members and the voluntary sector early in the consultation.

66. Review of Committee Work Plan

Due to the lateness of the hour, the Chair proposed that consideration of the Committee's work programme is deferred to the next meeting.

RESOLVED:

That this item be deferred to the next meeting of the Committee.

67. Urgent Business

There were no items of urgent business.

The meeting closed at 9.42 pm

Chair: _____

Date: _____