

WEST NORTHAMPTONSHIRE COUNCIL

CABINET

8 NOVEMBER 2022

CABINET MEMBER FOR ENVIRONMENT, TRANSPORT, HIGHWAYS AND WASTE: Councillor Phil Larratt

Report Title	Corporate Overview and Scrutiny Committee and Place Overview and Scrutiny Committee – recommendations in respect of the Highways and Transport Contract
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List of Appendices

None

1. Purpose of Report

- 1.1 To inform Cabinet of the recommendations of Place Overview and Scrutiny Committee and Corporate Overview and Scrutiny Committee’s joint scrutiny of the Highways and Transport contract that took place on 28 June 2022.

2. Executive Summary

- 2.1 At its meeting on 23 March 2022, the Overview and Scrutiny Coordinating Group considered the agenda item “potential cross theme reviews” which included a discussion regarding the Highways and Transport contract. The Group agreed that joint scrutiny of the contract should

take place with Corporate Overview and Scrutiny Committee and Place Overview and Scrutiny Committee.

- 2.2 On 28 June 2022, a meeting of Place Overview and Scrutiny Committee was held, and the first substantive agenda item was Highways and Transport Contract Review. Corporate Overview and Scrutiny Committee Members attended the meeting for this item and joint scrutiny was undertaken.
- 2.3 In undertaking joint Scrutiny, the Committees received a comprehensive presentation from the Cabinet Member for Environment, Transport, Highways and Waste, the Head of Highways and Transport together with and Senior Officers from Keir. The Director for Place and Economy was also present at the meeting.
- 2.4.1 After all the evidence had been heard, Corporate Overview and Scrutiny Committee and Place Overview and Scrutiny Committee resolved that:

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

- i) Note the presentation on the Highways and Transport Contract.
- ii) Agree 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) Recommend to Cabinet that major contracts undergo pre-scrutiny;
- iv) Recommend to Cabinet that Contracts should align with strategic plans; and
- v) Recommend to Cabinet that contracts should be able to illustrate how much of the money stays in the local area.

3 Recommendations

3.1 It is recommended that:

- a) The procurement brief for Major contracts will undergo pre-scrutiny
- b) The procurement brief and ITT should align with strategic plans; and
- c) The procurement brief should specify the key elements of Social Value

3.2 Reason for Recommendations

At its meeting on 28 June 2022, Corporate Overview and Scrutiny Committee and Place Overview and Scrutiny Committee undertook joint scrutiny of the Highways and Transport contract. The two Overview and Scrutiny Committees felt there was a need for all major contracts to undergo pre-scrutiny and that contracts should align with the strategic plans of the Council and should illustrate how much of the money stays within the local area. It was therefore resolved that they would recommend to Cabinet that:

- a) Major contracts undergo pre-scrutiny;
- b) Contracts should align with strategic plans; and

c) Contracts illustrate how much of the money stays in the local area.

4 Report Background

4.1 At the meeting on 28 June 2022, the two Committees received a comprehensive presentation from the Cabinet Member for Environment, Transport, Highways and Waste, the Head of Highways and Transport together with and Senior Officers from Keir. The Director for Place and Economy was also present at the meeting. The Committees asked questions of the Cabinet Member and Officers and heard:

- Kier was the highest scoring contractor under every variant on quality and price
- The previous contract had no flexibility and was inadequately resourced. This council has invested in ensuring we have the right number of staff to manage and monitor the contract going forward as well as a 12.5% increase in funding
- The contract is a new opportunity and Member support is needed for monitoring, scrutinising and reviewing
- Whilst West Northants Council and North Northants Council will have the same contractor and this will provide flexibility and savings, both Authorities will have separate contracts and will manage each contract independently ensuring the needs and priorities of each area are met. Supervisors will be 'on the ground' on a more regular basis, rather than office based
- A programme of early improvements will be created including issues such as poorly maintained pavements, roads and dropped kerbs
- A new Innovation Team has been set up with £3million of investment in new machines and technology to carry out pothole repairs
- An inclusive Recruitment Policy will be pursued, including working with NEETS (Not in Education, Employment or Training), graduates and apprentices
- Financial standing requirements have been considered and passed, and financial data analysed to assess any risks
- A 'common sense' approach will prevail. i.e., if a pothole is filled and a pothole nearby did not quite fulfil the criteria yet, it will be filled too

4.2 The Joint-Committee Task and Finish Group that will review the contract is currently being formed. The Task and Finish Group will produce a report for the consideration of the parent Overview and Scrutiny Committees, which will then be submitted to Cabinet for consideration.

4.3 Following the deliberation session, Corporate Overview and Scrutiny Committee and Place Overview and Scrutiny Committee resolved that:

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

- a) Note the presentation on the Highways and Transport Contract;
- b) Agree 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;

- c) Recommend to Cabinet that major contracts undergo pre-scrutiny; Recommend to Cabinet that Contracts should align with strategic plans; and
- d) Recommend to Cabinet that contracts should be able to illustrate how much of the money stays in the local area.

5 Issues and Choices

5.1 Cabinet is asked to consider the recommendations of Corporate Overview and Scrutiny Committee and Place Overview and Scrutiny and provide a response to the Committee to the recommendations.

6 Implications (including financial implications)

Resources and Financial

- 6.1 The recommendations of Corporate Overview and Scrutiny Committee and Place Overview and Scrutiny Committee may have manpower and implications in relation to the consultation process.
- 6.2 Cabinet will need to consider the recommendations in detail and advise Corporate Overview and Scrutiny Committee and Place Overview and Scrutiny Committee of any major contracts in order that the Committees can undertake pre-decision Scrutiny.

6.2 Legal

- 6.2.1 All Officers of the Council must comply with legal obligations and rules set out in the Council's Constitution, as well as follow the laws of the Public Contract Regulations 2015 when undertaking a procurement. This includes awarding contracts in an open, competitive and non-discriminatory manner.
- 6.2.2 Overview and scrutiny committees have statutory powers under section 9F of the Local Government Act 2000 which includes to review or scrutinise decisions Cabinet is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny can secure improvements in procurement and contract management. Overview and scrutiny committees are empowered to play a role in ensuring that the Council secures the wider social value from contractors. Social value currently is taken into account as defined by the Public Services Social Value Act 2012 which requires the Council to consider the economic social and environmental impact of contracts and how it could best benefit the local economy.
- 6.2.3 The Council' Overview and Scrutiny arrangements are set out in Part 7 of the Council's Constitution. 7.2, section 6, paragraphs 6.1 and 6.2 of the arrangements provides that where an Over Overview and Scrutiny Committee has submitted a formal report for consideration by the Cabinet, the report should be considered at the next available meeting. Further the Cabinet should provide a response to the recommendations of Corporate Overview and Scrutiny Committee and Place Overview and Scrutiny Committee within two months of it being submitted.

Risk

6.3 Corporate Overview and Scrutiny Committee and Place Overview and Scrutiny Committee had regard to any risks and mitigation factors associated with the recommendations as detailed at paragraph 2 of this report.

Consultation

6.4 Both Corporate Overview and Scrutiny Committee and Place Overview and Scrutiny Committee undertook joint scrutiny of the Highways and Transport Contract at the meeting on 28 June 2022.

6.5 The Cabinet Member with responsibility for Environment, Transport, Highways and Waste addressed the meeting and answered questions asked by the Committees.

6.6 The meeting of Place Overview and Scrutiny Committee of 28 June 2022 was published through the Council's usual channels and was attended by three members of the public.

Consideration by Overview and Scrutiny

6.9 Corporate Overview and Scrutiny Committee and Place Overview and Scrutiny Committee considered the Highways and Transport contract at its meeting on 28 June 2022.

Community Impact

6.10 There are no significant community impact issues arising from this report.

7 Background Papers

Overview and Scrutiny Coordinating Group - agenda and minutes - 23 March 2022

Place Overview and Scrutiny Committee – agenda and minutes - 28 June 2022