



AGENDA FOR THE EXECUTIVE

Members of the Executive are summoned to attend a meeting to be held in Committee Room 4, Town Hall, Upper Street, N1 2UD - Islington Town Hall on **19 July 2018 at 7.00 pm.**

Lesley Seary
Chief Executive

Enquiries to : Philippa Green
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Despatched : 11 July 2018

Membership

Councillor Richard Watts
Councillor Janet Burgess MBE
Councillor Joe Caluori
Councillor Kaya Comer-Schwartz
Councillor Andy Hull

Councillor Asima Shaikh
Councillor Diarmaid Ward
Councillor Claudia Webbe

Portfolio

Leader of the Council
Executive Member Health and Social Care
Executive Member Children, Young People and Families
Executive Member for Community Development
Executive Member Finance, Performance and Community Safety
Executive Member for Economic Development
Executive Member for Housing and Development
Executive Member for Environment and Transport

Quorum is 4 Councillors

Please note

It is likely that part of this meeting may need to be held in private as some agenda items may involve the disclosure of exempt or confidential information within the terms of Schedule 12A of the Local Government Act 1972. Members of the press and public may need to be excluded for that part of the meeting if necessary.

Details of any representations received about why the meeting should be open to the public - none



Declarations of interest:

If a member of the Executive has a **Disclosable Pecuniary Interest*** in an item of business and it is not yet on the council's register, the Councillor **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent. Councillors may also **choose** to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency. In both the above cases, the Councillor **must** leave the room without participating in discussion of the item.

If a member of the Executive has a **personal** interest in an item of business they **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent but may remain in the room, participate in the discussion and/or vote on the item if they have a dispensation from the Chief Executive.

- *(a) Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.
- (b) Sponsorship** - Any payment or other financial benefit in respect expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) Land** - Any beneficial interest in land which is within the council's area.
- (e) Licences** - Any licence to occupy land in the council's area for a month or longer.
- (f) Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

NOTE: Public questions may be asked on condition that the Chair agrees and that the questions relate to items on the agenda. No prior notice is required. Questions will be taken with the relevant item.

Requests for deputations must be made in writing at least two clear days before the meeting and are subject to the Leader's agreement. The matter on which the deputation wants to address the Executive must be on the agenda for that meeting.

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E. Urgent non-exempt matters

Any non-exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

F. Exclusion of press and public

To consider whether to exclude the press and public during discussion of the remaining items on the agenda, in view of their confidential nature, in accordance with Schedule 12A of the Local Government Act 1972.

G. Urgent Exempt Matters

Any exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

The next meeting of the Executive will be on 6 September 2018

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London Borough of Islington

Executive - 14 June 2018

Minutes of the meeting of the Executive held at Committee Room 4, Town Hall, Upper Street, N1 2UD - Islington Town Hall on 14 June 2018 at 7.00 pm.

Present: **Councillors:** Watts, Burgess, Caluori, Comer-Schwartz, Shaikh, Ward and Webbe

Also Present: **Councillors:** Councillor Champion attended for item C7.

Councillor Richard Watts in the Chair

515 LEADER'S ANNOUNCEMENTS

Councillor Richard Watts expressed the Council's sadness at the first anniversary of the Grenfell Tower fire and that the family and friends of the victims, and the whole community, are in our thoughts today.

516 APOLOGIES FOR ABSENCE

Apologies were received from Cllr Hull.

517 DECLARATIONS OF INTEREST

None.

518 MINUTES OF PREVIOUS MEETING

RESOLVED:

That the Minutes of the meeting on 19 April 2018 be confirmed as a correct record and the Chair be authorised to sign them.

519 APPOINTMENTS TO BE MADE BY THE EXECUTIVE

RESOLVED:

- a) That Councillor Richard Watts be appointed as Chair, Councillors Kaya Comer-Schwartz and Diarmaid Ward be appointed as members and Councillors Burgess, Caluori, Hull, Shaikh and Webbe be appointed as substitutes of the Voluntary and Community Sector Committee, for the municipal year 2018/2019, or until successors are appointed, be agreed.
- b) That Councillors Anjna Khurana, Michelline Safi Ngongo and Mouna Hamitouche be appointed as observers of the Voluntary and Community Sector Committee, for the municipal year 2018/2019, or until successors are appointed.

- c) That Councillors Andy Hull and Claudia Webbe be appointed as members of the Shared Digital Joint Committee, and Councillor Asima Shaikh as a substitute, for the municipal year 2018/2019, or until successors are appointed.
- d) That Councillor Kaya Comer-Schwartz be appointed to the Associated Joint Committee – London Councils' Grants Committee and Councillors Burgess, Hull, Shaikh and Ward be appointed as deputies, for the municipal year 2018/2019, or until successors are appointed.
- e) That Councillor Diarmaid Ward and Councillor Angela Picknell be appointed as members of the LHC (London Housing Consortium) for a four-year term, until the election in 2020, or until successors are appointed.
- f) That Councillor Mick O'Sullivan be appointed as the Council's representative on the London Council's Pensions CIV Sectoral Joint Committee and Councillor Andy Hull be appointed as substitute, for the municipal year 2018/2019, or until successors are appointed.

Reason for decision – to enable the Council's representatives to participate in meetings.

Other options considered – none other than as specified in the report.

Conflicts of interest/dispensations granted – none.

520 DECISIONS TAKEN BY OFFICERS

RESOLVED:

That the decision taken on 13 April 2018 to award a contract to Insight Direct (UK) Ltd for the purchase of Microsoft licences be noted.

Reason for decision – to enable the Executive to monitor key decisions taken using urgency procedures and meet the requirements detailed in the Constitution.

Other options considered – none other than as specified in the report.

Conflicts of interest/dispensations granted – none.

521 PROVISIONAL OUTTURN 2017-18

Councillor Watts noted his thanks all the officers who worked very hard to ensure that the final out-turn was significantly improved on the £10M overspend forecast earlier in the year.

RESOLVED:

- 2.1** That the provisional revenue outturn for the General Fund (Table 1 of the report) of a gross overspend of £3.9m and a net break-even position after using £3.9m of contingency funding (£2.0m ongoing contingency budget and £1.9m of one-off contingency reserve) be noted.
- 2.2** That the breakdown of the forecast General Fund outturn by individual variance at Appendix 1 of the report and by service area at Appendix 2 of the report be noted.

- 2.3 That the 2017-18 revenue outturn carry forwards and transfers to reserves detailed at Appendix 3 of the report be agreed.
- 2.4 That the HRA forecast is a break-even position (Section 5, Table 1 of the report) be noted.
- 2.5 That the Council delivered £89.8m of capital investment in 2017-18 and how this was financed and related earmarked reserves transfers be noted and the slippage of unspent capital budgets to future years (Section 6, Table 2, and Appendix 4 of the report) be agreed.
- 2.6 That authority be delegated to the Corporate Director of Resources to agree any final required adjustments for the final position reflected in the 2017-18 Statement of Accounts be agreed.

Reason for decision – to allow members to monitor the budget.

Other options considered – none other than as specified in the report.

Conflicts of interest/dispensations granted – none.

522 RECYCLING SCRUTINY - RECOMMENDATIONS OF THE ENVIRONMENT AND REGENERATION SCRUTINY COMMITTEE

Councillor Rowena Champion, Chair of the Environment and Regeneration Scrutiny Committee, introduced the report, advising that the review became increasingly broad as it developed and that the committee encountered a lot of enthusiasm to be involved in encouraging recycling across a number of services and thought there were opportunities to support these services to encourage and help facilitate recycling.

Councillor Webbe welcomed the report and Councillor Watts thanked Councillor Champion and the committee for all their work on a very thorough review.

RESOLVED:

- 2.1 That the report of the Environment & Regeneration Scrutiny Committee be received.
- 2.2 That the Executive Member's response be reported to a future meeting of the Executive, including having due regard to any relevant implications of the Environment & Regeneration Scrutiny Committee's recommendations.

Reason for decision – to receive the recommendations of the Environment and Regeneration Scrutiny Committee.

Other options considered – none other than as specified in the report.

Conflicts of interest/dispensations granted – none.

523 DELIVERING MORE COUNCIL HOMES - PROVIDING IMPROVED, BETTER VALUE, TEMPORARY ACCOMMODATION

RESOLVED:

- 2.1 That a temporary accommodation acquisitions programme that enables the council to increase the supply of council owned temporary accommodation and maximise the spend of excess RTB receipts starting in the 18/19 financial year and continuing in subsequent years, subject to funding, be agreed.

- 2.2 That authority be delegated to the Corporate Director of Resources to purchase individual properties that are considered to be affordable and value for money, in consultation with the Corporate Director of Housing and Adult Social Services and the Executive Member for Housing and Development, be agreed.
- 2.3 That the additional resources required to deliver the programme efficiently and effectively, as outline in Point 3.4.2 of this report, be agreed.

Reason for decision – to reduce costs, maximise use of excess RTB receipts and improve the standard of temporary accommodation.

Other options considered – none other than as specified in the report.

Conflicts of interest/dispensations granted – none.

524

BUILDING GENUINELY AFFORDABLE HOUSING IN EC1 - USE OF RIGHT TO BUY RECEIPTS

RESOLVED:

- 2.1 That a contribution up to a £7.0m from the RTB receipts be made to the CoLC contributing towards the cost of the housing element of the development, be agreed. It was also agreed that this would secure the council entitlement to:
- Nominate in perpetuity to 50% of the total number of homes in the development (33 out of 66 homes as set out in the Head of Terms agreement).
 - Receive a 50% share of the income from the office space provided in the new development. Commercial revenue.
- 2.2 That the Director of Housing and Adult Social Services be authorised to negotiate and agree the terms of the grant agreement, for the contribution from RTB receipts, with the CoLC, in consultation with the Director of Law and Governance and Corporate Director of Resources.
- 2.3 That, subject to the approval of the GLA, it be noted that the CoLC will be required to use the GLA grant of £3.96m previously allocated to the housing element of the development, to fund a new social housing scheme(s) within Islington. to which the council will have a minimum of 50% of nomination rights based on habitable rooms.
- 2.4 That the proposal to provide a license to the CoLC to enable asbestos removal, soft strip and demolition of the existing buildings on the site be agreed.

Reason for decision – to provide additional, good quality homes for social rent and the good quality school places to meet basic need.

Other options considered – none other than as specified in the report.

Conflicts of interest/dispensations granted – none.

525 PROCUREMENT STRATEGY FOR NEW BUILD CONSTRUCTION AND REFURBISHMENT WORKS

RESOLVED:

- 2.1 That the procurement strategy for Islington's New Build and Construction Framework as outlined at paragraph 3.1 of the report be approved.
- 2.2 That authority be delegated to the appropriate Corporate Directors to award contracts under the new framework agreement without limitation as to value.

Reason for decision – to provide high quality new homes in terms of design, in-use performance, long-term sustainability and energy efficiency creating places that are genuinely affordable places to live for residents in housing need and helping them tackle the cost of living.

Other options considered – none other than as specified in the report.

Conflicts of interest/dispensations granted – none.

526 PROCUREMENT STRATEGY FOR LIFT MAINTENANCE IN HOUSING AND PUBLIC BUILDINGS

RESOLVED:

- 2.1 That the procurement strategy for Lift Maintenance in Housing and Public Buildings as outlined in this report be agreed.
- 2.2 That authority be delegated to the Corporate Director of Housing and Adult Social Services to award the contract, in consultation with the Executive Member for Housing and Development.

Reason for decision – to meet the duty to provide lift repairs for both the housing estates and public buildings to keep them in safe working order.

Other options considered – none other than as specified in the report.

Conflicts of interest/dispensations granted – none.

527 PROCUREMENT STRATEGY FOR A POSITIVE BEHAVIOUR SUPPORT SERVICE FRAMEWORK AGREEMENT

RESOLVED:

- 2.1 That the procurement strategy for a Positive Behaviour Support (PBS) Service Framework Agreement for People with Learning Disabilities as outlined in this report be agreed.
- 2.2 That authority be delegated to the Corporate Director Housing and Adult Social Services, to award any subsequent contract award for a call-off from the framework agreement, in consultation with the Executive Member for Health and Social Care.

Reason for decision – to meet the increasing need for supported living accommodation for people with a learning disability who display complex and challenging behaviour.

Other options considered – none other than as specified in the report.

Conflicts of interest/dispensations granted – none.

**528 DELIVERING MORE COUNCIL HOMES - PROVIDING IMPROVED, BETTER
VALUE, TEMPORARY ACCOMMODATION - EXEMPT APPENDIX**

That the information in the exempt appendix to agenda item D8 be noted (see Minute 523 for details).

MEETING CLOSED AT 7.18 pm

CHAIR



Report of: Monitoring Officer, Acting Director of Law and Governance

Executive	Date: 19 June 2018	Ward(s): All
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Delete as appropriate	Exempt	Non-exempt
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SUBJECT: The Local Government & Social Care Ombudsman finding of Maladministration

1. Synopsis

- 1.1. The Local Government and Social Care Ombudsman (LGSCO) has issued a report finding maladministration against the council. The LGSCO has advised that they will publish their report on the basis that it has wider public interest.
- 1.2. The LGSCO decision was made on 29 May 2018 and relates to the council failing to provide assistance to Miss X, a 16-year-old who was threatened with homelessness.
- 1.3. Miss X's mother, Ms Y, was evicted from her housing association accommodation. Ms Y applied to the council as a homeless person and both her and her daughter, Miss X, were placed in interim temporary accommodation in another council's area (council B) pending investigation of her application.
- 1.4. Upon completion of its investigation, the council found that Ms Y was intentionally homeless and that it did not have a duty to continue providing interim accommodation for her. Ms Y was advised accordingly and Miss X was referred to Children's Services in council B's area.
- 1.5. Ms Y made various complaints to the council including:
 - (a) that council B had no record of the referral for her daughter;
 - (b) that she and her daughter no longer lived in council B's area as she had been evicted from her temporary accommodation; and
 - (c) that she and her daughter were staying at various addresses within the Islington area.

- 1.6. The council explained to Ms Y that they had faxed the referral to council B but could not comment on why they had not received it and; maintained that it was under no duty to provide Ms Y or her daughter with accommodation.
- 1.7. Ms Y complained to the LGSCO. Upon investigating Ms Y's complaint, the LGSCO found in her favour. Several recommendations were made to the council to address the findings of fault (maladministration).
- 1.8. The council has accepted the LGSCO's findings.

2. Recommendations

- 2.1. To note the contents of the LGSCO's report dated 29 May 2018, a copy of which is attached as appendix one.
- 2.2. To note that the findings and remedies recommended by the LGSCO have been accepted by Children and Employment Services.
- 2.3. To note the actions taken by the council to implement the recommendations by the LGSCO.
- 2.4. To note that copies of this report have been sent to all members of the council.
- 2.5. To agree that no further report or action needs to be taken in relation to the matters set out in this report.
- 2.6. To agree that a copy of this report and the Executive minutes will be sent to the LGSCO.

3. Background

- 3.1. The Ombudsman service was set up following the Local Government Act 1974. Key changes to the Act were included in the Local Government and Public Involvement in Health Act 2007 and the Health Act 2009. The Act sets out how the Ombudsman is organised, the Ombudsman's powers, and the restrictions on those powers. The main statutory functions for the Ombudsman are: to investigate complaints against councils and some other authorities; to investigate complaints about adult social care providers from people who arrange or fund their adult social care (Health Act 2009); and to provide advice and guidance on good administrative practice. In June 2017 the Local Government Ombudsman's title was changed to the Local Government and Social Care Ombudsman.
- 3.2. All complaints result in a decision. The LGSCO issues these decisions, either by way of a statement of reasons for the decision or a report. If the LGSCO decides that the council has done something wrong and that this fault has caused an injustice to the complainant, the LGSCO will suggest what the council should do to put this right. Most complaints result in a decision in the form of a decision statement. If the LGSCO decides to issue a public report on a complaint, the LGSCO will tell the council in advance and the council will have an opportunity to comment on a draft of the report before it is finalised. In the case of complaints about the council, the outcomes of these complaints is reported to Members by way of (1) an annual report and (2) a six-monthly Monitoring Officer report to Audit Committee.

- 3.3. Additionally, where a complaint of fault (i.e. maladministration, service failure, or failure to provide a service) is upheld and a formal report (or public interest report) is to be issued, this must be considered by Executive (for executive functions) (or Full Council or committee (for non-executive functions)).
- 3.4. It is rare for the council to receive a formal report. This is the first public interest report the council has received in at least five years.

Complaint Summary

- 3.5. Miss X's mother, Ms Y, was evicted from her housing association accommodation. Upon making a homelessness application to the council, she was placed in interim accommodation in another council's area (council B) pending investigation of her application.
- 3.6. The council found that Ms Y was intentionally homeless and that the council did not have a duty to continue providing interim temporary accommodation to her. Her daughter, Miss X, was referred to Children's Services in council B's area.
- 3.7. Ms Y made various complaints to the council including:
- (a) that council B had no record of the referral for her daughter;
 - (b) that she and her daughter no longer lived in council B's area as she had been evicted from her temporary accommodation; and
 - (c) that she and her daughter were staying at various addresses within the Islington area.
- 3.8. The council maintained that it was under no duty to provide Ms Y or her daughter with accommodation.
- 3.9. Ms Y complained to the LGSO. The LGSCO found the council to be at fault for failing:
- (a) to provide services to Miss X as a 16-year-old at risk of homelessness, in particular in not carrying out an assessment as to what duty it owed to Miss X at the time Ms Y complained that they were no longer living in Council B's area.
 - (b) to contact Council B when it was under a duty to secure co-operation from Council B to address Miss X's needs.
 - (c) to help Miss X when Ms Y complained, and in particular to identify that the Ms X was threatened with homelessness and may be entitled to assistance from the council's housing service.
- The LGSCO found no fault in the council referring Miss X to council B initially when she was living in Council B's area.
- 3.10. The LGSCO found that the council's faults had caused Miss X significant distress as a result of the uncertainty in relation to her housing.
- 3.11 The LGSCO recommended, and the council agreed, that the council should try to contact Miss X and offer to carry out an assessment of her needs under the Children Act 1989 and to work with Council B to resolve any disputes (and provide any necessary services to Miss X while any disputes were settled). The LGSCO further recommended, and the council agreed, to pay Miss X £400 for the distress caused.

3.12 Following receipt of the draft LGSCO decision, Children and Employment Services undertook a complaint learning meeting to consider the LGSCO's findings. The council tried to contact Ms Y and Miss X to offer to carry out an assessment, but they have not engaged with the council and made clear, via a family member, that they do not want any contact or services from the local authority. A cheque has been issued to Miss X at her last known address. Although the LGSCO's report indicates that the council's failure to offer services in a timely and proper manner has resulted in a situation where there is considerable uncertainty about the welfare of Miss X, the council's own follow up indicates that Miss X no longer requires services from the council.

Chief Finance Officer (s151) comments

3.13. The council has agreed to pay the complainant's daughter £400 as recommended by the LGSCO. This will be met from within the existing Children's Service's budget.

3.14. A cheque has been raised and issued for the said sum. It was delivered and signed for on the 05.01.18, but to date it has not been cashed.

Head of Paid Service (Chief Executive) Comments

3.15. The council notes the LGSCO's recommendations and has accepted them in full.

3.16. Numerous attempts to contact Ms Y and Miss X have been made via letter, telephone and personal visits in order to action the LGSCO's recommendations. To date, we have not received a direct response from either Ms Y or Miss X. We have been advised via a family member that Ms Y and Miss X do not want any contact or services from the local authority.

3.17. The LGSCO's decision is not indicative of the usual high standards of practice by this service area. It is clear that there are aspects of our practice in this case that should have been better managed and we have reviewed why this occurred and the learning going forward.

Director of Children and Employment Services Comments

3.18. We note the LGSCO's recommendations and accept them in full. We have disseminated the learning from this decision across the department to avoid a similar reoccurrence in the future and ensure we maintain our usual high standards.

Monitoring Officer Comments

3.19. Where the LGSCO completes an investigation s/he must prepare a report and send a copy to the complainant, the local authority and other parties relevant to the complaint, s30(1) of the Local Government Act 1974.

3.20. Where fault is found and a formal report is to be issued by the LGSCO, the Monitoring Officer is under an obligation to prepare a report for the Executive under s5A (for executive functions) of the Local Government and Housing Act 1989. The Executive is also under a duty by virtue of s31(2) LGA 1974 to consider the report of the LGSCO.

- 3.21 The Head of Paid Service (Chief Executive) and s151 Officer are required to be consulted so far as reasonably practicable in the preparation of a maladministration report, s5A (5) the Local Government and Housing Act 1989. Both the statutory officers have been duly consulted and their comments are set out above.
- 3.22. The Monitoring Officer is also required to arrange for a copy of this report to be circulated to all members of the authority. The Executive agenda and papers are sent to all the council's members; accordingly, the circulation of this report complies with that requirement.
- 3.23. Further, the authority is under an obligation (s5A(6)(a) and (8)) to:
- (a) consider the report within 21 days of the report being sent to all members of the council; and
 - (b) as soon as practicable after the Executive has considered the report, the Executive must prepare a report which specifies: (1) what action, if any, the Executive has taken in response to the report, (2) what action, if any, the Executive proposes to take in response and when it proposes to take that action, and (3) the reasons for taking the action, or as the case may be, no action.
- 3.24. Copies of the Executive's report on the action it has taken or proposed to take must, as soon as practicable, be sent to each member of the authority and the authority's monitoring officer (s5A (9)). It must also be sent to the LGSCO within 3 months.
- 3.25. The local authority must give public notice in newspapers and such other ways as appear appropriate and copies of the report shall be available for inspection by the public for a period of three weeks (s30(4), (5) LGA 174).
- (a) The public notice was placed in the Islington Gazette on Friday 15 June 2018 and the Islington Tribune on Thursday 14 June 2018;
 - (b) The report was available for public inspection at .at the Town Hall, Upper Street, London and 222 Upper Street, London from the 14 June 2018;
 - (c) The notice and report have also been published on the council's website, and
 - (d) Publication of the LGSCO's report as an appendix to this report ensures it remains in the public domain.
- 3.26. Where the LGSCO reports there has been maladministration resulting in injustice the report shall be laid before the authority and it shall be the duty of the authority to consider the report and within 3 months of receipt (or such longer periods as the LGSCO may agree in writing) notify the LGSCO of the action which the authority has taken or proposes to take, s31 of the Local Government Act 1974. This report to the Executive complies with the first part of this legal requirement. Sending a copy of the report and the Executive minutes to the LGSCO will comply with the second part of this legal requirement (provided Executive agrees the recommendations).
- 3.27. The council may incur expenditure as appears appropriate in making a payment to a person who has suffered injustice in consequence of maladministration (s31(3) Local Government Act 1974). In addition, the council has the power to pay compensation or assist a person who has suffered injustice as a result of maladministration (s92 Local Government Act 2000).

4. Implications

Finance Implications

- 4.1. Please see the body of the report, in particular Chief Finance Officer comments at paragraphs 3.13 -3.14.

Legal Implications

- 4.2. Please see the body of the report, in particular Monitoring Officer comments at paragraphs 3.19-3.27.

Environmental Implications

- 4.3. There are no environmental implications arising out of this report.

Resident Impact Assessment

- 4.4. A Resident Impact Assessment has not been carried out in relation to this LGSCO's decision.

5 Reasons for the recommendations / decision

- 5.1. The Council accepts the LGSCO's findings, and there is no reason not to follow the recommendations of the LGSCO.
- 5.2. The Corporate Director for Children and Employment Services has agreed the course of action and tried to implement the same.
- 5.3. Compliance with the above recommendations ensures that the statutory requirements of the Local Government Act 1974 and Local Government Housing Act 1989 are met.

Signed by:



5 July 2018

**Monitoring Officer, Acting Director of Law
and Governance**

Date

Appendices

- Appendix one: the final Ombudsman's report dated 29 May 2018

**Report by the Local Government and Social Care
Ombudsman**

**Investigation into a complaint against
London Borough of Islington
(reference number: 17 011 285)**

29 May 2018

The Ombudsman's role

For 40 years the Ombudsman has independently and impartially investigated complaints. We effectively resolve disputes about councils and other bodies in our jurisdiction by recommending redress which is proportionate, appropriate and reasonable based on all the facts of the complaint. Our service is free of charge.

Each case which comes to the Ombudsman is different and we take the individual needs and circumstances of the person complaining to us into account when we make recommendations to remedy injustice caused by fault.

We have no legal power to force councils to follow our recommendations, but they almost always do. Some of the things we might ask a council to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

Key to names used

Miss X	The complainant
Ms Y	Miss X's mother
Council B	Another Council area where Ms Y and Miss X were temporarily housed by London Borough of Islington.

Report summary

Education and Children's Services – Child in need

Miss X complains the Council has refused to provide her with assistance with her housing. She says she is homeless as her mother has been evicted from temporary accommodation.

Finding

Fault found causing injustice and recommendations made.

Recommendations

The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members. We will require evidence of this. (*Local Government Act 1974, section 31(2), as amended*)

In addition to the requirements set out above the Council has also agreed to take the following action based on our recommendations:

The Council will try to contact Miss X and offer to carry out an assessment of her needs under the 1989 Children Act with reference to statutory guidance and in conjunction with its housing department. We said the Council should take this action immediately and without delay. The Council has taken this action but has been unable to contact Miss X.

If the Council believes that Council B is responsible for Miss X under the Children Act 1989 it should work with Council B to resolve any disputes. Miss X should not be disadvantaged by any disagreements and the Council should provide any necessary services until the disputes are settled. As the Council has been unable to contact Miss X there is no further action for it to take at this time. However, it should consider this recommendation should Miss X make contact in the future.

The Council has paid Miss X £400 for the distress caused as a result of its failure to provide assistance.

In addition to our recommendations the Council has *“held a complaint learning meeting [about this complaint] ... and [has] disseminated the learning across the [children's services department]”*. We welcome the positive action that the Council has taken to learn from this complaint and avoid similar problems for others in future.

The complaint

1. Miss X complains the Council has refused to provide her with assistance with her housing. She says she became homeless when her mother was evicted from temporary accommodation.

Legal and administrative background

The Ombudsman's role

2. We investigate complaints about 'maladministration' and 'service failure'. In this report, we have used the word 'fault' to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. We refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)

The law and homeless 16 and 17 year olds

3. Under section 184 of the 1996 Housing Act a council must make enquiries where it has reason to believe that a person is homeless or threatened with homelessness within 28 days.
4. If a council has reason to believe a person is homeless, eligible for assistance and in priority need it must ensure that accommodation is available for them whilst it carries out its enquiries. 16 and 17 year olds are automatically considered to be in priority need. (*Housing Act 1996, s.188 & 189*)
5. When a 16 or 17 year old approaches a housing department for assistance it must deal with them under the 1996 Housing Act. However, it must also refer the young person to the "responsible" children's services authority for an assessment as to whether or not they are a child in need. In the meantime the housing department should continue to deal with the child under the 1996 Housing Act until the child in need assessment is completed. (*Provision of Accommodation for 16 and 17 year old people who may be homeless and/or require accommodation – Statutory guidance, April 2010*)
6. The law says the "responsible" authority is the authority in whose area the child is "found" even if the child was placed there by another authority. (*Children Act 1989, s.17*)
7. Where a 16 or 17 year old approaches children's services as homeless or threatened with homelessness the children's services department must assess "*whether the young person is a child in need, and determine whether any duty is owed under [the Children Act 1989] to provide the young person with accommodation*". (*Provision of Accommodation for 16 and 17 year old people who may be homeless and/or require accommodation – Statutory guidance, April 2010*)
8. The law says councils have a duty to co-operate with each other. If a council believes another body, including another council, can "*help in the exercise of any of their functions*" it may request help. The other council "*shall comply with the request if it is compatible with their own statutory or other duties and obligations and does not unduly prejudice the discharge of any of their functions*". (*Children Act 1989, s.27*)
9. Statutory guidance issued by the government says children's services and housing departments within councils should have written joint protocols which "*set out clear practical arrangements for providing services that are centred on young*

people and their families and prevent young people from being passed from pillar to post". (Provision of Accommodation for 16 and 17 year old people who may be homeless and/or require accommodation – Statutory guidance, April 2010)

How we considered this complaint

10. This report has been produced after examining relevant documents.
11. The complainant and the Council were given a confidential draft of this report and invited to comment. The comments received were taken into account before the report was finalised.

What we found

12. Miss X's mother (Ms Y) was evicted from her housing association property in August 2017. Ms Y approached the Council for assistance and was placed in interim accommodation in another council's area (Council B) whilst the Council made enquiries into her circumstances.
13. Ms Y also contacted the Council's children's services department at the time of her eviction to say she had nowhere to live and her daughter was about to become homeless. Miss X was 16 years old and still at school.
14. The Council's children's services department carried out an assessment at the time and found Miss X had accommodation available to her with her grandmother. However, Miss X did not wish to be separated from her mother so she moved to the interim accommodation with Ms Y.
15. The Council's housing department found Ms Y intentionally homeless and so it did not have a duty to continue providing her with interim accommodation. The Council served notice on Ms Y informing her she had to leave the interim accommodation.
16. The Council referred Miss X to children's services in Council B. This is because this was the area she was living in at the time even though the Council had placed her there.
17. Ms Y complained to the Council on 16 August 2017. She said her daughter was in education in the Council's area and has no links to Council B. She said it was not her choice to live in Council B's area and she had been placed there by the Council. Ms Y said she wanted her daughter *"back in Islington so she can continue her education... And the social services as well as the housing failed to do this for her"*.
18. The Council replied to Ms Y on 29 August 2017. The Council said that it had *"closed"* Miss X's case. It said it had referred Miss X to Council B as she was resident in that area. The Council said:
"... we have no legal obligation to house you or your child. We are a child in need and child protection service, we do not provide housing. You were provided with temporary accommodation by [the housing department] whilst an assessment was completed... It is not reasonable to expect that your daughter will be able to resume living in [the Council's area] which is one of the most expensive parts of England to live... I need to reinforce the fact that we are a busy front line child protection service and not a housing service. I apologise, if this was your experience but we are not obliged legally to provide you with housing".
19. The letter went on to say:

“Please contact the local children’s service department and discuss your concerns for your daughter’s future accommodation, if it’s the case that you have no other arrangements made, they will need to assess her as a homeless 16 yr old”.

20. Ms Y complained to the Council again on 6 September 2017. Ms Y said Council B had no record of a referral from the Council for her daughter. Ms Y also said that she and her daughter were no longer living in Council B’s area as she had been evicted. Ms Y said she and her daughter were staying between various addresses within the London Borough of Islington’s area.
21. The Council replied to Ms Y on 5 October 2017. The Council said it had faxed a referral to Council B on 18 August 2017 but it could not comment on why it had not received this. The Council said *“whilst I acknowledge housing is a need, it is not an area that the [Child in Need] service deal with and as previously explained the service have no legal obligation to house you or your daughter... I acknowledge that staying on sofas is not ideal for either you or your daughter but I trust your situation will be improved as soon as possible... The council has no legal obligation to provide housing for you or your daughter and the referral [to Council B] was made appropriately on behalf of you and your daughter”.*

Conclusions

22. The Council is at fault for failing to provide services to Miss X as a 16 year old at risk of homelessness.
23. There was no fault in the Council advising Miss X to contact Council B for assistance when she was living in its area. The courts have said that councils have a responsibility to children within their area even if they were placed there by another council. However, Council B has not accepted any responsibility for Miss X and she is no longer resident in its area.
24. Miss X’s mother, Ms Y, explained this to the Council when she contacted it on 6 September 2017. The Council should have carried out an assessment as to what duty it owed Miss X at that time. Failure to do so was fault.
25. Even if the Council did not believe it was legally responsible for carrying out the assessment it was under a duty to secure co-operation from Council B in addressing Miss X’s needs. Its failure to contact Council B was also fault. As a result Miss X and Ms Y were caused some distress and put to unnecessary time and trouble in having to continue pursuing this matter with the Council.
26. The Council was also at fault when it refused to help Miss X when Ms Y contacted it in August 2017 to make a complaint. Whilst the Council believed Council B’s children’s services were responsible for Miss X, the Council failed to identify that Miss X was threatened with homelessness and may be entitled to help from its own housing department.
27. The 1996 Housing Act does not specify which department should deal with homeless applications. The Act says that where a council has reason to believe a person may be homeless or threatened with homelessness within 28 days it should make enquires into what duty it owes. Even if the Council did not believe it was under a duty to Miss X under the Children Act 1989 it should have considered whether it owed her any duty under the 1996 Housing Act.
28. The Council says its children’s services department had contacted its housing department, however there is no evidence a homeless application was accepted

and Council B was not contacted by the Council to find out what, if any, assistance it was offering.

29. Statutory guidance says the Council should have clear protocols between children's services and housing departments to "*prevent young people from being passed from pillar to post*". The Council failed to provide proper assistance to Miss X and she was caused significant distress as a result of the uncertainty around her housing.
30. Following our recommendations, the Council tried to contact Miss X to offer assistance but has been unable to do so. The Council says it has spoken to Miss X's grandmother who has advised that Miss X no longer wants any contact from the Council.
31. The Council says it has tried to contact Miss X at her school but says the school refused to provide contact information as it did not have Miss X's permission to do so.
32. Miss X's whereabouts are currently unknown and neither we nor the Council have been able to contact her directly. The Council's failure to offer services in a timely and proper manner has resulted in a situation where there is considerable uncertainty about the welfare of this young person.

Agreed action

33. The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members. We will require evidence of this. (*Local Government Act 1974, section 31(2), as amended*)
34. In addition to the requirements set out above the Council has also agreed to take the following action based on our recommendations:
 - The Council will try to contact Miss X and offer to carry out an assessment of her needs under the 1989 Children Act with reference to statutory guidance and in conjunction with its housing department. We said the Council should take this action immediately and without delay. The Council has taken this action but been unable to contact Miss X.
 - If the Council believes that Council B is responsible for Miss X under the Children Act 1989 it should work with Council B to resolve any disputes. Miss X should not be disadvantaged by any disagreements and the Council should provide any necessary services until the disputes are settled. As the Council has been unable to contact Miss X there is no further action for it to take at this time. However, it should consider this recommendation should Miss X make contact in the future.
 - The Council has paid Miss X £400 for the distress caused as a result of its failure to provide assistance.
35. In addition to our recommendations the Council has "*held a complaint learning meeting [about this complaint]... and [has] disseminated the learning across the [children's services department]*". We welcome the positive action that the Council has taken to learn from this complaint and avoid similar problems for others in future.

Decision

36. We have found fault causing injustice and the actions we have recommended are a suitable way to remedy this. Therefore, we have now completed this investigation

Report of: Executive Member for Housing and Development

Meeting of:	Date	Wards
Executive	19 July 2018	All
Delete as appropriate	Exempt	Non-exempt

SUBJECT: FIRE SAFETY IN COUNCIL HOUSING - EXECUTIVE MEMBER'S RESPONSE TO THE RECOMMENDATIONS

1 Synopsis

- 1.1 On 22 March 2018 the Executive received a report from the Housing Scrutiny Committee regarding fire safety in Council housing. The report provided recommendations to improve fire safety within the Council's domestic housing stock, including properties currently managed by Partners for Improvement in Islington (PFI).

2 Recommendation

- 2.1 To agree the response to the Housing Scrutiny Committee's recommendations for fire safety in Council housing, as outlined in section 4 of this report.

3 Background

- 3.1 In July 2017 the Housing Scrutiny Committee commissioned a review of the Council's and Partners for Improvement's fire safety management arrangements. The review ran from July 2017 until January 2018. Evidence was received from a variety of sources, including

- Evidence from Council officers;
- Evidence from witnesses, including London Fire Brigade (LFB);
- Documentary evidence, including from Partners for Improvement in Islington (PFI); and
- Scrutiny visits, including networking meetings and London Build Expo Fire Safety Summit

- 3.2 The Housing Scrutiny Committee issued a final report on 30 January 2018 which included twenty-one recommendations. The response to each of those recommendations is set out in section 4 of this report overleaf.

4 Executive Response to the Recommendations

- 4.1.1 **Recommendation:** *Islington Council should follow all relevant recommendations for local authorities and social landlords arising from the Grenfell Tower inquiry and the Independent Review of Building Regulations and Fire Safety, and any fire safety guidance issued by the Local Government Association*

Response: The Council has been following all relevant guidance issued by the Ministry for Housing, Communities and Local Government and the London Fire Brigade since the Grenfell tragedy. The Council is currently considering the potential implications of Dame Judith Hackitt's review into the regulatory framework relating to fire safety, following its publication in late May 2018 and awaiting the outcome of the Grenfell Tower inquiry.

- 4.1.2 **Recommendation:** *Following the conclusions of the Grenfell Tower inquiry, the review of the Equality and Human Rights Commission, and the Independent Review of Building Regulations and Fire Safety, a report should be submitted to the Housing Scrutiny Committee detailing what actions the council will be taking in response to the recommendations.*

Response: A report detailing actions the Council will take following the conclusion of all fire safety related reviews, inquiries and updated guidance will be provided to the Housing Scrutiny Committee in due course.

- 4.1.3 **Recommendation:** *The Housing Scrutiny Committee notes the London Fire Brigade's continued support of the 'Stay Put' policy. Islington Council should clearly communicate the London Fire Brigade's advice to tenants and leaseholders, and promote understanding of when residents should 'Stay Put' and when they should evacuate. Guidance on this should be available in a range of languages and should be displayed in prominent areas.*

Response: Bespoke Fire Action Notices for all types of Islington Council properties have been created in conjunction with the Council's communications team and will be installed in the common areas of housing properties in due course. Information contained within the new tenant guide and the Council's website will be reviewed periodically to ensure it provides the most suitable advice, which is wherever possible, block specific. Additional forms of communicating fire safety messages will also be considered.

- 4.1.4 **Recommendation:** *The council should maintain the dedicated email address for residents to report fire safety concerns to the council. This should be displayed in prominent locations and promoted regularly. This information should also be provided to new tenants in a welcome pack*

Response: The Firesafety@islington.gov.uk email address has been established as a conduit for resident concerns, enquiries or requests for advice and is referenced in the new tenant guide. This email inbox is monitored on a daily basis to ensure a prompt response to any correspondence. We are also investigating additional, electronic means by which residents can communicate with us on fire safety matters or highlight concerns, including web-based surveys.

4.1.5 **Recommendation:** *Islington Council should work with vulnerable and disabled tenants and leaseholders to co-produce personalised emergency evacuation plans. These must be realistic and achievable. Any remedial works or adaptations that are required to facilitate safe evacuation should be carried out as soon as possible.*

Response: Personalised emergency evacuation plans (PEEPs) are commonplace in most workplace buildings (and sheltered accommodation facilities) but are typically reliant on the presence/intervention of a member of staff to execute the plan. It is unlikely to be feasible that such plans, with a reliance on a member of Council staff, can be implemented in general needs housing. Current guidance considers this 'an unrealistic expectation on landlords' and there would be significant resource implications, in particular for Homes and Communities. Vulnerability data is currently being reviewed for complex blocks, with a view to providing this to LFB via a Premises Information Box (PIB), enabling the fire service to prioritise vulnerable residents as dictated by operational necessity. An evaluation of the use of PIBs will be provided to the Housing Scrutiny Panel in due course.

4.1.6 **Recommendation:** *Islington Council should encourage Partners for Improvement in Islington, TMOs and Housing Associations operating in the area to co-produce personalised emergency evacuation plans for their disabled and vulnerable residents, and carry out remedial works or adaptations as necessary.*

Response: The Council's approach to ensuring the fire safety of vulnerable residents will be discussed, agreed and implemented via the Homes and Estates Safety Board, which has an independent chair and is attended by representatives of Partners. Once agreed, the Council's approach will be shared with Partners in the interest of consistency.

4.1.7 **Recommendation:** *Islington Council should maintain an up-to-date list of vulnerable council tenants and leaseholders who may need assistance to evacuate and make this available to the London Fire Brigade and Emergency Planning service. This should detail their flat number and floor, and the assistance they require. This information should be kept in a secure information box at the premises.*

Response: Vulnerability data is kept by both Adult Social Care and Childrens Social Care on the LAS system, and we can investigate whether it is feasible to make this available to LFS and the Emergency Planning service. There is no obligation for residents to routinely inform the Council of any disability which may be affecting them and as such any information is likely to be incomplete or resource intensive to maintain. Poor quality information could potentially (and unnecessarily) endanger the life of fire and rescue service personnel. The implications of this and of the General Data Protection Regulations (GDPR) coming into effect in May 2018 must be fully considered, as well as the most effective means of gathering such data from residents. We regularly liaise with the LFB on this to ensure they are satisfied with our support for regularly liaise with the LFB on this to ensure that they are satisfied with our support for their operational needs.

4.1.8 **Recommendation:** *Islington Council should encourage Partners for Improvement in Islington, TMOs and Housing Associations operating in the area to make information available to the London Fire Brigade and Emergency Planning service on the location and assistance needs of vulnerable residents.*

Response: The Council's approach to ensuring the fire safety of vulnerable residents will be discussed and agreed via the Homes and Estates Safety Board, which has an independent chair and is attended by representatives of Partners. Once agreed, the Council's approach will be shared with Partners in the interests of consistency.

- 4.1.9 **Recommendation:** *Islington Council and the London Fire Brigade should explore the feasibility of developing a secure electronic solution to accessing the location and assistance needs of disabled and vulnerable residents in an evacuation.*

Response: The development of a secure electronic system is likely to require significant resources. As a London (and UK) wide issue, the development of such a system may need to be led by the London Fire Brigade, to capture data not only from housing providers in Islington but across London. The use of LFB's existing IT systems for this is currently being explored but, even if feasible, it is unlikely to have the capacity required.

- 4.1.10 **Recommendation:** *Islington Council should consider retrofitting sprinkler systems in all high rise housing blocks. The council should review the feasibility of installing sprinklers, the anticipated cost of the works, and model the financial impact of the works on other aspects of the housing service*

Response: The Council continues to review its position on the retro-fitting of suppression systems in its housing stock, due to the number of challenges such a programme of work is likely to present. The findings of the Grenfell Tower inquiry, Hackitt review of the regulatory framework and updated fire safety guidance will be considered in formalising the Council's position.

- 4.1.11 **Recommendation:** *Islington Council should make representations to the government that the cost of retrofitting sprinkler systems and carrying out any necessary fire safety works in local authority housing should be met by central government, given that no additional funds have been allocated to date.*

Response: The Ministry for Housing, Communities and Local Government (MHCLG) has recently indicated that some costs associated with remediation work on ACM-clad blocks will be financed by central government. We are in contact with MHCLG about reclaiming the costs of cladding removal and recladding work at Braithwaite House. The funding of fire safety improvements arising from the Grenfell tragedy is being discussed collectively by the London Councils Fire Safety group, which is attended by Islington Council's Director of Housing Property Services. The Executive Member for Housing and Development and the chair of the Housing Scrutiny Committee have written a joint letter to government on this matter.

- 4.1.12 **Recommendation:** *The Housing Scrutiny Committee supports the zero tolerance approach to keeping items in communal areas adopted by Islington Council and Partners for Improvement in Islington. The Committee would support more targeted communications being issued to residents where problems persist.*

Response: The zero tolerance approach to common areas is being managed by Homes and Communities, with the Council's Fire Risk Assessment (FRA) template being amended to reflect this change in policy. Targeted correspondence continues and where offenders are identified, action under conditions of tenancy may also be considered as appropriate.

- 4.1.13 **Recommendation:** *Islington Council should consider if a suitably qualified and experienced fire engineer is needed to supplement the risk assessment work carried out by the council's in-house fire safety officers. This may provide additional reassurance that fire risks are being managed effectively.*

Response: The Council already engages with competent, external fire safety consultants where this is considered necessary. The Council is also investigating 3rd party accreditation schemes for fire risk assessment, which would include an independent, expert overview and quality sampling of FRAs completed by the Council's in-house team, in order to provide additional reassurance to residents. In addition, the Council is in the process of recruiting an additional Building Control Officer to provide expert advice and assistance to project teams on the Council's range of construction activities. It is acknowledged that construction work has the potential to compromise fire safety, but also brings opportunities to improve both passive and active fire safety measures when the opportunity arises. The ISO9001 Quality Management System (QMS) is likely to be reviewed and updated, to ensure a robust, consistent approach is applied to construction work which could impact on fire safety.

- 4.1.14 **Recommendation:** *The council should consider consulting a suitably qualified and experienced fire engineer at the design stage of new build projects. This would help to ensure that properties are designed to the highest possible safety standards.*

Response: The Council already engages with competent fire engineers through the design/planning phase of new build projects, although arrangements in this regard will be reviewed to ensure they are sufficiently robust and appropriate. The outcome of the Grenfell inquiry and regulatory framework review will need to be considered as part of this process.

- 4.1.15 **Recommendation:** *Given that hoarding can be a fire hazard, the council should further promote the services available to help hoarders, and consider installing mobile sprinkler systems in the homes of vulnerable people who are known to hoard.*

Response: The Council will continue to work closely with the London Fire Brigade on initiatives where funding may be available to support vulnerable residents through the installation of mobile suppression systems or other appropriate intervention or protective measures. The Council continues to lead the way in innovative approaches to dealing with hoarding. The hoarding panel meets quarterly to discuss serious cases and provide the appropriate support required. We will increase the publicity around the work of this panel, particularly among partners such as TMOs, Co-ops, etc.

- 4.1.16 **Recommendation:** *Housing Services should work further with the Seasonal Health Intervention Network (SHINE) to target interventions at vulnerable residents who are known to light their homes through candles rather than electricity.*

Response: The use of candles as a means of heating/lighting has been implicated in a number of fires in Council properties in recent years and the implementation of this recommendation will be led by Homes and Communities. Other temporary forms of heating such as portable LPG gas may also present a significant fire risk, as well as the potential carbon monoxide poisoning and should also be considered.

- 4.1.17 **Recommendation:** *The council should routinely monitor if communal area fire doors and front entrance fire doors are working correctly*

Response: Regular inspections of communal fire doors are carried out by estate services staff within Homes and Communities to ensure doors are in good condition/working order and/or raising repair works orders as necessary. Additional training on this will be provided to estate services and caretaking staff in due course.

- 4.1.18 **Recommendation:** *To allow the fire safety features of properties to be easily monitored, the housing asset management plan should be revised to detail the fire safety features of components.*

Response: The Council's current strategy, whilst due a review, has adequate provision to demonstrate that we cover the fire safety features of building components. The expected level of detail to be retained has increased post-Grenfell. Steps have been, and are continually being taken, to increase our detailed knowledge of building materials and components. There are significant difficulties in obtaining legacy data about specific details/materials, but all efforts are being taken to get better data to inform any potential risks. Any review of the Council's process in this regard will be conducted in accordance with the findings of the Grenfell inquiry and any new regulatory requirements.

- 4.1.19 **Recommendation:** *Dry risers in the council's housing blocks should be checked for damage regularly. Staff on estates should be encouraged to report any visible damage or vandalism which would affect their functioning.*

Response: Dry and Wet Rising Main installations are inspected, tested and maintained by the Council in line with current British Standards. A visual inspection of such installations (including access to them) is also included in the periodic inspections carried out by Homes and Communities. Additional training on this will be provided to estate services and caretaking staff in this regard in due course, including ways to report any identified defects or concerns.

- 4.1.20 **Recommendation:** *Housing services should maintain a register of fires in council housing. It is suggested that this register is backdated for ten years. Recording the cause, extent, and other details of fires may help to inform the council's fire prevention work.*

Response: The register of Council/PFI fire incidents has now been established with assistance from the London Fire Brigade. A log of recent fire incidents is now incorporated into the quarterly Homes and Estates Safety Board compliance report, which is also presented to the Council's Corporate Management Board periodically. Unfortunately, the LFB data recording system cannot separate Council/non-Council properties and therefore backdating the register for 10 years would involve a significant level of resource. A review of the combined historical data may still be a useful tool in establishing trends and informing discussions with the LFB on future prevention strategies.

- 4.1.21 **Recommendation:** *The Director of Housing Needs and Strategy should author a report to the Housing Scrutiny Committee detailing her experiences and any learning points from her secondment to the Grenfell Response Team and the Royal Borough of Kensington and Chelsea.*

Response: This will be requested of Maxine Holdsworth although the committee should note that Maxine is currently extremely busy fulfilling her important role overseeing the rehousing of Grenfell residents.

5 Implications

5.1 Financial Implications

Costs arising in respect of fire safety measures recommended, agreed & implemented relating to the increase in staffing, equipment, training, IT & communications have been accommodated within overall existing HRA resources.

Many of the recommendations are still under review and as such cannot be assessed in terms of potential costs until those reviews are complete.

The most significant of which relates to items 4.1.10-4.1.11 relating to the retrofitting of sprinklers in high rise blocks which could give rise to extremely high costs that if funded by Islington's HRA would certainly require a programme of compensating savings.

5.2 Legal Implications

Fire safety in residential accommodation is currently regulated by Part 1 of the Housing Act 2004 and the Regulatory Reform (Fire Safety) Order 2005. The Order only has limited application to residential properties applying to the common parts and exterior but not within individual flats. As freeholder, the council is responsible for assessing fire safety in its properties, taking such general fire precautions as may reasonably be required in the circumstances of the case to ensure that the premises are safe. Under Part 1 of the 2004 Act, the council is empowered to take action in respect of substandard and dangerous conditions through application of the Housing Health and Safety Rating System which is a risk-based evaluation tool to help identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. The council is required to take action where a category 1 hazard is identified.

The collection and sharing of personal data in respect of vulnerable residents must comply with the requirements of the General Data Protection Regulation and the Data Protection Act 2018. Sharing of personal data with the London Fire Brigade would normally be pursuant to a data sharing agreement.

Legal advice and assistance will be provided to Housing Services as necessary in respect of the implementation of the recommendations.

5.3 Resident Impact Assessment

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

Where the proposals in this report may have equalities implications and other implications for residents. Resident Impact Assessments (including assessment of equalities implications) will be undertaken as part of the process of developing and implementing policies and actions arising from this report.

5.4 Environmental Impact Assessment

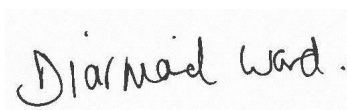
There are no significant environmental implications associated with this report. Any works that come about as a result of the recommendations (e.g. installation of fire suppression systems) will be assessed on an individual basis when the relevant board reports are produced.

6. Conclusion and reasons for recommendations

- 6.1 This report details the Executive's response to the recommendations of the Housing Scrutiny Committee.

Final report clearance:

Signed by:



Executive Member for Housing and Development

Date: 3 July 2018

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ISLINGTON

Resources Department
Newington Barrow Way, N7

Report of: Executive Member for Finance, Performance and Community Safety

Meeting of:	Date	Ward(s)
Executive	19 July 2018	All

Transforming Shared Digital, our shared service with Camden and Haringey

1. SYNOPSIS

- 1.1 This report follows the consideration of governance options for the shared service with Camden and Haringey by the Executive on 4 January 2018.
- 1.2 This report recommends that the previously agreed model is not progressed. It proposes a revised governance model for approval that dispenses with the need for a Joint Committee and focuses on a specific set of shared functions to be delivered by Camden on behalf of Haringey and Islington, with all other functions being retained by the individual Boroughs.
- 1.3 Since the service began in October 2016, a great deal has been achieved through working together. By working on shared projects and on joint procurement projects, we are on track to achieve the £2.4m contract [annual] savings expected from the shared service. We have also been able to deliver improvements, including better collaboration tools, mobile device management and a customer focused service desk.
- 1.4 These proposals, which are being considered for agreement by Islington, Camden, and Haringey ('the Boroughs') in July 2018, require the approval of the Executives/Cabinets of the three constituent boroughs. The proposals consolidate and maintain the achievements and successes of the shared service and allow the Boroughs to strengthen their positive approach to working together while meeting local needs and constraints.

- 1.5 Adoption of the recommendations will maintain efficient and effective operational services that will improve services to residents and employees while reducing unit costs. It will also ensure closer alignment of digital resources with the Council's priorities.
- 1.6 The report is coming to the Executive because the recommended changes to the shared service require Executive approval.

2. RECOMMENDATIONS

- 2.1 That having considered the results of the consultation set out in paragraph 7 and feedback from Trades Unions, employees and other stakeholders, the Executive note the achievements of the shared service (including c. £2.4m of annual savings in the delivery of commodity Digital and ICT services, to be shared equally by the three Councils) and also the challenges in achieving strategic alignment with Camden and Haringey.
- 2.2 To agree that the recommendations set out in the report to the Executive on 4 January 2018 in respect of the creation of a 'lean' Joint Committee model are no longer implemented and that a revised governance model for Shared Digital be adopted as set out in paragraph 2.4, specifically that the Shared Digital Joint Committee cease to exist, and to agree that Camden host the shared Digital and ICT functions to be transferred from Islington and Haringey councils. Islington, Camden and Haringey will have lead officers in place to oversee their sovereign Digital and ICT services and the Shared Functions delivered by Camden (including their performance against service level agreements ('SLAs')).
- 2.3 To note that any decisions in respect of Shared Digital required to be taken prior to the new arrangements coming into effect on 1 October 2018 (or such later date as may be agreed) will be referred to the Executive rather than the Joint Committee.
- 2.4 To agree, pursuant to regulation 5 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 ('the Regulations') to have those parts of the executive function of Islington's Digital and ICT service and functions specified in paragraphs [4.4 and 5.10] ('the Shared Functions') delegated to and discharged by the Executive of the London Borough of Camden in accordance with Camden's constitutional arrangements for decision making.
- 2.5 To approve Camden as the host Council in respect of the Shared Functions and note the resourcing impact of the proposals as set out in this report, specifically that Islington and Haringey Digital and ICT employees involved in the delivery of the Shared Functions will transfer to Camden from 1 October 2018(as the host authority) under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) and to agree that as a result Camden will be responsible for employing staff engaged to deliver the Shared Functions.
- 2.6 To agree the dissolution of the Shared Digital Joint Committee from 1 October 2018 with decision-making reverting to existing Islington arrangements. Decision-making for Shared Functions will be in accordance with Camden's arrangements.

- 2.7 To note that the transfer of services and staff are planned for 1 October 2018, and to agree that as a result Camden will be responsible for employing staff engaged to deliver the shared functions.
- 2.8 To note that the Cabinets of Camden and Haringey are also considering a recommendation to delegate to Camden (as the host authority in respect of the Shared Functions) the delivery of the Shared Functions in like terms and that the recommendations set out in this report, if agreed, will only be implemented if the Cabinets of Camden and Haringey Cabinet agree the equivalent and related recommendations that they are considering.
- 2.9 To delegate authority to the Corporate Director of Resources, in consultation with the Acting Director of Law and Governance, to take all necessary steps to put arrangements for the new governance model into effect as set out in this report, including but not limited to finalising the detailed specifications and resource implications of the Shared Functions, and terms of the inter-authority agreement and any changes to it and for the operation of the 3 way Shared Digital service.
- 2.10 To approve the creation of Director of Digital Services post at Islington to be funded from the existing sovereign digital budget.

3 CONTEXT AND BACKGROUND

- 3.1 This report updates the Executive on the Shared Digital and ICT service with Camden and Haringey and recommends changes to the shared service, with implications for the Council's sovereign Digital and ICT service.
- 3.2 Since the service began in October 2016, a great deal has been achieved through working together. By working on shared projects and on joint procurement projects, we are on track to achieve the £2.4m contract savings expected from the shared service. We have also been able to deliver improvements, including better collaboration tools, mobile device management and a customer focused service desk.
- 3.3 In January 2018, the Islington Executive, Camden Cabinet and Haringey Cabinet approved a recommendation from the Joint Committee to adopt a 'lean' Joint Committee model, transferring Digital and ICT services (apart from strategic functions reserved to the Joint Committee) and employees from Haringey and Islington to Camden.
- 3.4 Working together has achieved significant benefits for the Councils, and improved many of our services.
- 3.5 It is the nature of shared services that most of the benefits from sharing are enjoyed at an organisational level; while the difficulties of sharing are felt at a local level in departments. This tension has presented some challenge in rationalising applications, and realising the full benefits anticipated from a 'converged' Digital and ICT service.
- 3.6 We have also faced some challenges, particularly around aligning strategic objectives across the three councils, which has meant that we have not been able to move forward at pace on a number of potential projects.

4 PROPOSALS AND REASONS

- 4.1 In March 2018, following extensive dialogue and feedback from Trades Unions (collective consultation on the proposed transfer of the full Digital and ICT services from Haringey and Islington to Camden), and input from employees and other stakeholders, the service and employee transfer planned for 1 April 2018 was paused to allow the Councils to reflect on the approach and implementation of the shared service.
- 4.2 Taking account of the feedback from the consultation and dialogue and considering the achievements and challenges of the shared service, we are clear that we share aspirations around digital transformation, and the key role that digital capability will play in transforming the services that we deliver to our residents and the way that we work.
- 4.3 Pushing for deeper alignment and integration independently of local priorities and constraints runs the risk of becoming an end in itself and may not position us to most effectively realise our local outcomes.
- 4.4 Given the successes of working together as a shared service and our shared aspirations, this report proposes that:
- i. The Councils consolidate the benefits and learning from the shared initiative to date.
 - ii. Islington and Haringey transfer to Camden the Shared Functions ('Shared Functions') set out below:
 - i. data centre management
 - ii. user computing devices including laptops etc (desktop)
 - iii. service desk services, including a telephone and drop-in service
 - iv. mobile voice and data services, including both SIM card provision on the EE contract let by the three Councils and (at additional cost) new mobile devices for users
 - v. support for the existing Office 365 products
 - iii. Camden operates and delivers the Shared Functions to specified service levels for Islington and Haringey, to be set out in the revised inter-authority agreement and that these be governed, managed and delivered as Camden-operated services.
 - iv. The existing shared governance to be decommissioned and replaced with local governance at an individual Council level for the sovereign Digital and ICT functions and that Camden's governance processes be adopted for the Shared Functions.
- 4.5 Discussions will continue across the three councils over the opportunities for the deeper alignment of digital functions. Where agreement is reached on sharing specific digital functions, those functions would move into the shared service to be supported by Camden.

5 OPTIONS APPRAISAL

- 5.1 The review of options considered the scale and extent of sharing from wholly sovereign to wholly shared services.

- 5.2 Noting the Councils' shared ambitions and the significant achievements and successes of the shared service, 'stopping' the shared service entirely, was rejected.
- 5.3 Considering the challenges of strategic alignment, and of balancing integration and local priorities, constraints and pace, the Shared Digital 'Lite' option is being proposed.
- 5.4 This option is mindful that integration should not be an end in itself and allows the Councils to maintain and strengthen working together. It will consolidate on-target savings of c. £2.4m across the three Councils; to be shared equally, ie £800k each.
- 5.5 This option will retain a number of Shared Functions and mechanisms to encourage and build on opportunities to work together, aligned with both shared strategic priorities and new ways of working to support medium term financial savings.
- 5.6 Further savings may be achieved over time with this option, for example if more application consolidation is achieved.
- 5.7 This option will put in place an operational shared service to support and maintain Shared Functions, the delivery of which Camden will assume responsibility. To support the transfer of these services from Islington and Haringey to Camden, a reduced number of staff are expected to transfer from Islington and Haringey to Camden (TUPE).
- 5.8 The shared operational services delivered by Camden will be led by a dedicated senior manager (Chief Technology Officer), reporting to the Camden CDIO. Islington, (and similarly Haringey) and will need to consider and put in place leadership and management arrangements for the sovereign Digital and ICT functions.
- 5.9 For Islington it is recommended that an Islington Director of Digital Services post is created and funded from the sovereign digital budget to provide the necessary leadership for the function.
- 5.10 The Shared Functions set out in this proposal build on shared work that has realised significant shared savings and which already have broadly agreed service level agreements ('SLAs'). The services are listed in paragraph 4.4 ii and set out in more detail below:
- **data centre** – work has already started to co-locate data centres from across the three Councils in two resilient data centres outside of central London; the service specification has already been agreed
 - **desktop** – a common approach and catalogue has been introduced for councillors and is being extended to users more widely; there would need to be agreement on a regular refresh cycle for ongoing compatibility, compliance and alignment with help desk and Office 365
 - **help desk** – the 'first line' service desk is being improved with drop-in hubs and telephone-based support
 - **mobile voice and data** – this has been contracted as a single contract and service and is being rolled out currently
 - **Office 365** – was introduced as a joint project and a shared support team has been established

- 5.11 Initial detailed work has determined the high-level cost and SLA for each of the Shared Functions. These will continue to be reviewed and refined over the coming months, and ahead of the target 1 October 2018 start date. Final confirmation and approval of these will be delegated to the Corporate Director of Resources in Islington in consultation with the Acting Director of Law and Governance (and counterparts in Camden and Haringey).
- 5.12 Any functions not listed under paragraph 5.10 will be sovereign. At a high-level, this includes:
- **applications** – incrementally over time some applications could transition to a 'shared' model if there was a service-led ambition and business case to combine
 - **client and procurement** – there will need to be a local client to interface with the shared services; the sovereign services will need local procurement arrangements (shared procurement opportunities will continue to be explored)
 - **networks** – there is limited benefit in combining networks, or network support teams, and different SIRO arrangements and risk appetites support retaining network sovereignty; this could be reviewed in due course especially with emerging technologies such as software defined wide area networks (SD-WAN)
 - **projects and programmes** – sovereign project, programme and PMO arrangements will be needed
 - **Digital/ ICT strategy and change** – sovereign Digital/ ICT strategy and change functions will be needed.
- 5.13 Information Governance has not been part of the shared service and will remain a sovereign function for the Councils, with a local SIRO in each. Cyber-security and technical design authority would revert to being sovereign functions (except where directly pertaining to the Shared Functions).
- 5.14 Each of the Councils would need to 're-build' some elements of their sovereign function. This could involve both extensive service design and recruitment.
- 5.15 This option will impact the newly appointed Shared Digital management team. These impacts are being managed and factored into the design of the new target operating model for the Shared Functions and each of the Borough's sovereign functions.
- 5.16 Work is underway to confirm in detail the roles that would need to transfer to deliver the Shared Functions set out above. Indications are that 55 Islington posts, 48 Camden posts, and 47 Haringey posts are associated with the Shared Functions, although these numbers may be subject to change following further discussions. This includes some 'new' posts for Islington and Haringey to provide for example the enhanced Service Desk and Office 365 support. It is anticipated that this resource will be offset against vacant posts in the existing Council structures.
- 5.17 Development of the detailed service specifications and SLA for this option will take some time, as will establishing sovereign services and transitioning arrangements back to them. Early thinking is that the high level model could be developed and implemented with budget, service and relevant staff transfer anticipated to take place on 1 October 2018.

6 KEY IMPACTS/ RISKS AND HOW WILL THEY BE ADDRESSED

- 6.1 Morale has been a significant challenge in building a single team. The decision to pause the organisational change programme has further impacted on this. A clear decision, positive leadership and pace of delivery, will be key to ensuring the confidence of employees.
- 6.2 This change will impact the newly appointed Shared Digital management team. Detailed and early conversations with the officers involved will ensure that they informed of changes and their impact.
- 6.3 During the transition to the new arrangement there is potential for ambiguity around decision-making and management arrangements. Arrangements will be clearly documented as they change, and worked through together across the councils to ensure that there's a single clear view. Organisational behaviours must align with the Executive's strategic decision. There must be strong commitment to the revised arrangements and a vision for the future, and it will be necessary for each of the Councils to ensure that their organisation and behaviours align with the new arrangements.

7 CONSULTATION/ ENGAGEMENT

- 7.1 Previous collective consultation with the Trades Unions (and employees) on the original transfer of services proposed only one measure for consultation. This was a change in pay date for Islington employees, to align with the Camden payroll. The change would not have been disadvantageous to those affected and no specific feedback was received on this measure.
- 7.2 There was considerable further engagement with employees and Trades Unions on a wider range of matters, including concerns about how the service would operate following the transfer and the potential for a restructure and change to terms and conditions at a future date.
- 7.3 These observations, and some of the engagement with colleagues outside of the service prompted the reflection noted in this report.
- 7.4 There would need to be further consultation with employees and the Trades Unions on the new proposed arrangements, setting out in detail the way in which services will be delivered and the impact on employees.

8 IMPLICATIONS

Financial Implications

- 8.1 The full shared service anticipated delivering £6m of savings shared equally between the three councils, thus Islington's medium term financial strategy was anticipating £2m to help balance the budget. The £2.4m of savings now expected to be delivered, of which Islington is will receive £800,000 will need to be supplemented over time by a further £1.2m of savings to be delivered by the new Islington sovereign function.

- 8.2 Having a sovereign digital function is expected to allow Islington greater freedom to invest in the digital transformation of services at pace, for the benefit of Islington residents.

Legal Implications

- 8.3 The report recommends that each Council now re-cast the current arrangements for the delivery of the shared ICT service with effect from 1 October 2018. In summary, it recommends:
- (i) That responsibility for the Shared Services listed in paragraph 5.10 above is delegated to Camden which will as a consequence include the transfer of employment of the staff assigned to undertake the Shared Services to Camden pursuant to TUPE.
 - (ii) That the Shared Digital Joint Committee be dissolved with decision-making for the Shared Functions being in accordance with Camden's arrangements, and for sovereign digital and ICT functions being in accordance with existing Islington arrangements.
- 8.4 The transfer of the Shared Functions to Camden will be arranged pursuant to express provisions in s. 101(1)(b) of the Local Government Act 1972 and Part 3 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations SI 2012/1019. The terms on which Camden will be entitled to exercise those functions, including any relevant restrictions on "delegation" of decision-making power within Camden, depend upon the terms of the arrangements which transfer the relevant functions to Camden rather than upon the constitution of any Council. In this regard it is noted that the Shared Functions will be discharged by the Executive of the London Borough of Camden in accordance with Camden's constitutional arrangements for decision making.
- 8.5 The proposed new model of direct "delegation" of the Shared Functions to Camden can be achieved without the need to change Islington's constitution, there being no constitutional bars to the proposed delegation arrangements in the Constitution.
- 8.6 The council will need to comply with the information and consultation requirements in the TUPE Regulations in respect of the proposed transfer to Camden of Islington employees assigned to the Shared Functions.

Environmental Implications

- 8.7 This report does not have any direct environmental implications.

Resident Impact Assessment

- 8.8 The Council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The Council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The Council must have due regard to the need to tackle prejudice and promote understanding.

- 8.9 A RIA was produced for the original shared digital proposals and this report does not have major impact on that assessment.

Appendices: None

Background papers: None

Signed by



11 July 2018

Executive Member for Finance,
Performance and Community Safety

Date

Responsible Officer:

Mike Curtis

Corporate Director Resources

Report Author:

Alan Layton, Service Director Financial and Asset Management

Legal Implications Author:

David Daniels, Assistant Director of Law, Commercial and Environment

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REPORT TITLE	
Procurement strategy for provision of a parking management system	
REPORT OF	
Ed Garcez, Chief Digital and Information Officer	
FOR SUBMISSION TO	DATE
Islington Council Executive	19 th July 2018
SUMMARY OF REPORT	
<p>Shared Digital on behalf of the London boroughs of Camden and Islington is undertaking a collaborative procurement for the provision of a parking management system through a single supplier.</p> <p>The Councils have collaborated to develop a set of shared requirements for a parking management system. The system underpins the daily operation of each Councils' Parking Services enabling the Councils to meet their statutory obligations to control parking and moving traffic contraventions within the boroughs.</p> <p>The procurement strategy is to undertake a further competition through the Eastern Shires Purchasing Organisation (ESPO) Framework 509, Lot 3, Parking Management Solutions to achieve a start date of October 2018 for the new contract.</p> <p>This report requests that the Executive notes the procurement strategy and the start of the procurement process and seeks approval to delegate the award of contract to the Executive Director of Corporate Services, London Borough of Camden on behalf of both Councils.</p> <p>Local Government Act 1972 – Access to Information</p> <p>Background papers – none.</p> <p>Contact Officer:</p> <p>Ilesh Chavda, Head of Business Partnering</p> <p>Email: ilesh.chavda@camden.gov.uk</p> <p>Tel No: 020 7974 5552</p>	
WHAT DECISIONS ARE BEING ASKED FOR?	
<p>That the Executive:</p> <ol style="list-style-type: none"> 1. Notes the procurement strategy to call off services for a parking management system following a further competition from the ESPO Framework 509, Lot 3 has already started. 	

2. Notes that the initial contract period will be two years with the option to extend for a further two years through two 12 month extensions. The total contract value including extensions is in the region of £2.3m including platform deployment, annual running costs and ongoing platform development.
3. Delegates the award of contract for the provision of a parking management system by a single supplier to the Executive Director of Corporate Services, London Borough of Camden on behalf of both participating Councils.

Ed Garcez

Chief Digital and Information Officer

Final report clearance:

Signed by:		11 July 2018
	Executive Member for Finance, Performance and Community Safety	Date

Report Author:	Stephen Menzies	
Tel:	07960592531	
Email:	stephen.menzies@camden.gov.uk	
Legal Implications Author:	Philip Shamash, Lawyer, Corporate Services	
Financial Implications Author:	Peter Taylor, Finance Business Partner, Shared Digital	

1 WHAT IS THIS REPORT ABOUT?

Procurement Strategy

- 1.1 This report outlines the procurement strategy for an ICT parking management system for the provision of issuing, processing and administration of Penalty Charges Notices (PCN); and, seeks approval to delegate to the Executive Director of Corporate Services, London Borough of Camden the right to award a contract on behalf of the two Councils.
- 1.2 The Councils' parking services have collaborated on a set of outcome based shared requirements.
- 1.3 To meet these requirements, the Councils will use an existing framework agreement and through a further competition appoint a single supplier for both Councils. The maximum contract period will be for four years. There will be an initial two year contract period which can be extended for a maximum of 24 months through two 12 month extensions.
- 1.4 The procurement activities outlined in this report have started. The existing contracts for Camden and Islington will expire June and August respectively. Contract extensions have been agreed with the incumbent suppliers until October 2018. Both Camden and Islington will transition to the service provider as soon as practical after the procurement completes – likely October 2018.

Services description

- 1.5 Parking services are sovereign services to each Council. Services which are responsible for ensuring that the Councils' statutory obligations to control parking and moving traffic contraventions within the boroughs are met.
- 1.6 Through this work the Councils receive significant income, in excess of £29m annually. The revenue contributes to Parking's overall revenue that funds the service and any surplus being spent on other Council services in accordance with Road Traffic Regulations Act Section 55.
- 1.7 In each Council an integrated ICT platform is used which manages the PCN (and other related) processes from issue of the notice through to payment. This includes deployment of the service to enforcement officers via handheld portals. The platform is integral to the smooth running of each service which is of high reputational value to the Councils.

Requirements

- 1.8 Camden and Islington have collaborated on developing a set of outcome based requirements which define the service to be procured. Noted below is high level shared requirements:
 - Issue and process PCNs issued via a hand-held computer and CCTV system to those contravening the restrictions;
 - Integration with Automated Number Plate Recognition (ANPR) software;

- Provide workflow correspondence management and scan correspondence to a case file/record;
- Manage clamping and removal activities; and,
- Manage appeals and the statutory process for recovery of PCNs.

1.9 The contract will include: transition to the chosen platform; configuration to meet each Councils' needs and ongoing development of the platform as the Councils individual requirements evolve. Each Parking Service retains the budget for the ongoing development, with no work being carried out until a business case has been approved by the Council's sovereign ICT services.

2 WHY IS THIS REPORT NECESSARY?

- 2.1 There is a significant time pressure on this procurement exercise. The Councils are both near end of contract for their existing systems and must procure and transition to a new platform as soon as practical. This report seeks approval of the shared procurement strategy.
- 2.2 By allowing the Executive Director of Corporate Services, London borough of Camden to proceed with the award of contract on behalf of both Councils through the recommended delegation, the Councils will be able to enter into a new contract more quickly, minimising the requirement to extend the existing contracts.
- 2.3 It is worth noting that the needs of both Councils will be recognised as the evaluation panel for the procurement will be drawn from members of each Councils' parking service and there is a strong alignment within these services on requirements.

3 OPTIONS

3.1 Three options have been considered:

- i) Further competition through an existing framework agreement – **recommended**

The Councils will undertake a further competition using ESPO framework agreement 509, Lot 3 – parking management software solutions. Evaluation will be split between Price (60%) and Quality (40%).

A further competition will enable the councils to demonstrate best value as bidders will need to submit competitive pricing to be able to win the business.

As the framework agreement's standard terms and conditions of award make no provision for implementation of the General Data Protection Regulations (GDPR), Whistleblowing or Blacklisting, additional clauses will be included to ensure supplier compliance. This approach provides the Councils' with a route to market that is compliant with the Councils' Contract Standing Orders and also Public Contract Regulations 2015 (PCR 2015).

- ii) Direct award through an existing framework agreement – not recommended

During consultation with the framework provider it was noted that there is no provision within the existing framework agreement to amend the standard terms and conditions of award when making a direct award. As the framework agreement was let ahead of the implementation of GDPR. The Councils require a change in the standard terms and conditions of contract to take account of GDPR. With this issue in mind, the decision was taken not to recommend a direct award.

- iii) Cease use of software – not recommended

The ICT system underpins a service that the Councils have a statutory obligation to provide. It is also a significant revenue source for the Councils. Without the ICT system in place there is little assurance that the Councils through the Parking Services would be able to meet their statutory obligations.

Social Value

- 3.2 Within the quality response the bidders will be asked to detail how they can support the Councils in creating Social Value. This will be a scored element in the quality evaluation of the tenders submitted.

4 WHAT ARE THE REASONS FOR THE RECOMMENDED DECISIONS?

- 4.1 As this is a joint procurement Camden will be contracting on behalf of both Councils. In this case, the Contract Standing Orders for Camden will be used. The procurement strategy and route to market comply with both Camden's CSOs and also the PCR 2015.
- 4.2 By undertaking a further competition the Councils will be able to demonstrate value for money, whilst maximising the opportunity to receive competitive bids which may increase the savings which can be achieved through jointly procuring.

5 WHAT ARE THE KEY IMPACTS / RISKS? HOW WILL THEY BE ADDRESSED?

- 5.1 Project specific risks and mitigating actions are set out below.

Risk	Impact	Mitigation strategy
There is a risk that an unsuccessful bidder may challenge to the procurement decision.	The procurement is delayed or the Councils are required to change approach	An appropriate route to market has been chosen. Framework requirements for further competition will be followed. All documents will be available for audit should the

Risk	Impact	Mitigation strategy
		Councils have to defend a challenge.

6 WHAT ACTIONS WILL BE TAKEN, AND WHEN FOLLOWING THE DECISION AND HOW WILL THIS BE MONITORED?

- 6.1 These dates are aggressive. The table below details the next steps in the procurement:

Activity	Timeline
Documentation released to participating framework suppliers	16/07/18
Return submitted by participating suppliers	18/08/18
Returns reviewed and evaluated	01/09/18
Contract awarded	01/09/18
Transition to new service	29/09/18

7 CONSULTATION

- 7.1 There is no public consultation requirement. Members of the Shared Digital Management Board, the Chief Digital and Information Officer as well as senior members of the two Parking Service teams have been consulted and are supportive of the proposed approach to retendering for this contract.
- 7.2 An Equality Impact Checker has been completed. There is no equality impact identified. This is the re-procurement of an existing service provided across all three Councils.

8 LEGAL IMPLICATIONS (comments from the Borough Solicitor)

- 8.1 Legal Services has reviewed this report in the context of the Public Contracts Regulations 2015 (as amended) (the 'Regulations'), the Shared Digital Joint Committee's Terms of Reference and the Council's Contract Standing Orders (the 'CSOs') which must be complied with, where applicable.
- 8.2 Shared Digital is seeking to procure parking management IT services for the two Councils from Lot 3 of the ESPO FW509 framework for 4 years (2 years plus 2 optional years in yearly increments) for £2.3M from a single supplier. The procurement strategy is to conduct a further mini-competition from the Lot 3 panel providers in accordance with the call-off procedures and against a statement of requirements. Council Officers should be satisfied that this strategy fully complies with the call-off process set out in the framework. The contract is due to commence at the end of September 2018. As the

procurement exercise will not be completed before the expiry of the existing parking management services contracts for Camden and Islington, a waiver should be obtained by both Councils to enable them to extend their respective current contracts by the requisite number of months until the new contracts are awarded. Any extension of the existing contracts must be permitted by the Regulations and in particular should fall within the scope of Regulation 72. Officers should be satisfied that the appropriate waiver approval has been obtained for both Islington and Camden Councils prior to agreeing any extensions to the existing contracts with the current providers.

- 8.3 The existing TORs provide that the Joint Committee may agree the procurement strategy and award contracts relating to digital and IT spend where the total estimated value is in excess of £2M revenue. The TORs also allow the Joint Committee to delegate any matters within its TORs to a named officer of any of the Councils. Accordingly, the Islington Executive is asked to recommend that the award of the contract is delegated to the Executive Director of Corporate Services.
- 8.4 The Council must take into account in coming to any decision its equality duties under Section 149 of the Equalities Act 2010 and have due regard to them. In summary these legal obligations require the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, advance equality of opportunity between people who share a relevant protected characteristic and those who don't and foster good relations between people who share a relevant protected characteristic and those who do not (which involves tackling prejudice and promoting understanding). Under the Duty the relevant protected characteristics are: Age, Disability, Gender Reassignment, Pregnancy and maternity, Race, Religion, Sex, Sexual orientation.
- 8.5 The Public Services (Social Value) Act 2012 requires that public authorities letting service contracts consider how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area and how during the procurement it might act with a view to securing that improvement. In fulfilling this duty, the authority must (amongst other things) consider whether to undertake any consultation.

9 RESOURCE IMPLICATIONS (comments from the Director of Finance and others as appropriate such as AD (HR))

- 9.1 This report seeks endorsement of a strategy to procure a parking management system for a contract period of two years with the option to extend for a further two years through two 12 month extensions. The total contract value including extensions is estimated to be in the region of £2.3m based on current costs.
- 9.2 Current system costs are supported by revenue budget in Camden and Islington which combined form the Shared Digital cash limit. Costs will need to

be managed within these existing resources. It is expected that there will be no increase in cost of service for the extension of existing contracts.

- 9.3 This is a re-procurement of existing services, where re-procured contract costs exceed current budget provision mitigating action will need to be taken through re-provision of existing budget to cover the costs.
- 9.4 Where contract costs are lower than current budget provision a saving can be taken. Under the shared service agreement, any Shared Digital savings will be split evenly between the participating authorities.

10 PROCUREMENT OPINION

- 10.1 In advance of the collaborative procurement for a parking management system, Camden propose to extend the existing parking management contract with WTS (formerly Mouchel.)
- 10.2 Camden's existing contract was sourced under a CCS framework agreement – RM865/9, Local Government Software Application Solutions - Highways and Transport Software Application Solutions. The maximum call-off under the framework was seven years (including a two year extension.) Camden's contract was for three years plus one optional year, which is due to end on 23rd June 2018.
- 10.3 In order to extend the contract in a compliant way, the Council proposes to invoke Public Contract Regulation 2015, 72(5) (permitted modifications) provided the following three grounds are met
- The value of the modification is below the relevant services threshold in Regulation 5 (£181,302);
 - % of the initial contract value for the service contract; and,
 - The modification does not alter the overall nature of the contract.
- 10.4 A waiver of the Council's CSOs will be requested to extend the current contract up to a maximum of 10% of the original contract which was c£967k. This equates to pro rata extension until 31st October 2018 up to a value of £96,000, based on current charges on the key grounds:
- F2 (1) (ii) there are exceptional circumstances that have led to a need to depart from the CSOs and evidence has been provided which demonstrates the waiver is necessary to achieve the Council's objectives; and,
 - sub category 'in order to allow for contract alignment in order to make use of future opportunity.'
- 10.5 Islington are currently in contract with their supplier. The likely requirement to align with the current procurement timelines is only for an additional two months. Based on this the head of procurement in Islington was approached and agreement reached that Islington should engage with the supplier and seek a contract extension for the two month period.

- 10.6 The procurement strategy outlined - further competition from an existing framework agreement - is a route to market which meets the Council's CSO's and is compliant with the Public Contract Regulations 2015.
- 10.7 Additional clauses should be included in the standard terms and conditions of contract of the call-off contract to cover the following items: a) Compliance with General Data Protection Regulation; b) Contract Novation; c) Whistleblowing; and, d) Blacklisting.

11 Appendices

- 11.1 None

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REPORT TITLE	
Authority to Delegate Award of Contract for provision of a single wide area network service	
REPORT OF	
Chief Digital and Information Officer	
FOR SUBMISSION TO	DATE
Islington Council Executive	19 th July 2018
SUMMARY OF REPORT	
<p>The Shared Digital Joint Committee approved at its meeting of 30th October 2017 a procurement strategy for the provision of a single wide area network across the three Councils provided by a single supplier.</p> <p>The delivery of ICT services across the three Councils is evolving, with some services being delivered at a local level and others collaboratively as part of Shared Digital. Network services is a service which will be locally delivered.</p> <p>However, the rationale for undertaking a joint procurement remains as the Councils: share data centres; can draw economies of scale from collaborating on this procurement; and, due to improvement in network technology would still retain operational control of their respective networks.</p> <p>This report seeks approval to delegate the award of contract to the Executive Director of Corporate Services, London Borough of Camden, as opposed to the Chief Digital and Information Officer, on behalf of all three Councils.</p> <p>This will ensure that the procurement process can be completed at pace, enabling the Councils to start the transformation of network services across the three Councils, supporting future savings initiatives.</p> <p>Local Government Act 1972 – Access to Information</p> <p>Background papers – None.</p> <p>Further information available - Shared Digital Joint Committee, 30th October 2017: Agenda Item 11 - Network Service Transformation</p> <p>Contact Officer:</p> <p>Stephen Menzies, ICT Programme Consultant</p> <p>Address: 5 Pancras Square, London, N1C 4AG</p> <p>Email: stephen.menzies@camden.gov.uk</p> <p>Tel No: 07960592531</p>	

WHAT DECISIONS ARE BEING ASKED FOR?


It is recommended that the Executive:

- 1) Delegates the award of contract for the provision of network services by a single supplier to the Executive Director of Corporate Services, London Borough of Camden on behalf of all three Councils.

Ed Garcez, Chief Digital and Information Officer

Date:

Final report clearance:

Signed by:		11 July 2018
	Executive Member for Finance, Performance and Community Safety	Date

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1. WHAT IS THIS REPORT ABOUT?

- 1.1. On 30th October 2017, the Shared Digital Joint Committee considered and approved a report which proposed a transformation and convergence of the Councils' network services, specifically their wide area networks into a single network.
- 1.2. The single network would be provided by a strategic partner selected after a competition from an existing framework agreement. This would ensure that the Councils were able to engage with an experienced partner who understood the Councils' requirements, one which had returned a competitively priced tender.
- 1.3. The decision was taken in light of the need to modernise the existing infrastructure and decommission legacy telephony circuits and lines by 2025. The business benefits of moving to a single shared network design, would be:
 - increased resilience and security;
 - improved flexibility and scalability; and,
 - alignment with the Councils' ICT transformation programmes.
- 1.4. Since this decision was taken further work has been undertaken to look at the make-up of the shared ICT service with a decision in the near future likely to divest responsibility of some services into each Council for local delivery and with Shared Digital retaining responsibility for existing collaborative initiatives.
- 1.5. Provision of network services is a service which will be a locally delivered sovereign service.
- 1.6. However, the rationale for undertaking the procurement exercise collaboratively remains as the Councils share data centres; there are economies of scale which will drive better pricing and it supports both sovereign and Shared Digital longer term savings initiatives.
- 1.7. With the use of more modern technology there are a number of options available on the market which would allow the Councils to contract jointly, have a single supplier and still retain operational sovereignty of service delivery.
- 1.8. This report seeks approval to delegate to the Executive Director of Corporate Services, London borough of Camden the right to award a contract on behalf of all three Councils for single supplier to provide the Councils wide area networks.

2. WHY IS THIS REPORT NECESSARY?

- 2.1. The delivery of this procurement exercise has been delayed whilst decisions are being made over the future shape and focus of ICT services across the three Councils.
- 2.2. Whilst there is provision within the existing Terms of Reference for the Shared Digital Joint Committee to delegate decisions to council officers, there remain some uncertainty over the longer term future of the SDJC. This report seeks specific permission to delegate the award of contract to the Executive Director of Corporate Services, London Borough of Camden ensuring that the contract can be awarded as soon as practical..

- 2.3. This decision will not affect the future delivery of networks services at a local level as the services will be delivered and managed as a sovereign service for each Council, but continuing the procurement jointly will generate savings and enable future transformation work to be completed.

3. OPTIONS

- 3.1. There are two options available currently: delegate the decision or retain individual Council approvals:

i) Delegate award of contract to the Executive Director of Corporate Services London Borough of Camden - recommended

- 3.2. In the same way that other services have been contracted with a single supplier, there is an opportunity for the three Councils to enter into a strategic relationship with the successful bidder, which would have the advantage of aggregating the Council's influence on the supplier to deliver a high quality service. By delegating the contract award decision to Camden this would increase the pace at which the procurement activity can be completed, enabling transition to the service more quickly.

- 3.3. The Councils can choose at a later stage to either enter into a single contract with the successful bidder or call off individual contracts.

ii) Retain individual approval of contract award – not recommended

- 3.4. It is recognised that each Council will want to be able to influence the decision on what technology is used to delivery network services and also who the successful supplier would be. By having an evaluation panel made up of representatives across all three Councils this requirement can be met. The project which is running against a deadline to refresh the existing services has already been significantly delayed. Further delays whilst the three Councils complete contract award governance would place effective delivery of the programme at risk.

4. WHAT ARE THE REASONS FOR THE RECOMMENDED DECISIONS?

- 4.1. The project has been delayed due to decisions around the future delivery of ICT services across the three Councils. This delay impacts on the time available to: a) complete the procurement; and, b) transition to new services ahead of the technology refresh deadlines for all three Councils.
- 4.2. Delegating the decision to award the contract would reduce the time taken to complete the procurement activity.

5. WHAT ARE THE KEY IMPACTS / RISKS? HOW WILL THEY BE ADDRESSED?

- 5.1. Noted below are the risks attributable to the Council approving the recommendations within this report:

Risk	Mitigation
There is a risk that one of the Councils may wish to leave the shared service entirely.	1. The contract will include provision to novate services and contract to each borough should any of the

	participating Councils wish to withdraw.
There is a risk that the Councils may not agree on the which supplier to award the contract to	<ol style="list-style-type: none"> 1. Requirements and evaluation criteria have been jointly developed 2. Each Council will have a participant on the evaluation panel

6. WHAT ACTIONS WILL BE TAKEN AND WHEN FOLLOWING THE DECISION AND HOW WILL THIS BE MONITORED?

- 6.1. The table below provides a timeline of activity following approval of the recommendation in this report:

Activity	Date
Award contract	Late October 2018
Develop transition plan	November 2018
Start transition to new service provider	December 2018

7. CONSULTATION

- 7.1. The procurement strategy approved in October included consultation with the Shared Digital Joint Committee, and members of the Shared Digital Management Board. There is no public consultation required. Consultation on changing the scope of services follows consultation with the Councils' senior information risk owners and chief executives.

8. LEGAL IMPLICATIONS (Comments of the Borough Solicitor)

- 8.1. The Council is seeking to procure a contract for the provision of wide area network services provided by a single supplier. The strategy recommended in October 2017 was to call-off from a CCS framework agreement following a mini-competition. The value including extensions will be circa £5M for the 5-year contract term. In this report, the Councils are seeking delegate the contract award to the Executive Director of Corporate Services at the London Borough of Camden. The Leaders of the Councils are asked to approve the delegation.
- 8.2. The call-off should be in a format as provided for in the CCS framework used for this procurement. The Council should be satisfied that it has followed the compliant call-off / mini-competition process from the framework.
- 8.3. Councils must take into account in coming to any decision its equality duties under Section 149 of the Equalities Act 2010 and have due regard to them. In summary these legal obligations require the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, advance equality of opportunity between people who share a relevant protected characteristic and those who don't and foster good relations between people who share a relevant protected characteristic and those who do not (which

involves tackling prejudice and promoting understanding). Under the Duty the relevant protected characteristics are: Age, Disability, Gender Reassignment, Pregnancy and maternity, Race, Religion, Sex, Sexual orientation.

- 8.4. The Public Services (Social Value) Act 2012 requires that public authorities letting service contracts consider how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area and how during the procurement it might act with a view to securing that improvement. In fulfilling this duty, the authority must (amongst other things) consider whether to undertake any consultation.

9. FINANCE IMPLICATIONS (Finance comments of the Executive Director Corporate Services)

- 9.1. The original procurement strategy for this contract was to procure a single Wide Area Network for the three boroughs at an estimated total cost of £5.435M over the 5 year contract period. It estimated a slight reduction in annual operating cost from the current services, from £0.928M per annum to £0.889M.
- 9.2. Funding for the existing service is captured within the combined revenue budget for Shared Digital. The cost of retendered contracts will need to be managed within this shared financial resource.
- 9.3. Where re-procured contract costs exceed current budget provision mitigating action will need to be taken through re-provision of existing budget to cover the costs.
- 9.4. Where contract costs are lower than current budget provision a saving can be taken. Under the shared service agreement, any Shared Digital savings will be split evenly between the participating authorities.
- 9.5. It is anticipated that the recommended change of strategy, to procure three separate networks from a single supplier, will result in a marginal increase to the estimated annual operating cost. Longer term transformational savings are still expected to be enabled through modernising the network.

10. APPENDICES

- 10.1. None



Resources Department
Town Hall, Upper Street,
London N1 1XR

Report of: Executive Member for Finance, Performance and Community Safety

Meeting of:	Date	Wards
Executive	19 July 2018	N/A

Delete as appropriate	Exempt	Non-exempt
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SUBJECT: APPOINTMENT OF NON-EXECUTIVE DIRECTOR TO ISLINGTON LTD (iCo)

1 Synopsis

- 1.1 Islington Ltd (trading as iCo) is the Council's commercial trading company, which has been established to generate income for the Council to help protect essential services. iCo is governed by a Board of Directors, which currently includes two Executive Members, one Corporate Director, and two service directors.
- 1.2 It is proposed to appoint a non-executive director to the iCo Board. Following an open interview process, it is recommended that Rizk Saade is appointed as a Non-Executive Director on the iCo Board with immediate effect.

2 Recommendations

- 2.1 To agree the appointment of Rizk Saade as a Non-Executive Director on the iCo Board, subject to the receipt of satisfactory references.
- 2.2 That, subject to the receipt of satisfactory references, the appended Shareholder Resolution be signed by the Leader of the Council.

3 Background

3.1 iCo is governed by a Board of Directors, as follows:

- Councillor Andy Hull, Executive Member for Finance, Performance and Community Safety;
- Councillor Claudia Webbe, Executive Member for Environment and Transport
- Kevin O’Leary, Corporate Director of Environment and Regeneration
- Bram Kainth, Director of Public Realm
- Steve Key, Director Service Finance

It is proposed to appoint a non-executive director to the iCo Board. The non-executive director will help to support and develop the Board through their commercial experience and entrepreneurial skills, and will provide impartial challenge on strategy and performance matters.

3.2 An open interview process was held from May – July 2018, managed by the recruitment agency Morgan Hunt in consultation with the Council’s Director of Human Resources. There were 25 formal applications to the role, and five candidates were interviewed by a recruitment panel comprised of Councillor Hull, Councillor Webbe and Kevin O’Leary on 10 July 2018.

3.3 Following the interview process, it is recommended to appoint Rizk Saade as a non-executive director, subject to the receipt of satisfactory references. Mr Saade has experience in investments, management consulting and entrepreneurship. Mr Saade also co-founded and invested in a technology business and a consumer goods business, and is a Trustee of The Philological Foundation, an educational charity in the City of Westminster and Camden.

3.4 iCo Directors do not receive any additional remuneration for their work. Accordingly, the Non-Executive Director will be appointed on a pro-bono, expenses-only basis.

3.5 The Council is the sole shareholder of the company. The Company’s Articles of Association state that Islington Council may appoint any person to be a director, which shall be effected by notice in writing to the Company and shall take effect immediately.

4 Implications

4.1 Financial Implications

The Non-Executive Director will be appointed on a pro-bono, expenses-only basis. There are no financial implications arising for Islington Council.

4.2 Legal Implications

The appointment of Directors to the board of Islington Ltd is a matter reserved to the Council as the sole shareholder (Article 16 of the Articles of Association). There is no limit on the number of directors that may be appointed (Article 15). Accordingly, the Executive may appoint Mr Saade as a Non- Executive Director of Islington Ltd subject to receipt of satisfactory reference.

Islington Ltd is a private company limited by shares. Company directors have various legal duties under the Companies Act 2006. As a Non-Executive Director, Mr Saade will not have operational or decision-making responsibility for iCo services, however will contribute to company strategy and provide commercial advice.

4.3 Resident Impact Assessment

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

There are no resident impacts associated with the proposed decision.

4.4 Environmental Impact Assessment

There are no significant environmental implications associated with the recommendation.

5. Conclusion and reasons for recommendations

- 5.1 This report recommends that Rizk Saade as a Non-Executive Director on the iCo Board, subject to the receipt of satisfactory references. This will help to develop the Board by providing commercial experience, entrepreneurial skills, and impartial challenge.

Appendices: Appendix A - Shareholder Resolution to be signed

Background Papers: None

Final report clearance:

Signed by:

10 July 2018



Executive Member for Finance, Performance and Community Safety Date

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APPENDIX A

COMPANIES ACT 2006

WRITTEN RESOLUTION

~ OF ~

ISLINGTON LTD

COMPANY NUMBER: 05303559

**WRITTEN RESOLUTION BY THE SHAREHOLDER ON THE
APPOINTMENT OF A NON-EXECUTIVE DIRECTOR**

I, Richard Watts, as Leader of Islington Council, agree to the following resolution on behalf of Islington Council, the sole shareholder of Islington Ltd:

That Rizk Saade be appointed as a Non-Executive Director on the Board of Islington Ltd.

Signed:

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Date