



Environment and Climate Change Committee

14 March 2023

Title	Q3 2022/23 Contracts Performance Report
Report of	Chair of Environment and Climate Change Committee
Wards	All
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Enclosures	Appendix A – Tarmac Kier Joint Venture Performance
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Summary

This report provides an overview of Quarter 3 (Q3) 2022/23 performance for the contracted services delivered by Regional Enterprise (Capita) that fall under the remit of this committee.

Overall, performance is going well, with the vast majority of KPIs achieving their targets. The council continues to work with its contracted partners to address areas of concern, particularly on ensuring that progress is being made where backlogs have occurred due to the impact of the Covid-19 pandemic.

Officers Recommendations

The Committee is asked to note the Quarter 3 (Q3) 2022/23 performance for the contracted services delivered by Regional Enterprise (Capita) that fall under the remit of this committee.

1. PURPOSE OF REPORT

Introduction

1.1 This report provides an overview of Quarter 3 (Q3) 2022/23 performance for the contracted services delivered by Regional Enterprise (Capita) that fall under the remit of this committee (listed in alphabetical order):

- Food Hygiene/Standards Inspections
- Hendon Cemetery and Crematorium
- Highways
- Licensing and Trading Standards
- Scientific Services and Pest Control

1.2 The report does not include budget information, which is provided separately to Policy and Resources Committee.

Overview

1.3 Out of the 34 KPIs measured in Q3 2022/23, three measures failed, all of which were relating to food hygiene inspections backlogs within the Food Hygiene/Standards Inspections service. All other services (Hendon Cemetery and Crematorium, Highways, Licensing and Trading Standards and Scientific Services and Pest Control) passed all their KPIs.

1.4 The food inspections backlog (owing to Covid-19 restrictions) of 1,121 was effectively completed as of December 2022. Nine low risk premises (Category D & E) were not inspected due to lack of access or the business not currently trading, and these were moved to be completed as part of business-as-usual inspections.

Note on tables

1.5 The targets listed are both for the year 2022/23 and the current reporting period, Q3 2022/23, unless indicated otherwise. Actual performance is for the current reporting period, Q3 2022/23.

Food Hygiene/Standards Inspections

Indicator	Polarity	Unit	Target	Current Period Actual	Actual for Same Period Last Year	DoT on Last Year
Conducting Food Hygiene Inspections - Target A - Number of completed Food Hygiene Inspections due and overdue	Bigger is Better	%	100	97.6	32.5	Improved
Conducting Food Hygiene Inspections - Target B - Number of completed Food Hygiene Interventions due and overdue	Bigger is Better	%	85	64.7	45.5	Improved

Indicator	Polarity	Unit	Target	Current Period Actual	Actual for Same Period Last Year	DoT on Last Year
Conducting Food Hygiene Inspections - Target C - Number of completed Food Hygiene Inspections of new unrated premises within 28 days of discovery date	Bigger is Better	%	90	42.1	58.5	Worsened
Food Standards Inspections (Category A) - Number of A rated interventions completed within 28 days of due date	Bigger is Better	%	100	100	No Activity	Not comparable
Food Standards Inspections (Category B) - Number of B rated interventions completed on or before the next due intervention	Bigger is Better	%	100	100	100	Same
Food Standards Inspections (unrated premises) - Unrated: Number of unrated premises inspected at the same time as the first food hygiene inspection	Bigger is Better	%	100	100	100	Same
Improvement in food hygiene in the highest risk premises	Bigger is Better	%	90	97.3	94.4	Improved
Safer workplaces – A higher level of compliance with health and safety legislation in the known most unsafe workplaces	Bigger is Better	%	75	100	100	Same
Implementing Health & Safety Inspection Programme - Compliance with legislation, departmental, statutory and service standards	Bigger is Better	%	100	100	No Activity	Not comparable
Food & Drinking Water Sampling Inspections	Bigger is Better	%	100	127.8	133.3	Worsened

1.6 There are ten KPIs for Food Hygiene/Standards Inspections. Seven indicators achieved the Q3 2022/23 target. Two indicators did not meet target and one indicator narrowly missed the target.

1.7 The Food Hygiene Inspections (Targets A, B and C) KPIs did not meet the Q3 2022/23 targets, due to knock on impacts of the backlogs generated by the Covid-19 restrictions, as well as changes to business operating hours or businesses not currently trading (resulting in lack of access to premises).

1.8 At the end of December 2022, the following volume of inspections measured as part of the Food Hygiene Inspections (Targets A, B and C) KPIs were outstanding:

- Target A - Two Category B premises
- Target B - 52 Category C (compliant) premises
- Target C - 82 unrated premises

1.9 As previously reported, there was a backlog of 1,121 food hygiene inspections caused directly by Covid-19 restrictions (closing restaurants and businesses), which were batched together as part of a project. All except nine were completed by the end of December 2022. The remainder were low-risk premises that were not inspected due to either lack of access or the business not currently trading. These were moved to be completed as part of business-as-usual.

Hendon Cemetery and Crematorium

Indicator	Polarity	Unit	Target	Current Period Actual	Actual for Same Period Last Year	DoT on Last Year
Meeting religious burial requests timescales	Bigger is Better	%	95	100	100	Same

- 1.10 There is one KPI for Hendon Cemetery and Crematorium which achieved the Q3 2022/23 target.
- 1.11 The service was back to operating normally with both cremators being fully operational as reported in the Q2 2022/23 update.
- 1.12 Grass cutting, which commenced February 2022, continued through until early November 2022. This was the longest ever recorded continuous period of grass cutting and was due to the elongated warm wet weather experienced over the period.
- 1.13 Part of the cemetery flooded over the Christmas period owing to the failure of a land drain, which has since been rectified.
- 1.14 A planning application for improvements to infrastructure at Milesplit Cemetery was submitted in December 2022, with a determination expected Q1 2023/24.

Highways

Indicator	Polarity	Unit	Target	Current Period Actual	Actual for Same Period Last Year	DoT on Last Year
Emergency Defects Rectification Timescales completed on time	Bigger is Better	%	100	100	100	Same
Response to complaints relating to a drainage malfunction and/or flooding event	Bigger is Better	%	100	100	100	Same
Response in dealing with Highway Licence applications	Bigger is Better	%	100	100	100	Same
Processing of Vehicle Crossover Applications - timescale for providing quotes	Bigger is Better	%	100	100	100	Same
Timely construction of Vehicle Crossovers following receipt of payment	Bigger is Better	%	100	100	98.6	Improved
Timely response to Permit requests (LoPS)	Bigger is Better	%	100	100	100	Same
Appropriate conditions attached to Permits (LoPS)	Bigger is Better	%	100	100	100	Same
Appropriateness of approved and rejected extension requests (Permit Extension Requests, LoPS)	Bigger is Better	%	100	100	100	Same
Compliance with Sample Inspection regime (Compliance with chargeable inspection regime to quality-check works on highways (New Roads and Street Works Act)	Bigger is Better	Number	1709 ¹	926	682	Improved
Level of Withdrawn Defects. Levels of passed and failed Highways works inspections ²	Smaller is Better	%	15	0	6.9	Improved
Activity in relation to dealing with Section 50 (S50) Requests (TMA)	Bigger is Better	%	100	100	100	Same
Section 74 (S74) compliance and sanctions correctly imposed for failures (NRSWA)	Bigger is Better	%	100	100	60.9	Improved
Interventions (from DfT or similar agencies) regarding Traffic Manager Duties (TMA)	Smaller is Better	%	0	0	0	Same
Processing of Vehicle Crossover Appeals	Smaller is Better	%	100	100	No Activity	Not comparable
Category 1 Defects Rectification Timescales completed on time	Bigger is Better	%	100	100	100	Same

¹ Target is for the year, performance is monitored quarterly and will be RAG rated at the end of the year.

² Level of Withdrawn Defects = any failed defects which have been upheld.

Indicator	Polarity	Unit	Target	Current Period Actual	Actual for Same Period Last Year	DoT on Last Year
Category 2 Defects Rectification Timescales completed on time	Bigger is Better	%	100	100	100	Same
Insurance Investigations completed on time (14 days)	Bigger is Better	%	100	100	100	Same

- 1.15 There are 17 KPIs for Highways. 16 achieved the Q3 2022/23 target and one is monitor only.
- 1.16 The service focused on demobilisation and mobilisation activities following the announcement of return of service to the council from 1 April 2023. A dedicated team has been set up under the Director of Highways and Transportation to lead on this activity through the transition period to enable the service to bed in within the council's working environment.
- 1.17 The service continued to work to the TfL guidance including submitting the required forms setting out their projects for 2023/24 and 2024/25. These were submitted in draft on the 28 October 2022, and the final version (aligned to the recommendations set out in the Committee Report of 25 January 2023) was submitted on 20 February 2023.
- 1.18 Recruitment of engineering and specialist services within a buoyant market continued to be an issue. The service looked to utilise third party engineering resources whilst recruitment was conducted. Currently the service has circa 17.4 vacancies (an increase from Q2 2022/23 of 5.4) out of an establishment of 109.

Risks

- 1.19 There are three high-level (scoring 15+) joint risks related to Highways in Q3 2022/23, which are being managed in accordance with the council's risk management framework.

Title	Description	Score	Review Summary
People attrition	Difficulties recruiting and retaining experienced and qualified staff could lead to negative impacts on service delivery resulting in business continuity and statutory duty implications to the council.	15	Inability to recruit engineers and reliance on third party supply chain is impacting ability to deliver to time or budget both revenue and capital schemes. Remaining management in Asset team under increasing pressure. Total vacancies running at 15% of full establishment. Risk score increased to reflect.
Barnet Hill - A1000	Instability and / or failure of the TfL owned bank above High Barnet Underground Station could lead to closure of the A1000 and High Barnet Underground Station resulting in significant disruption to the highways network.	15	Actions being implemented include: continued monitoring and reporting of bank stability including to ensure no imminent risk of substantial movement, conducting of traffic movement study., completion of drain CCTV survey to support short term measure design work and top of bank mitigation measures. Traffic movement study has been completed. Actioned weight restriction on affected section on A1000 for abnormal loads above 44 tonnes.

Title	Description	Score	Review Summary
LB Barnet Road Condition	Surface and Subbase failure could lead to impact on movement of the carriageway, cracking and drainage system failure, resulting in disruption to the highways network in the location effected, and financial loss due to an increase in insurance claims.	16	New risk added to directorate risk register to give more visibility of this ongoing operational risk. Currently one road has completed feasibility options appraisal stage and is moving into design phase, the remainder of those roads identified are subject to geotechnical surveys scheduled for completion by 28 April 2023.

Licensing and Trading Standards

Indicator	Polarity	Unit	Target	Current Period Actual	Actual for Same Period Last Year	DoT on Last Year
Business license applications processed in a timely manner	Bigger is Better	%	95	100	100	Same
Appropriate response to statutory deadlines. Ensuring that all statutory time scales are being adhered to. Within the Licensing and Gambling Act	Bigger is Better	%	100	100	100	Same
Appropriate response to service requests Service requests dealt with to present standards to the satisfaction of customers	Bigger is Better	%	90	99.4	97.3	Improved

- 1.20 There are four KPIs for Licensing and Trading Standards, all of which passed their target in Q3 2022/23.
- 1.21 Trading standards carried out visits around the safe storage and sale of fireworks and no problems were found. Prosecution action on three premises found to be in possession of illegal tobacco proceeded, and charges have been submitted to the Magistrates Court.
- 1.22 Licensing successfully brought seven prosecutions for unlicensed street trading and advertising boards and imposed financial penalties of £9,716.48.

Scientific Services and Pest Control

Indicator	Polarity	Unit	Target	Current Period Actual	Actual for Same Period Last Year	DoT on Last Year
LAPPC Part 2a and 2b processes intervention programme	Bigger is Better	%	100	100	100	Same
Implementing the Animal Welfare Inspection Programme - Compliance with legislation, departmental, statutory and service standards	Bigger is Better	%	100	100	100	Same

- 1.23 There are two KPIs for Scientific Services and Pest Control. Both achieved the Q3 2022/23 target.
- 1.24 The Noise Service seized a substantial quantity of sound equipment from a two-bedroom flat following reports of frequent noise nuisance to neighbours and after the occupant failed to comply with an abatement notice.
- 1.25 The Scientific Services Team began their consultation on the next Air Quality Action Plan 2022-28.
- 1.26 The service applied for funding from the Department for Environment, Food and Rural Affairs Air Quality Grant scheme (in conjunction with other local authorities (Wandsworth, Merton, Tower Hamlets, Newham, Greenwich and Lewisham) and Imperial College London) to produce a high-resolution model that will be used for planning and feasibility assessments for actions to improve air quality in the borough.
- 1.27 The service is using funding set aside by Highways to procure a new automatic monitor at Tally Ho Corner. This will enable the monitoring of particulate matter 2.5 (PM2.5), alongside PM10 and nitrogen monoxide which is already being monitored.

2. REASONS FOR RECOMMENDATIONS

- 2.1 This report provides an overview of Quarter 3 (Q3) 2022/23 performance for the contracted services delivered by Regional Enterprise (Capita) that fall under the remit of this committee.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 None.

4. POST DECISION IMPLEMENTATION

- 4.1 None.

5. IMPLICATIONS OF DECISION

- 5.1 None.

6. Corporate Priorities and Performance

- 6.1 Performance monitoring is essential to ensure robust management of the council's strategic contracts and supports commercial discussion and decision making. It also ensures resources are adequately and appropriately directed to support delivery and achievement of corporate priorities.
- 6.2 Relevant council strategies and policies include the following:

- Re Contract

7. Resources (Finance and Value for Money, Procurement, Staffing, IT, Property, Sustainability)

7.1 The report does not include budget information, which is provided separately to Policy and Resources Committee.

8. Legal and Constitutional References

8.1 Section 151 of the Local Government Act 1972 states that: “without prejudice to section 111, every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs”. Section 111 of the Local Government Act 1972 relates to the subsidiary powers of local authorities to take any actions which are calculated to facilitate, or are conducive or incidental to, the discharge of any of their functions. Robust contract management assists with ensuring the proper administration of the council’s financial affairs.

8.2 The council’s Constitution, Article 7.5 Committees, Forums, Working Groups and Partnerships, sets out the functions of the Environment and Climate Change Committee.

(1) Responsibility for all borough-wide or cross-area matters relating to the local environment including:

- Air Quality
- Cycling, Walking and Healthy Streets
- Biodiversity
- Transport and Public Transport
- Grounds Maintenance
- Highways
- On-Street and Off-Street Parking
- Road Safety
- Lighting
- Street Cleaning
- Environmental Crime (including littering, fly-tipping fly-posting, and graffiti)
- The council’s Fleet
- Waste and Recycling
- Waterways
- Parks and Open Spaces (including allotments and trees)
- Cemeteries, Crematoria and Mortuary
- Trading Standards and Environmental Health (except Environmental Health functions relating to housing and fire safety)

(2) Responsibility for the council’s response to the climate emergency including:

- Setting and overseeing implementation of carbon reduction targets, both in relation to the council as an organisation and Barnet as a place
- Developing strategies to meet those carbon reduction targets
- Developing strategies for the mitigation of the impacts of climate change, both on the council as an organisation and Barnet as a place
- Implementing the elements of those strategies that relate to functions listed in (1) above.

(3) To submit to the Policy and Resources Committee proposals relating to the Committee’s budget (including fees and charges) for the following year in accordance with the budget timetable.

- (4) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.
- (5) To receive reports on relevant revenue and capital expenditure, contracts, performance information and risk on the services under the remit of the Committee.

9. Insight

- 9.1 The report identifies performance information in relation to the council's strategic contracts for Quarter 3 (Q3) 2022/23. The report covers delivery from Regional Enterprise (Capita).

10. Social Value

- 10.1 The Public Services (Social Value) Act 2012 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. Before commencing a procurement process, commissioners should think about whether the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders. As set out in the council's Contract Procedure Rules, commissioners should use the Procurement Toolkit, which includes Social Value guidance. The Contract Management Toolkit should also be used to help ensure that contracts deliver the expected services to the expected quality for the agreed cost. Requirements for a contractor to deliver activities in line with Social Value will be monitored through the contract management process.

11. Risk Management

- 11.1 The council has an established approach to risk management, which is set out in the Risk Management Framework. Risks are reviewed quarterly (as a minimum) and any high-level (scoring 15+) joint risks with strategic partners are included in this report, as well as being reported to Policy and Resources Committee as part of a wider corporate risk report.

12. Equalities and Diversity

- 12.1 The Equality Act 2010 requires organisations exercising public functions to demonstrate that due regard has been paid to equalities in:
 - Elimination of unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
 - Advancement of equality of opportunity between people from different groups.
 - Fostering of good relations between people from different groups.
- 12.2 The Equality Act 2010 identifies the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership, pregnancy and maternity; race; religion or belief; sex and sexual orientation; marriage and civil partnership.

12.3 In order to assist in meeting the duty the council will:

- Try to understand the diversity of our customers to improve our services.
- Consider the impact of our decisions on different groups to ensure they are fair.
- Mainstream equalities into business and financial planning and integrating equalities into everything we do.
- Learn more about Barnet's diverse communities by engaging with them.

This is also what we expect of our partners.

12.4 This is set out in the council's Equalities Policy, which can be found on the website at:

<https://www.barnet.gov.uk/your-council/policies-plans-and-performance/equality-and-diversity>

13. Corporate Parenting

13.1 In line with Children and Social Work Act 2017, the council has a duty to consider Corporate Parenting Principles in decision-making across the council. There are no implications for Corporate Parenting in relation to this report.

14. Consultation and Engagement

14.1 Obtaining customer feedback is part of the contract management process to inform service delivery, service development and service improvement.

15. Environmental Impact

15.1 There are no direct environmental implications from noting the recommendations. Implementing the recommendations in the report will lead to a positive impact on the council's carbon and ecology impact, or at least it is neutral.

16. BACKGROUND PAPERS

16.1 None

Appendix A – Tarmac Kier Joint Venture Performance

- 1.1 The Tarmac Kier Joint Venture (TKJV) is the operational delivery partner contracted to deliver the council's Highways Term Maintenance activities, including the operational delivery of reactive and planned maintenance across the council's 700km of highway network. The Term Maintenance Contract with TKJV commenced on 1 April 2021. Following committee approval in January 2023, work began to conclude the legal and commercial terms of an extension of the contract for a further five years and six months post September 2023.
- 1.2 The contract has defined performance and defects schedules, with a range of KPIs covering Health and Safety, Financial Management, Planned and Reactive Maintenance and Emergency Response.
- 1.3 The performance of the TKJV contract is set out in the table below. The service has achieved target for 15 out of 19 key performance indicators compared to 16 out of 19 in Q2 2022/23. Of the four measures that didn't meet target in Q3 2022/23:
- Two indicators (category 4 planned defects rectification and activity task order completion) reduced in performance compared to Q2 2022/23.
 - Two indicators (category 2 and 3 defects rectification and category 2 defects), improved in performance compared to Q2 2022/23. The measure for category 2 defects has failed in every quarter since Q4 2021/22.
- 1.4 The measures for gully cleaning and category 2 and 3 defects both improved in Q3 2022/23, with gully cleaning now passing target.

Indicator	Polarity	Target	Q4 2021 – Q3 2022				Direction of Travel (Q4 to Q3)	YTD Jan22 - Dec22
			Q4 2021 Result	Q1 2022 Result	Q2 2022 Result	Q3 2022 Result		
CI 1.1 Pre-Construction Information Plan and Construction Phase Plan (r) ¹	Bigger is Better	90%	100%	100%	100%	100%	Same	100%
CI 1.2 Timely Reporting of Incident Investigation Reports (r)	Bigger is Better	90%	100%	100%	100%	100%	Same	100%
CI 1.3 All Accident Frequency Rate (r)	Smaller is Better	1.0	0.0	0.5	0.3	0.3	Worsened	0.3
CI 1.4 Utility Strike Rate (r)	Smaller is Better	6.0	0.7	1.3	2.0	0.0	Improved	0.9
CI 1.5 Submission of Accurate Pricing Information (r)	Bigger is Better	90%	100%	100%	100%	100%	Same	100%
CI 1.6 Effective Risk Management (r)	Bigger is Better	90%	100%	100%	100%	100%	Same	100%
CI 1.7 Defects Rate (r)	Bigger is Better	90.0%	99.9%	99.7%	90.0%	93.3%	Worsened	96.1%
CI 1.8 Correction of Scope Defects (r)	Bigger is Better	90%	100%	100%	100%	100%	Same	100%
2.1 Cleaning (Gully, Catchpit, Soakaway) – Annual (r)	Bigger is Better	90%	115%	81%	74%	117%	Improved	95%
2.4 - Emergency Defects Rectification Timescales completed on time (r)	Bigger is Better	90%	100%	98%	100%	100%	Same	100%
2.5 Category 1 Defects Rectification Timescales completed on time (r)	Bigger is Better	90%	96%	93%	93%	92%	Worsened	94%
2.6 Category 2 & 3 Defects Rectification Timescales completed on time (r)	Bigger is Better	90%	91%	91%	81%	88%	Worsened	88%
2.8 Category 4 Planned Defects Rectification Timescales completed on time (r)	Bigger is Better	90%	96%	81%	95%	89%	Worsened	91%

Indicator	Polarity	Target	Q4 2021 – Q3 2022				Direction of Travel (Q4 to Q3)	YTD Jan22 - Dec22
			Q4 2021 Result	Q1 2022 Result	Q2 2022 Result	Q3 2022 Result		
Sl.3.1 Emergency Call Outs (r)	Bigger is Better	93%	100%	100%	100%	100%	Same	100%
Sl.3.2 Category 1 Defects (r)	Bigger is Better	92%	95%	94%	93%	93%	Worsened	94%
Sl.3.3 Category 2 Defects (r)	Bigger is Better	92%	87%	83%	82%	86%	Worsened	85%
Sl.3.4 Activity Task Orders - On-Time Completion (r)	Bigger is Better	90%	100%	100%	100%	83%	Worsened	96%
Sl.3.5 Project Tasks Orders - On-time Completion (r)	Bigger is Better	85%	99%	81%	94%	89%	Worsened	92%
Sl.3.6 Quality of the Contractor's Programme Submission (r)	Bigger is Better	93%	100%	100%	100%	100%	Same	100%

1.5 The contract performance has been formally raised with the TKJV Managing Director, and because of this TKJV are progressing with the delivery of a Service Improvement Plan including the following:

- Refreshed Senior Contractor Management
- Refreshed commitment to Health and Safety training
- Increased management site audits to ensure compliance
- Increased felt 'visible' leadership through TKJV Senior Managers
- Review of approach to utility strikes including training and lessons learnt
- Review and implement necessary resource provision aligned to the level of reactive maintenance (Cat1 to Cat3) works being submitted
- Implement joint best practice review between the council's highways engineer and TKJV Senior Highways Inspectors in relation to the future management of reactive maintenance works
- Weekly review by senior management from the council and TKJV to maintain the focus on contract performance to ensure the service returns to compliant levels.

1.6 Performance of the TKJV contract will continue to be scrutinised by the Director of Highways and Transportation to ensure the necessary focus is maintained.