

# Cabinet – 22 September 2022

## Questions from the Public

### **1 David Forman to Councillor Dan Swords (Deputy Leader and Portfolio Holder for Regeneration):**

I congratulate Harlow Council for developing a housing, shops and offices scheme to rectify the eyesore in Perry Road that the last Labour administration left behind. However, would you please consider including in the contract documents traffic management conditions and penalties to discourage contractors vehicles parking on and damaging the lawn surrounding St James' church?

### **Reply from Councillor Dan Swords (Deputy Leader and Portfolio Holder for Regeneration):**

I thank Mr Forman for his question and greatly appreciate his support for our fantastic scheme on the Old Lister House site which is just one part of our package to transform the Staple Tye neighbourhood.

In response to the concerns about the contractors parking arrangements, we will ensure that appropriate compound facilities are available for the contractor and will certainly look at contractually binding options to prevent inappropriate parking in neighbouring areas to the site. We will also liaise with St James Church as to what best meets their needs as well as others in the immediate vicinity to the site.

### **2 David Forman to Councillor Alastair Gunn (Portfolio Holder for Governance):**

Under Agenda Item 11 on page 124 the KPI CS50 shows the average waiting time for calls received by Contact Harlow. Despite a target of 40 seconds, the average waiting time increased successively in each quarter of 2021/22 from 1m 15s to 2m 56s. In quarter 1 of 2022/23 the average waiting time was 2m 43s and this was despite increasing the target time to 44 seconds.

In relation to Contact Harlow, under Agenda Item 10 on page 61 it shows that Harlow Council saved £32,000 in staffing costs due to staff vacancies.

Therefore, do you think:

- a) There is a correlation between excessive waiting times and fewer staff in Contact Harlow;
- b) That filling the staff vacancies would consistently achieve your less rigorous target waiting time of 44 seconds;

- c) The stress levels of the existing staff in Contact Harlow would be reduced by filling staff vacancies;
- d) That staff in Contact Harlow would suffer less verbal abuse if waiting times achieved your target of 44 seconds; and
- e) Conservative local election pledges in 2021 to run services better than the last dire Labour administration are now looking dubious?

**Reply from Councillor Alastair Gunn (Portfolio Holder for Governance):**

I thank Mr Forman for the question as it gives me the opportunity of specifically thanking our Contact team who have, since the beginning of the pandemic, worked extremely hard to field the many enquiries from the public whilst the offices were shut and during a period of a significant shift in the channels the public have chosen to contact us.

Contact Harlow now do far more for customers than they ever have done. Many more calls are being taken. (Average daily calls have risen from 475 in 2019/20 to 600+ in 2022/23) The types of enquires they receive are also far more wide ranging and so whilst the wait to speak to an advisor is increased, the depth and quality of advice when they do speak to them means that they are far more likely to have their issue resolved on that call. This has meant that individual calls to our team have taken longer to resolve, (average call length has gone from 3m 24s in 19/20 to 4m 9s in 22/23. It was as low as 2m 25s in 2012/13 so this shows just how much the service has developed) but they are being resolved. Our emphasis is on providing accurate information and services on each call for customer satisfaction.

Yes, there has been staff turnover within Contact Harlow in the last six months and this has had an impact on the call waiting times. The underspend in the staffing budget is due to this. This is not the only factor in the increase in wait times.

But I am pleased to say however that the vast majority of the staff have moved to other Council departments, seeking new opportunities and have not just left the Council. They take with them the excellent knowledge and experience they have gained whilst working in Contact Harlow.

There are some delays between a staff member leaving and a new one being starting with us, but I am happy to say that all vacancies are now filled and the new staff are undertaking their training. I envisage that in the coming months there will be a reduction in call waiting times as these staff are brought online.

I re-emphasise that we have a zero tolerance policy to any verbal or other abuse of our staff. I would also highlight the many ways that residents can contact the Council as an alternative to calling, these include the many services offered through our website and face to face contact.

We are shortly due to launch a new Customer Service Strategy with an associated action plan and we will be reviewing our targets and measures as part of this.

**Supplementary Question from David Forman to Councillor Alastair Gunn (Portfolio Holder for Governance):**

I am pleased to note your answer that Contact Harlow vacancies are filled. However, Appendix 3A on page 62 under the Governance portfolio shows vacancies accounting for a total budget saving of just under £504,000.

Would you please state how concerned you are that least one member of staff has not been able to take their annual leave amounting to a monetary value of £3036 since March 2020, as stated in comments in Appendix 3B on page 64 relating to the Communications department, and whether this in accordance with Harlow Council's document 'Harlow Health and Wellbeing Partnership Strategy 2018 - 2028'.

**Supplementary Reply from Councillor Alastair Gunn (Portfolio Holder for Governance):**

Thank you Mr Forman for the supplementary. I can't confess I am not familiar with the personal circumstances that underlie that question, I think I can guess who it would be as they are very hard working indeed in that service area. I would have to take that away and look at into it. I am not aware of anything untoward but I am not able to answer that to the depth that I think you require so if you could leave that one with me Mr Forman, thank you.

**3 Cliff Phillips to Councillor Simon Carter (Portfolio Holder for Housing):**

I am still fully not convinced that the only 2 tenders submitted were coincidentally almost identical. Previous quotes on other major works on The Hides and The Hornbeams for example were 20-30% difference between the highest and lowest estimate.

Therefore, my question is:

Of the original 7 tenders for this work offered to various builders, 2 were dismissed as non-compliant. Why were they non-compliant and why would they have been offered to tender in the first place?

**Reply from Councillor Dan Swords (Deputy Leader and Portfolio Holder for Regeneration) on behalf of Councillor Simon Carter (Portfolio Holder for Housing):**

Thank you for your additional question to Cllr Carter's written response. As I set out to Mr Phillips when we met last week, we fully recognise the concern these works

are causing leaseholders and I am committed to ensuring they receive all information possible about the process.

Specifically on the point Mr Phillips raises, Financial Standing Orders for the Council require that, for works with an estimated value in excess of £350,000, Officers must seek at least five written tenders from suitably qualified suppliers. On this occasion, seven suitably qualified suppliers from the initial investigation were identified and invited to tender, using selective tendering from an Accredited Supplier List.

The Council received four tenders by the deadline, and upon careful review of all submitted tenders, two of the four tenders received were found to be non-complaint, either owing to the omission of quality information and/or being unable to deliver the contractor design portion for elements of the works specified.

**Supplementary Question from Cliff Phillips to Councillor Simon Carter (Portfolio Holder for Housing):**

Of the only two tenders submitted Chase Berger listed fully all sub-contractors they have intended to employ in this work as it will tend to be a requirement for Harlow District Council. Why then did the winning bid from Prosper not list the same? Surely, we as paying customers we should be able to check who will be working on our properties?

**Supplementary Reply from Councillor Dan Swords (Deputy Leader and Portfolio Holder for Regeneration) on behalf of Councillor Simon Carter (Portfolio Holder for Housing):**

Thank you Mr Phillips for your further question. Just to clarify that the contractors approach were valid, it was the tender response that we received in those two cases that were not but on this specific question about sub contractors and the tender responses that we received, I will write to you with the detail.

**4 Cliff Phillips to Councillor Simon Carter (Portfolio Holder for Housing):**

One of my questions that mysteriously got lost before the last Council meeting has now been answered by Councillor Carter's. He stated "an intrusive survey of the pitched roofs would be carried out by Harlow Councils specialist consultant Stace. These would be analysed and communicated with leaseholders with next steps outlined so there is clarity going forward before an instruction will be issued to the contractor."

We as leaseholders are not happy that the same company (Stace) who formalised the specification, will also be carrying out the survey for the possible roof work.

Will we be able to fully inspect and possibly challenge the surveyors report before the work goes ahead?

**Reply from Councillor Dan Swords (Deputy Leader and Portfolio Holder for Regeneration) on behalf of Councillor Simon Carter (Portfolio Holder for Housing):**

I thank Mr Phillips for his further question. I would like to clarify the issues regarding the surveys.

The surveys, such as the one he mentions, are being carried out by the contractors appointed through the tender process.

The role of Stace is to independently review the surveys and subsequent findings to advise the Council. Stace are not carrying out the surveys.

The surveys are underway now to identify exactly what works are required.

Once the surveys are complete, leaseholders will be written to with copies of the survey reports and asked to comment before works commencing.

**Supplementary Question from Cliff Phillips to Councillor Simon Carter (Portfolio Holder for Housing):**

With so much high priced work proposed at Five Acres I would like to know what department was responsible for setting this up? Did it cross anyone's mind these high costs would not be affordable to the majority of leaseholders? I know for a fact that the stress and worry over this this is causing a number of leaseholders, the elderly, disabled lady who lives close to my flat has been so worried she tells me it is badly affecting her health. This is not a one off. I am 74 and have a heart problem and this is causing me sleepless nights and stress related problems including angina attacks. Others, I am told, are losing days of work over the worry. Why was this work proposed in this way? Why re things like the roof replacement costing including when it is still unsure that the work needs doing? Why is the cladding being updated to such a high extent as to be well above the requirements? Why is this building work being pushed ahead when work on other flats have been delayed? It would seem that the builder is very keen on getting this started. Is this because they have been able to secure an extremely high contract through almost total lack of competition? This is what's winding us all up and we are asking you lot as Councillors to try and understand where we are coming from and help us. It doesn't matter whether you are Labour or Conservative or whatever you are, we are just asking for you to try and help.

**Supplementary Reply from Councillor Dan Swords (Deputy Leader and Portfolio Holder for Regeneration) on behalf of Councillor Simon Carter (Portfolio Holder for Housing):**

Thank you for your question, I genuinely and sincerely understand and I hope that I met with you and some of the other leaseholders last week to listen to your concerns and talk through the process, that was helpful. I won't cover each point but, in terms of the works specified as set out, that is the tender of surveys currently ongoing. The process that's been followed is set out in law and that's the process that we have to follow for these works. As we discussed last week, at any time if any leaseholder wishes to challenge the costs of works or the tender process or anything in between, they have the ability and chance to do so through the independent tribunal. The process that we are following is one set out in law, and as I said when we spoke last week, all leaseholders will be individually written to once the conclusions of the surveys are found and complete and reviewed by an independent party, you will be written to and have your chance to comment on such works. As I say, you can challenge that any other time through the independent tribunal.

**5 Sally Jones to Councillor Simon Carter (Portfolio Holder for Housing):**

Unfortunately I find your last response to our questions at Cabinet in July are replies not answers.

Yes indeed the leaseholders of Five Acres have received: A Notice of Intention; a 'Notice of Estimate'; the intended works specification; and a breakdown of works

However, I ask you:

- a) 'Notice of Intention' Surveys are still to be conducted, we look forward to viewing the results.
- b) My Notice of Estimate is one of the lower estimates but still comes in at £26,000 - an amount of money that most people would struggle to pay back even if extended to a period of 10 years. What guarantee can you give us that the Council will work with us to understand our positions to pay any monies owed?
- c) The intended works specification is incomprehensible when clearly the buildings appear not to have been visited before this being written. We state we delighted to know the individual surveys will take place on each block.

**Reply from Councillor Dan Swords (Deputy Leader and Portfolio Holder for Regeneration) on behalf of Councillor Simon Carter (Portfolio Holder for Housing):**

Thank you for your questions, Ms Jones. As I said to Mr Phillips, I fully recognise the concern this has caused, and I hope that clarity on the process will be helpful.

The Notice of Intention (NOI) details is formed by information currently available, and indicative list of works developed by the Council's stock condition data and initial

external inspection. Further surveys, which are now underway, will develop information for the particular works considered to be required for each block.

Each individual leaseholder will then be informed and will have the opportunity to discuss their situation and positions. The Council, as outlined previously, has put in place several repayment options to spread the cost and provide support.

Following the end of the Notice of Intention (NOI) stage and insight into the observations received from consultation and shared with the surveyors, more intrusive surveys are carried out in order to develop a specific schedule of works.

**Supplementary Question from Sally Jones to Councillor Simon Carter (Portfolio Holder for Housing):**

The Council did indeed provide the information about the repayment. My personal understanding and that of the group was the maximum loan period was 5 years so we would ask you please to work with us to see if any other extensions could be made on those periods.

**Supplementary Reply from Councillor Dan Swords (Deputy Leader and Portfolio Holder for Regeneration) on behalf of Councillor Simon Carter (Portfolio Holder for Housing):**

As I said, the details of those things that are already in place have been sent out to you but there is the opportunity when the surveys are completed, at that stage of consultation when each individual leaseholder is written to to discuss the best way forward for each individual leaseholder.

**6 Sally Jones to Councillor Simon Carter (Portfolio Holder for Housing):**

You state in your reply in July that “The formal consultation processes and information provided are aimed to ensure that only works that are appropriate and necessary are carried out.” Clearly the leaseholders and the Council have huge discrepancies on this matter, so who will make the final decision about what is appropriate and necessary?

**Reply from Councillor Dan Swords (Deputy Leader and Portfolio Holder for Regeneration) on behalf of Councillor Simon Carter (Portfolio Holder for Housing):**

Thank you for your further question. I hope that the surveys and their findings will help both parties in this case. As I have detailed, each individual leaseholder will be written to. Ultimately, at the appropriate time, it is the responsibility of the Director of Housing, in consultation with the Portfolio Holder, to approve Housing Contract Awards and review their progress.

Leaseholders can challenge the intended work and/or costs through the First Tier Tribunal (FTT). As I highlighted to Ms Jones last week, these challenges can be undertaken at any time, even when the works are complete or when an invoice for works has been received. They are an independent statutory body which will hear the case for both the Applicant (leaseholders) and Respondent (the Council) and consider all the evidence provided by both parties and reach a considered decision. I will write to you with the details for the First Tier Tribunal.

#### **7 Denise Gillies to Councillor Simon Carter (Portfolio Holder for Housing):**

After my questions disappeared at the last Council meeting, I was told to resubmit those questions and I would receive a reply within 10 days. It took over 3 weeks for Councillor Carter to reply, but only after I sent an email stating that I would take it further if I didn't get a reply by the of the week.

My question to Councillor Carter is after waiting so long for a reply is, can you explain to me why my answers are word for word identical to those of Mr Phillips answers when we asked 4 completely different questions?

#### **Reply from Councillor Dan Swords (Deputy Leader and Portfolio Holder for Regeneration) on behalf of Councillor Simon Carter (Portfolio Holder for Housing):**

Thank you for your further question, Ms Gillies. I am sorry to hear of the delay in responses getting to you and I do sincerely recognise the concerns of all leaseholders in these blocks. I understand that Cllr Carter grouped the responses for clarity, but if you have any further questions or concerns, I would be more than happy to discuss those, as we did last week.

#### **8 Janet Jackman to Councillor Simon Carter (Portfolio Holder for Housing):**

**Note – Janet Jackman did not attend the meeting, therefore, the questions and answers below were noted.**

The pitched roof at 45 to 49 five acres does not need a new roof. I have photos & a video evidence showing roof is in perfect order & just needs a few minor repairs on valleys & verges. Can you guarantee work will not go ahead till we leaseholders get our own surveyors in. When are roofs getting surveys done?

Why do we need a tin hat when other council properties in the same borough not using them. In this current difficult climate surely you should be trying to keep costs to a minimum.

#### **Reply from Councillor Dan Swords (Deputy Leader and Portfolio Holder for Regeneration) on behalf of Councillor Simon Carter (Portfolio Holder for Housing):**

Thank you, Ms Jackman, for your further questions.

I have set out the process in terms of the surveys to previous questioners, but I understand that it is expected for the roofing survey to be completed and reviewed by middle of October. The surveys will be revised by Harlow Council and independently assessed by Stace LLP. Stace LLP is a leading, independent property consultancy, delivering services to local authorities across the country. The Council will ensure works to be undertaken are required and completed to a satisfactory standard.

It is important that under no circumstances must any persons not instructed or employed by Harlow Council access the roof of any block as they are not insured for their own safety or safety of others.

These works are to be completed with the aid of a tin-hat roof. This provision has been put in place to protect the properties from the elements and potential damage through bad weather. All projects are specified on an individual basis.

**9 Janet Jackman to Councillor Simon Carter (Portfolio Holder for Housing):**

Our block is a unique block. It is totally different from the other blocks. It seems the blocks have not been assessed individually.

It has UPVC Facias & cladding which is in perfectly good order & below the 11mts of the fire regulations. It was renewed under 17 years ago to plastic.

Why are you replacing something that doesn't need doing? It is unnecessary.

Can you answer how you are going to dispose of hundreds of feet of UPVC which does not need replacing. Not very environmentally friendly.

**Reply from Councillor Dan Swords (Deputy Leader and Portfolio Holder for Regeneration) on behalf of Councillor Simon Carter (Portfolio Holder for Housing):**

Thank you for your further question. As I have set out the works will be informed by surveys and the independent review. Therefore, until these surveys are complete, I cannot comment on specific work is required. When the surveys are done, leaseholders will be written to and have the opportunity to respond, as I have already set out. Any leaseholder may also appeal this through the tribunal system I detailed earlier.