## CABINET

## 25 April 2017

Title: Home Services and Traded Services Full Bus	iness Cases			
Report of the Cabinet Member for Finance, Growth and Investment				
<b>Open Report with Exempt Appendices A and B</b> (relevant legislation: paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972)	For Decision			
Wards Affected: None	Key Decision: Yes			
<b>Report Authors:</b> Home Services: Kain Roach, Head of Repairs and Maintenance	Contact Details: Tel: 0208 227 3032 E-mail: <u>Kain.Roach@lbbd.gov.uk</u>			
Traded Services: Tony Sargeant, Group Manager, Service Development and Integration	Tel: 0208 227 3390 E-mail: <u>Tony.Sargeant@lbbd.gov.uk</u>			
Accountable Directors: Home Services: Hakeem Osinaike, Operational Directors Traded Services: Chris Bush, Commissioning Directors	for			
Accountable Strategic Director: Claire Symonds,	Chief Operating Officer			
<b>Summary</b> The Council set out an ambitious vision that seeks to growth opportunity, forge a new deal with residents, organisation that gets the basics right. The overarch significant challenge, but with strong political leaders acknowledgement that new approaches are required In response to these challenges, the Ambition 2020	and provide a fit-for-purpose ing savings requirement presents a ship in place, there is an d.			
this Programme it was decided that the Council will departments or directorates, rather that the organisa needs of people, the place, and our goals. As a resu undertaken by a range of 'Service Delivery Blocks'.	no longer have separate functional ation would be shaped around the			
This approach formed part of public a consultation, undertaken last summer. In July 2016 Cabinet appro Programme to move into the next stage of detailed of	oved for the Ambition 2020			
In line with what was agreed by Cabinet, two busine proposing the existing (a) repairs and maintenance Building Cleaning (including sub teams for Informati Management Information System Support, ParentPa transferred to a Council wholly owned company, in c	functions and (b) Catering and on & Data Management, ay and Critical Incidents Service) are			

commercial and social objectives. It is proposed that Home Services and Traded Services will be two distinct commercial arms of a larger trading venture. This will allow for the

sharing of support arrangements and brings advantages of economies of scale.

# Recommendation(s)

The Cabinet is recommended to:

- (i) Approve the Home Services Full Business Case at Appendix A to the report;
- (ii) Approve the Traded Services Full Business Case at Appendix B to the report;
- (iii) Agree the establishment of a new wholly owned Council Company in accordance with the proposals set out in the report to manage both Home Services and Traded Services;
- (iv) Delegate authority to the Chief Operating Officer, in consultation with the Cabinet Member for Finance, Investment and Growth and the Director of Law and Governance, to implement all steps leading to the establishment of the new company in line with the proposals;
- Delegate authority to the Director of Law and Governance to execute all the legal agreements, contracts and any other documents on behalf of the Council to implement the setting up of the new company; and
- (vi) Delegate authority to the Chief Executive, in consultation with the Leader of the Council, to nominate the individuals to be appointed to the Shareholder Executive Board of the new company.

# Reason(s)

The proposals detailed as part of this report have been developed to:

- Home Services generate profit through greater focus on delivering value for money, effective financial control, and leadership to take advantage of trading opportunities and achieve consistently high customer satisfaction.
- Traded Services will bring both financial and non-financial benefits many of which are only achievable through the creation of an arms-length organisation. This will also support the Council in achieving its social objectives by investing in staff (literacy and numeracy training) and maintaining jobs.
- Single Company Each sub division, Home Services and Traded Services, will benefit from the cost efficiency of one management structure with additional efficiencies and commercial opportunities from joint marketing, cross selling and coordination of focus.

## 1. Overarching Introduction and Background

- 1.1 The Council has set out an ambitious vision that seeks to establish the borough as London's growth opportunity, forge a new deal with residents, and provide a fit-forpurpose organisation that gets the basics right.
- 1.2 The overarching savings requirement presents a significant challenge, but with strong political leadership in place, there is an acknowledgement that new approaches are required.
- 1.3 In response to these challenges, the Ambition 2020 Programme was formed. As part of this Programme it was decided that the Council will no longer have separate functional departments or directorates, rather that the organisation would be shaped around the needs of people, the place, and our goals. As a result, the delivery of services will be undertaken by a range of 'Service Delivery Blocks'.
- 1.4 This approach formed part of public a consultation, "We all have a part to play" undertaken last summer. In July 2016 Cabinet approved for the Ambition 2020 Programme to move into the next stage of detailed design for each Service Block.
- 1.5 Two of the Service Blocks agreed at July's Cabinet are "Home Service" and Traded Services". This report details the business case for each and proposed single governance structure.

### 2. Home Services Business Case

### Introduction and Background - Home Services

- 2.1 The provision of a good repairs and maintenance service is crucial to the on-going sustainability and optimisation of the underlying physical assets of the borough and through this the Council aims to meet its legislative and statutory obligations. However, there is also an opportunity to move from effective asset management to developing a commercial entity that can sell its services. "Home Services" expects to provide a competitive and high quality repairs and maintenance service capable of adapting to the expectations of both current and future customers.
- 2.2 In preparation for "Home Services", significant improvements have been made as part of the Repairs and Maintenance Service Improvement Programme 'Fix the Basics'. This has included a restructure, end-to-end process redesign and technology improvements. Despite there being a period of significant change and reorganisation, a consistent level of performance has been maintained and in some areas improved. This exercise has also mitigated a service overspend of £1.4m in 2015/16 and additionally deliver a saving of £700k in 2016/17.
- 2.3 There is still a need to increase commercial acumen and effect further cultural change, addressing further historic working patterns and behaviours, if the service is to continue to improve and therefore compete effectively.

### **Proposal and Issues - Home Services**

2.4 There is a constant deliberation within the sector over whether repairs (and other asset management related services) are best delivered through an in-house (in

sourced) or externally delivered (out sourced) contract. Indeed, the Council's service has previously been externally provided (transferred back to the Council from Enterprise in 2013).

- 2.5 Many organisations have existing Direct Labour Organisations that, with the necessary levels of investment and commercial management, are delivering services that offer excellent value for money. Other organisations have decided to outsource their repairs service with an external contractor, with mixed levels of quality and customer satisfaction.
- 2.6 Over the past few years, a third way has emerged. New hybrid models are being formed to deliver asset management and repair services that are wholly owned by the local contracting authority.
- 2.7 As part of the July 2016 cabinet report it was agreed to develop a business case to explore options to establish whether there is a case for the current repairs and maintenance service (including DLO) to evolve into a standalone commercial entity delivering an improved service to existing customers, and generating revenue from new ones.
- 2.8 This approach fits well with the Council's corporate objectives to transform the borough as a high growth, high performing place to live and work.
- 2.9 It is proposed that this single repairs and maintenance solution capable of delivery across all service functions and disciplines including; Corporate/ Education/ Housing/ Highways/ Leisure/ Libraries/ Parks/ Schools/ Social Services is implemented. The new company would seek to explore selling its services to the private sector once it has established cost and quality control and when it has both the ability and capacity for doing so at a profit.
- 2.10 Significantly, the Council's strong brand should be used to leverage support towards trading. The objective for the service is to start small, and grow the business by extending out in the London Borough of Barking and Dagenham's own operating environment.
- 2.11 It is proposed that Home Services will be a distinct commercial arm of a larger trading venture that also embraces the more social objectives of Traded Services.
- 2.12 Together, these two arms demonstrate a new commercialism in the Borough's approach to trading, and with the interests of the residents of LBBD at the heart of the venture, its ethos and delivery arrangements.
- 2.13 This will allow for the sharing of support arrangements and brings advantages of economies of scale. The development of a single trading company covering both Home and Traded services fits very well with the strategic direction of the Council. There is a clear and consistent operating model, and the opportunity for synergy across these related functions in the future.
- 2.14 It must be noted that despite being under a single company the trajectory of either commercial arm will not hinder the success of the other.

## **Options Appraisal - Home Services**

- 2.15 There are a range of established commercial models available to the Council that cut across the spectrum of risk and reward; from retaining the DLO as an in-house operation, to full outsourcing with several options in between.
- 2.16 The 3 options that were considered as part of this business case were:

No.	Option	Description
1	In House DLO	Under this model, the housing repairs and maintenance remains an in-house Direct Labour Organisation. As with the current model, housing repairs and maintenance works are carried out by an internal workforce directly employed by the local authority. An internal management team is responsible for delivering performance standards, targets and outcomes agreed and set by the local authority. Under this option, changes and improvements would be made to the service through a transformation programme targeting improvements, inefficiency and quality, and changes to processes, technology and staffing model.
2	Wholly Owned Company (Subsidiary)	Under this model, LBBD establishes a subsidiary or wholly owned company over which it retains ownership and control. This company employs all of the operatives and most of the staff needed to provide the service. Under this model, the subsidiary is responsible for service management and delivery through a contract mechanism.
3	Outsource	Under this model, LBBD invites competitive external bids for the delivery of its repairs and maintenance service through a formal OJEU procurement process. Bidding organisations are scored on a range of factors including quality and price, with criteria and weightings reflecting the commissioning authority's priorities. LBBD uses a contract management function to manage or 'client' the contract against agreed standards, targets and outcomes. In practice, organisations delivering outsourced housing repairs and maintenance services are predominantly private sector contractors (e.g. Axis Mears, Mitie, Kier, Willmott Dixon). This model can involve outsourcing to one organisation, a partnership or a consortium and can be whole service or parts.

- 2.17 A detailed analysis was completed for each of the 3 options.
- 2.18 Overall, Option 2 a private limited company wholly owned by the Council is considered to be the optimum approach for achieving the Target Operating Model

and service improvements. The detailed options analysis can be found in the Home Services Full Business Case at Appendix A - this document is in the exempt section of the agenda as it contains commercially confidential information (relevant legislation: paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972) and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

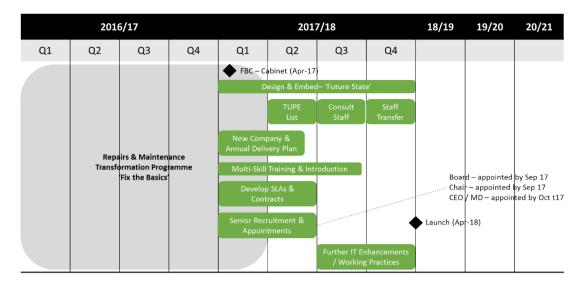
- 2.19 The primary advantage of the wholly owned model is that the Council will maintain strategic direction of the company and receive full return on investment, and further profit, through dividend payments. In addition to providing a legal separation from the Council, the company will provide a vehicle through which the Council may take profit from trading and respond flexibly to market opportunities.
- 2.20 Although owned by the Council as shareholder, the company will be an entity independent of the Council and able to operate commercially without some of the restrictions of the public service environment.
- 2.21 Using this strategy, the potential turnover and profit are estimated at approximately £22m and £1.1m, respectively, by 2022/23.
- 2.22 The Cost / Benefit Analysis for Home Services proposed in the Full Business Case is detailed below:

Cost/ Benefit Analysis						
	2016/17	2017/18	2018/19	2019/20	2020/21	Total
Total Annual Cost	£118,150	£477,350	£0	£0	£0	£595,500
Total Annual Financial Benefits	£0	£0	£942,380	£80,221	£66,769	£1,089,370
Net cost / benefit	-£118,150	-£477,350	£942,380	£80,221	£66,769	£493,870

- 2.23 All costs detailed above were included in February's Council Budget Report and MTFS.
- 2.24 In the light of the analysis completed as part of the Full Business Case, it is recommended the Council establish a company limited by shares and wholly owned by the London Borough of Barking and Dagenham.

#### **High Level Implementation Plan - Home Services**

2.25 A high-level implementation plan for Home Services is shown below. Following Cabinet approval of this proposal, substantial work will be conducted to set up the new company.



### 3. Traded Services Business Case

### **Proposal and Issues - Traded Services**

- 3.1 The Council has a long history of providing services to schools in the borough. LBBD is one of a very few Councils that has maintained a significant level of inhouse provision and it has enjoyed a very good relationship with schools and a high buy-back of services.
- 3.2 School spending with the Council amounts to some £15m per year across 73 different services. These services vary considerably in scale and type and are managed in different directorates of the Council, but the largest service areas traded to schools are catering and cleaning.
- 3.3 Over the past few years, the level of buy-back of services has started to diminish. The increase in the number of Academies and Free Schools, as well as dwindling school budgets, has led to schools choosing other suppliers or reducing the volumes of services they buy from the Council. If this trend continues, and school revenues no longer meet the cost of delivery, the Council is likely to cease delivering the services altogether with an associated loss of employment for staff.
- 3.4 It is against this backdrop and the Council's need for significant savings, £63m by 2020, that the case for establishing a trading company is being made.
- 3.5 As part of the FBC development an options analysis was completed and demonstrated that establishing a new trading company for the delivery of catering, cleaning and some other smaller traded services is the most advantageous option for the Council when compared to maintaining the status quo or ceasing to deliver these services altogether.

#### **Options Appraisal - Traded Services**

- 3.6 This business case considers three options for a range of in scope services 6 of the 73 Traded Services including the two largest catering and cleaning in terms of turnover (£13.65m) and staff numbers (837).
- 3.7 The six services in scope for the new Trading Company are:

- Catering
- Building Cleaning
- Information & Data Management
- Management Information System Support
- ParentPay
- Critical Incidents Service
- 3.8 These services have been included further to a detailed scoping exercise as they are deemed to have the highest potential to generate surplus and form a sustainable commercial business.
- 3.9 As requested by Schools, traded service that are currently out of scope will continue to be offered to schools as a brokered service through the new traded company.

	3.10	The 3 options that were considered as	part of this business case were:
--	------	---------------------------------------	----------------------------------

No.	Option	Description				
1	Business As Usual (BAU)	The Do Nothing / BAU option is based on the current operation of the in scope traded services. In this model, the Council will continue to deliver the services, by owning, operating and maintaining the assets and employing all staff directly. The Council retains full responsibility for income generation, all expenditure, service delivery and the day to day and long term maintenance of the assets. For modelling purposes, it assumes that service take-up will decline steadily over the next 4 years with the consequent reductions in revenue and costs of redundancies. LBBD will continue to retain all operational and trading risks but is unable to benefit from any surplus generated.				
2	Cease Trading	<ul> <li>The Cease Trading option is based on the current operation of the in scope traded services but with all services ending by 31 March 2019.</li> <li>The estimated schedule of closure would be: <ul> <li>Catering – 31 March 2019</li> <li>Cleaning – 30 September 2018</li> <li>Other Traded Services - 31 March 2018</li> </ul> </li> <li>The above would be dependent on any statutory and contractual obligations pertaining at the time, especially with Catering and Cleaning.</li> </ul>				
3	New Operating Model (NewCo)	The New Operating Model (NewCo) option is based on the current operation of the in scope traded services. In this model, a newly established operating company, wholly owned by the Council, will deliver the services, by owning, operating and maintaining the assets and employing all staff directly. The NewCo will retain full responsibility for income generation, all expenditure, service delivery and the day to day and long term maintenance of the assets. The NewCo will retain all the operational and trading risks.				

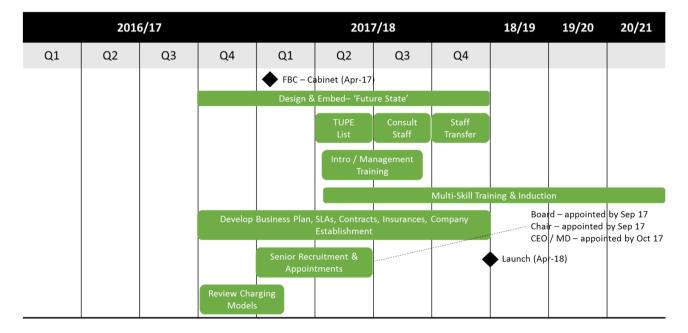
- 3.11 The three options have been evaluated and scored against a robust set of criteria.
- 3.12 The results of the options evaluation exercise show that Option 3, the establishment of a trading company, is the recommended approach. The detailed options analysis can be found in the Traded Services Full Business Case Appendix B this document is in the exempt section of the agenda as it contains commercially confidential information (relevant legislation: paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972) and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 3.13 This approach will provide the Council with an ongoing, and potentially growing, source of revenue that is not realisable under the other options (neither option 1 or option 2 allows the Council to take profit from trading).
- 3.14 Contribution to wider corporate objectives including protecting local staff as well as helping the Council to align itself with one of the longer-term Ambition 2020 objectives, i.e. that of becoming a commissioning authority rather than a direct provider of services.
- 3.15 The new company will have some core social objectives to invest in the staff who currently deliver these services. The success of the company and its growth in the future are closely linked with having a well-qualified, dedicated workforce that see themselves as an integral part of an organisation with which their future success is closely aligned. As well as offering the chance of longer-term employment for staff compared with the strong likelihood of a declining workforce and redundancies if they remained in the local authority, the new entity will commit to raising the skills and qualifications of its predominantly local workforce through a comprehensive programme of job-related skills training. In addition to this type of training the company will also seek to address the more basic problems of staff with poor levels of literacy and numeracy the basic skills needed for everyday life by providing or assisting with the necessary training and support.
- 3.16 The BAU model runs the risk of having business erode over time. The new trading entity will have the ability to improve the offering and continue to maintain current business / customers.
- 3.17 Establishment of the company will provide the ability to generate 'new' business including contract catering, commercial cleaning, catering and cleaning to care homes. Further areas of external revenue will continue to be developed.
- 3.18 Financial robustness due to improved pricing mechanisms and improved margins.
- 3.19 A successful traded entity will avoid the redundancies that would occur if the services are ceased.
- 3.20 The table below provides a summary of the net spend/(surplus) for each of the main elements within the new company: Catering, Cleaning and Other Traded Services

Summary Spend/Surplus	16/17 Forecast £000	17/18 Forecast £000	18/19 Forecast £000	19/20 Forecast £000	20/21 Forecast £000
Catering (inc. ParentPay)	-£126	£482	£437	£337	£475
Cleaning	-£26	£0	£0	£0	£37
Data and MI Services	-£26	£12	£14	£17	£19
Central Costs (inc. management & training)	-£116	-£295	-£296	-£297	-£298
Specific Company Implementation Costs	£0	-£496	£0	£0	£0
Total	-£294	-£297	£155	£57	£233

- 3.21 All costs detailed above were included in February's Council Budget Report and MTFS.
- 3.22 In the light of the analysis completed as part of the Full Business Case, it is recommended the Council establish a company limited by shares and wholly owned by the London Borough of Barking and Dagenham.

### High Level Implementation Plan - Traded Services

3.23 A high-level implementation plan for Traded Services is shown below. Following Cabinet approval of this proposal, substantial work will be conducted to set up the new company.



# 4. Single Wholly Owned Commercial Entity

4.1 It is proposed that a new single commercial entity be created that has initially two sub divisions. Each sub division, Home Services and Traded Services, will benefit from the cost efficiency of one management structure with additional efficiencies and commercial opportunities from joint marketing, cross selling and coordination of focus.

### LBBD Shareholder Panel

- 4.2 It is proposed to implement a Shareholder Panel to manage the Council's Shareholding interests from proposed commercial entities, protect the delivery of its strategic objectives and take decisions to deliver against the Council's Investment Strategy.
- 4.3 Following the expected creation of a number of new commercial entities, the Council will have a number of shareholder interests including the proposed vehicle to encompass both the Home Services and Traded Services divisions. As the principle owner/investor in each of these entities, the Council will need to have a governance structure in place to exercise its shareholder rights as well as to demonstrate compliance with Teckal<sup>1</sup>.
- 4.4 The composition, delegated rights and remit of the Shareholder Panel will be critical to providing strategic direction and oversight of company performance in a measured and balanced way. This will include, at the very least, the shareholder approving the Company's Business Plan; reviewing Company Performance; and approving the Company's Auditors. This governance framework will be developed further during the transition phase, prior to company launch.

### **Commissioning and Contract Management**

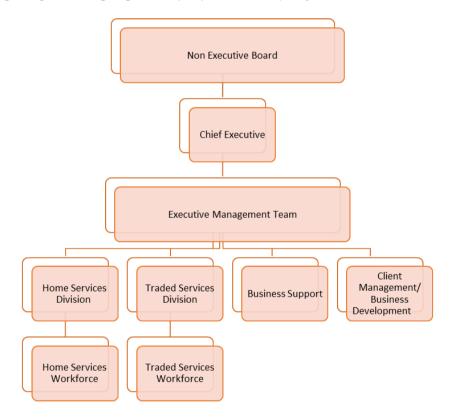
- 4.5 The Shareholder Panel is not the mechanism to resolve operational or contractual performance issues unless they are sufficiently serious as to undermine the Company performance. Operational performance of the company against their contractual requirements should be overseen outside of the Shareholder Panel.
- 4.6 My Place will become the main commissioning and contract management arm for the Council and the working relationship / partnership it builds will be fundamental to the future success of Home Services.
- 4.7 My Place will be the main commissioning and contract management arm for Council Building Cleaning under Traded Services. Schools will continue to commission and contract manage their own cleaning services and other Traded Services purchased from the new company.
- 4.8 There are a number of management arrangements that can be adopted, however, in principle it is viewed that there will be an in-house client approach with intelligent commissioning of the service and clear KPIs linked to an annual delivery plan. This is currently being designed at a corporate level.
- 4.9 It is proposed that a unit cost model approach will be beneficial to the success of the arrangement, providing that demand management can be controlled. This will support contract management arrangements by allowing there to be clear SLAs and scope of works in place.

<sup>&</sup>lt;sup>1</sup> Regulation 12 of the Public Contracts Regulations 2015 sets out the Teckal exemption. It provides that where the Council exerts control over an entity which is similar to that which it exercises over its own department ("the control test") and where more than 80% of the activities of the entity are carried out in performance of tasks entrusted to the entity by the Council ("the activities test") then the Council can award a contract to the new company without following normal procurement rules (i.e. competitive tendering).

4.10 The introduction of this approach will also allow the Services to manage their costs and cash flow. As part of the development of the business plan it is anticipated that the maintenance unit cost will reduce annually.

#### Governance

- 4.11 With the formation of the company there needs to be a new management structure with clear roles, responsibilities and the capacity and capability for strong leadership and management.
- 4.12 The company's management will need to ensure that the services are being delivered and accounted for properly and also provide strategic direction for the services both Home Services and Traded Services to develop and grow, especially into areas outside of their current portfolios.
- 4.13 There will also be statutory and governance requirements to be fulfilled that the management structure will need to comply with.
- 4.14 The following diagrams highlight the proposed company structure:



#### 5. Consultation

- 5.1 A Public Consultation was undertaken prior to the detailed design/business case development of "Home Services" and "Traded Services". This was approved by Cabinet in July 2016.
- 5.2 A full staff consultation will occur ahead of the creation of Home Services and Traded Services including the details of the TUPE process and pension

implications. Additionally, a review of the existing bonus scheme will be consulted on for Home Services.

5.3 Draft Equalities Impact Statements have been developed (Appendix C and D). These will be further developed as part of the staff consultation exercise, incorporating feedback ahead of the implementation and TUPE process required to create the new company.

### 6. Financial Implications

Implications completed by: Richard Tyler, Interim Senior Accountant

- 6.1 The HRA business plan and budget, agreed by Cabinet in February 2017, includes a 2017/18 base revenue budget for Repairs & Maintenance of £16.5m. The budget assumes significant cost savings across several years from 2017/18 onwards. The achievement of these savings is paramount to the successful implementation and delivery of the Home Services Business Case.
- 6.2 The 2017/18 HRA Repairs & Maintenance base budget will be used as the baseline for the development of a detailed Home Services budget. The continued maximisation of in-house labour and other resources over the use of sub-contractors is critical to the financial viability of Home Services.
- 6.3 In order to achieve both the production of a financial trading account and the level income proposed in the Homes Services business case it will require the full implementation of all the relevant IT systems (e.g. Open Contractor for Job Costing & Charging Runs processes) and the associated interfaces to Oracle.
- 6.4 The full business case for Traded Services is set out in Appendix B of this report. The business case anticipates that the move to a company arrangement will generate savings of £233k per annum by 2020/21. The main financial assumptions are set out in section 6 of the business case (Appendix B) and assume savings from increased revenue and reduced support costs.
- 6.5 There are assumed implementation costs in 2017/18 of £496k to cover both the project management support of implementation and reorganisation and also the required marketing and communication to support the new company.

#### 7. Legal Implications

Implications completed by: Paul O'Reilly, Contracts & Procurement Project Lawyer

- 7.1 This report is seeking approval to establish a wholly owned Teckal company to manage the delivery of the Home Services and Traded Services as part of the Ambition 2020 Programme.
- 7.2 The power to establish an arm's length new company is available by virtue of the "general power of competence" as set out in Section 1 of the Localism Act 2011. This section gives the local authority the power "...to do anything that individuals generally may do". Therefore, providing that there is no other reason which would make this unlawful, the Council is able to set up a new company pursuant to the

general power of competence. This power is not limited by the need to evidence a benefit accruing to the local authority's area, nor is it limited in geographical scope.

- 7.3 The establishment of this new company will require careful consideration and structuring of the relevant documentation, including the nature and composition of the Council's ownership and compliance with the requirements of Teckal, namely the control and activities tests which require that 80% of the activity of the new company relates to the work of the Council or functions or work entrusted to it (please see 4.3 above). If the establishment and operation of the new company is in line with the Teckal tests, then it will not have to comply with procurement rules in awarding contracts to the Council or vice versa. As such, the new company is enabled to derive full legal and procurement protection and benefit and the ability to achieve its commercial and social objectives, including trading onwards with external customers and suppliers. BDT Legal will assist in drafting the necessary documentation to facilitate this, together with finalising the agreement between the Council and the new company through which the latter is managed and achieves its service and commercial objectives.
- 7.4 The migration of the current in-house workforce into the new company will necessitate an exercise in relation to TUPE (Transfer of Undertakings (Protection of Employment) Regulations 2006 and related legislation), including employee consultation, consideration of employment contracts (including any changes to terms), skills training set up and management (as mentioned in 8.3 below), and which have considerable legal implications.
- 7.5 In addition, the proposals must be compliant with the EU state aid rules. State aid rules ensure competition and regulate any selective advantage granted by public authorities through state resources to any organisations that could potentially distort competition and trade in the European Union (EU). The definition of state aid is very broad because 'an advantage' can take many forms. Therefore, any funding by the Council to the new company will need to be identified and structured in such a way as to be compatible with State Aid rules. The grant of a loan repayable on commercial terms is, in principle, generally State Aid compatible.

#### 8. Other Implications

- 8.1 **Risk Management** Risk management implications are covered in the Full Business Cases attached at Appendix A and B.
- 8.2 **Contractual Issues -** If approved, Home Services and Traded Services will operate under a long-term contract with LBBD. This will be prepared during the implementation phase with advice from both internal and external lawyers.
- 8.3 **Staffing Issues -** The establishment of Home Services and Traded Services will involve TUPE transfer of council staff into the new organisation on their current terms and conditions, the recruitment of a board of directors and CEO, and the recruitment of additional staff to fill capacity and capability gaps. A consultation with staff will be completed and unions will be engaged immediately following the approval of this proposal. Consultation will continue through the TUPE process. External support from recruitment agencies specialising in relevant resources will be engaged to support the recruitment of the new company's Board members and additional staff.

8.4 **Corporate Policy and Customer Impact -** The proposal to establish Home Services and Traded Services is in line with the Ambition 2020 strategy. The proposal is aligned to the Council's overall vision as the organisation seeks to consider alternative and innovative methods of service delivery in order to improve services and respond to the financial challenge.

There are no anticipated negative impacts on residents or any of the protected characteristics as a result of the proposals. Draft Equalities Impact Assessments (EIA) that identify the impact of this change on staff are attached as Appendix C and D. These will be further developed as part of the staff consultation exercise, incorporating feedback ahead of the implementation and TUPE process required to create the new company.

8.5 **Property / Asset Issues –** The improvements, both delivered and planned, within Home Services will enable the Council to better maintain its housing stock through an enhance and efficient responsive repairs and planned maintenance scheme.

### Public Background Papers Used in the Preparation of the Report: None

List of appendices:

- Appendix A: Home Services Full Business Case, March 2017 (Exempt document)
- Appendix B: Traded Services Full Business Case, March 2017 (Exempt document)
- Appendix C: DRAFT Home Services Equalities Impact Statement, March 2016
- Appendix D: DRAFT Traded Services Equalities Impact Statement, March 2016