

Outline of Contract

Tamworth Borough Council is actively searching for a comprehensive multi-disciplinary consultancy service to carry out a thorough examination of the Council's strategies for interacting with its Leaseholders, with specific emphasis on the execution of planned and responsive repairs. This review is expected to involve consultations with critical stakeholders, including Leaseholders, tenants, Elected Members, officers, and other external contractors.

The selected independent consultant will be responsible for overseeing every aspect of the review. While it is acknowledged that certain components of the process may require subcontracting, the primary independent consultant will be accountable for the management and execution of these delegated tasks.

Background

Tamworth Borough Council is a stock retained authority, managing approximately 4,200 homes, which includes around 399 Leasehold flats. Typically, buildings housing Leaseholders also accommodate Council housing tenants.

In April 2020, the Council initiated two contracts for repair and planned investment works, utilising the NatFed Schedule of Rates and a standard contract format. In the context of matters involving Leaseholders, these contracts are considered as Long Term Qualifying Arrangements (LTQA). During the procurement process, it was recognised that if Leaseholders were to be billed for works authorised under their lease and conducted under one of these LTQAs, compliance with the relevant consultations, commonly referred to as Section 20 (s20) consultation, would be necessary.

In response to a series of inquiries from Leaseholders following the issuance of s20 notices, Elected Members have requested a comprehensive review of the services provided to Leaseholders. This review will encompass the entire spectrum, from the identification of necessary works to the procurement process, communication strategies, actual work execution, and the billing process.

The outcome of this review will involve presenting findings to Elected Members, accompanied by a set of recommendations aimed at enhancing the quality of service. Additionally, there will be commentary of the current state of service delivery.

Project Management

The independent consultant will assume the key role of devising, executing, and overseeing this project, employing established Project Management methodologies such as Prince 2. The independent consultant will engage with relevant stakeholders to establish work packages, define timelines, and determine the necessary deliverables.

Furthermore, it falls upon the independent consultant to identify, appoint, and manage any specialised services that are not available in-house. Detailed information about any subcontracted independent consultants must be provided in the pricing document.

During the course of the project, the independent consultant will produce routine progress reports. These reports will be disseminated to the Council's internal project team and the Portfolio Holder for Housing and Planning. It is crucial that this information is subsequently communicated to Members through periodic updates.

Scope of Review and Areas for Outcome

Upon concluding the review, the selected independent consultant will have crafted a comprehensive report suitable for presentation to Cabinet Members. This report will encompass the methodology employed, the review's results and findings, a conclusion regarding the existing processes, and recommendations for enhancing the service.

The key areas for consideration during this review are: -

Identification of works and planned programmes: the review will assess the current approach for selecting properties for inclusion in planned works programs. Additionally, it will examine the pros and cons of maintaining a planned renewals program in contrast to a reactive and continuous repairs program.

S20 process: The review will scrutinise the existing approach to the s20 consultation process, encompassing an examination of the documentation, the timing of notices, the language used in notices, and compliance with current legislation. All issued documentation will be thoroughly assessed, with recommendations for potential improvements. The report will offer a comprehensive analysis of the current state of compliance with relevant legislative and regulatory requirements.

Additionally, the independent consultant will collaborate with officers to develop an updated suite of communication tools. These tools will complement the statutory legal notices and aim to ensure that Leaseholders are well-informed about planned works. They will include explanations for the necessity of the works, breakdowns of costs, and details on methods of representation and appeal. While reviewing the entire process, the independent consultant should also identify any existing procedural issues and propose suitable remedies where applicable.

Procurement & Contract Pricing: The review will evaluate the procurement approach employed in delivering the LQTA. It will explore alternative procurement methods for projects involving Leasehold properties. As part of the comprehensive review, a comparison to market rates will be conducted. Additionally, the review will provide an analysis of contract prices obtained under PCR2015 regulations compared to the prices achievable through elemental tendering.

Review of data and its use: The independent consultant will conduct an examination of the data utilised by the Council in the formulation of planned works programs that affect Leasehold properties. This review will assess the comprehensiveness and suitability of the data, and it will also include a comparative analysis of how Tamworth Borough Council's data management practices align with those of similar Social Housing providers.

Technical Assessment: As part of the review, a focused technical assessment will be conducted on 21 roofs, which have been the catalyst for this review process. This assessment will include an evaluation of the remaining lifespan, the necessary repair and maintenance work, and the development of a comprehensive whole-life cost model, comparing the expenses associated with renewal versus ongoing repair and maintenance.

The independent consultant will also offer guidance and assistance on how condition data can be effectively utilised to inform Leaseholders about the required work for their specific property interests. Additionally, they will provide insights into the practical and cost implications of conducting detailed assessments and surveys for all properties to obtain in-depth condition data that can support their inclusion in various programs.

Impact Assessment (Leaseholders): The independent consultant will be tasked with conducting a comprehensive financial impact assessment specifically focused on Leaseholders. This assessment will encompass an evaluation of capital costs, ongoing operational expenses, and the potential impact on the value of Leasehold assets.

Furthermore, the independent consultant will review and provide recommendations on the suitability and efficacy of the existing 'Statement of Means' utilised to facilitate payment plans for Leaseholders. In tandem with this, a thorough examination of the legal framework and suitable terms for payment plans will also be considered and addressed.

Impact assessment (HRA Business Plan): The independent consultant will assess how charging models affect the broader HRA Business Plan. The current cost model can be made available to aid in this aspect of the analysis.

Review of FTT ruling - The independent consultant will review the verdict of a prior FTT ruling regarding works and charges executed under the existing arrangements. An assessment will be presented regarding the repercussions of this ruling on other works carried out for Leaseholders under the current - or very similar - contract agreement(s). Additionally, the chosen independent consultant will also review and offer commentary on other relevant case law that may pertain to the current situation in Tamworth Borough Council.

In the course of conducting this review, the independent consultant will give due consideration to the imperative of optimising data management and utilisation. Additionally, the review will encompass a diligent effort to recognise any procedures that may not meet an appropriate standard of service.

The independent consultant will engage in benchmarking exercises and study best practices from various other local authorities. This analysis will encompass the examination of cost benchmarks for service delivery, as well as the fees charged to Leaseholders. The Council's objective here is to pinpoint and gain insights into areas of excellence in providing services to Leaseholders. This will encompass an evaluation of communication methodologies, the recovery of costs, and the overall approach to serving notices.

Across all facets of this review, the independent consultant will actively seek out areas that could benefit from enhancement and will collaborate closely with officers to develop strategies for improvement.

Timescales

Elected Members have expressed a strong desire to expedite the review process to minimise any undue delay for Leaseholders. The independent consultant will, at an early stage, establish a comprehensive project schedule outlining the key phases of the project. Intermediate reports will be generated as needed. It is hoped this review will be finalised by August 31st, 2024, with the final report ready for Elected Members' consideration. It is essential to emphasise that our goal here is to complete the review as quickly as possible - within the available resources - while maintaining its thoroughness.

Key Stakeholders

The independent consultant is expected to actively engage with essential stakeholders to gather their perspectives on the existing processes and opportunities for enhancement. This engagement will likely encompass:

1. Officers from the departments of Assets, Housing, and Finance.
2. Elected Members from all parties.
3. Leaseholders.
4. Tenants.

Anticipated activities include a sequence of workshops and focus groups involving Elected Members. Additionally, there will be an adequate number of one-on-one conversations with Leaseholders to directly gather their feedback. These conversations will revolve around Leaseholders' perceptions of their role, the Council's overall engagement with Leaseholders, and specifically, the Council's interactions regarding service charges. These discussions with Leaseholders will also aim to pinpoint their primary concerns and solicit their perspectives on how services should be delivered to them and the associated charges.

Pricing Methodology

The independent consultant will be engaged to provide all the services outlined above, which encompass the selection and supervision of any necessary sub-contracted independent consultants to fulfil the contract.

The independent consultant will offer a fixed price for the delivery of all services detailed in this document. Additionally, they will establish hourly rates for any supplementary services that may be requested by Tamworth Borough Council or the Portfolio Holder for Housing and Planning.

Payment Terms

Considering the anticipated contract duration, the selected independent consultant is expected to provide monthly valuations for completed work in the preceding month.