

**GREENER EALING LIMITED (“GEL”)  
MINUTES OF THE BOARD OF DIRECTORS’ MEETING  
HELD AT 13:00 HOURS ON THURSDAY 6<sup>th</sup> JULY 2023 BY MS TEAMS**

<b>Present:</b>	Mike Boulton	<b>MB</b>	Chair and Director
	Alison Reynolds	<b>AR</b>	Director
	Joanna Pavlides	<b>JP</b>	Director
<b>In attendance:</b>	Kevin O’Leary	<b>KOL</b>	Interim Managing Director, GEL
	Bill Gilmour	<b>BG</b>	Head of HR & Comms, GEL
	Katarina Pohancenikova	<b>KP</b>	Head of Finance, GEL
	Nicky Fiedler	<b>NF</b>	LBE
	Helen Harris	<b>HH</b>	Director of Legal & Democratic Services, LBE
	Earl McKenzie	<b>EM</b>	Assistant Director Street Services, LBE
	Lizzie Purewal	<b>BCS</b>	Bridgehouse Company Secretaries (minutes)

**1. Apologies for Absence**

**Action**

**1.1** MB welcomed those present. Apologies had been received from Kerry Stevens.

MB welcomed Nicky Fiedler, LBE, to her first meeting. NF would be replacing Darren Henaghan as the shareholder representative. MB noted that Kerry Stevens had been appointed as a director of GEL on 30<sup>th</sup> June.

**2. Declarations of Interest**

**2.1** There were no conflicts of interest regarding items on the agenda.

**3. Minutes of the Board – 27<sup>th</sup> April 2023**

**3.1** The minutes of the Board meeting on 27<sup>th</sup> April 2023 were **approved** with no changes.

**4. Matters arising and Actions from the previous Board meeting**

**4.1** The Board discussed and **noted** the summary update of matters arising from previous Board meetings. NF agreed to pick up action 11.3 from 6<sup>th</sup> July on Eunomia.

**Governance**

**5. HR Update**

**5.1 Drug and Alcohol Standard**

**5.1.1** BG explained that the Drug and Alcohol Standard formalised what had largely been GEL’s approach since taking over the contract in July 2020, when employees transferred from Amey.

**5.1.2** New Intelligent Fingerprint technology had been introduced to provide a quicker and more streamlined process, which was working well with the collection teams. BG commented that some employees had identified themselves as having an addiction and had been placed on the treatment program. GEL was committed to working with staff with addictions, provided they had identified this in advance.

**5.1.3** KOL commented that drugs and alcohol was a real issue for the business and the industry in general. There was always a 10% chance, every time a test was carried out, that there would be someone with a substance they shouldn’t have in their blood stream. It was something that GEL took seriously to ensure the right detection measures were in place. EM questioned whether the 10% was across the entire workforce. KOL explained that from his experience,

both previously in Islington and at GEL, 10 people were regularly tested and at least 1 person would fail.

- 5.1.4** AR observed that the responsibility was on staff to declare any prescription they were taking that might affect their ability to work safely. AR commented that London Transport and all the Train companies had very strict guidance on what medication was and was not permitted. AR questioned how staff would know what they could and couldn't take and whether any guidance had been referred to in formulating the standard. BG commented that he had worked together with Sandra Hewey, HSEQ and training manager, to review and update the relevant forms. Every new driver was required to complete an extensive questionnaire, which detailed things that might affect their ability to drive and questioned whether they were taking any medication for any condition that might impact their drug score. Staff holding safety critical roles had been made aware of this. Periodically a questionnaire was issued to existing drivers to ensure they understood the expected standards and to reinforce that drivers were required to identify any conditions that required medication.
- 5.1.5** Asked by JP how often staff were tested, BG commented that staff were tested periodically, new joiners were tested at the start of their employment, and if an incident occurred then the staff member involved would be tested. There were no plans to start testing across the workforce, tests would only apply to safety critical roles. KOL commented that the frequency of unannounced / random tests still needed to be determined. Testing would only take place for safety critical roles, where there was reasonable suspicion, if there had been a safety incident, or if it was a periodic, unannounced test.
- 5.1.6** JP questioned whether there were any trends, rising or falling, in terms of substances people were abusing. BG commented that the test provided an indication of whether people had cocaine, another narcotic, or alcohol in their system. BG commented that people that tested positive often resigned when the results of their test were disclosed.
- 5.1.7** MB observed that the Board were supportive of the Policy and testing, however more clarity was required on the frequency of periodic, unannounced, random testing. KOL commented that quarterly testing would be undertaken in the first instance, with a commitment to come back to the board on the results of any tests, in response to JP's question on the whether any trends had been identified **[ACTION]**. JP commented that when the policy was communicated to staff it should be made clear that it would be undertaken a minimum of once in a quarter and that people are not excused from other, additional testing, and that random testing would still apply, depending on circumstances. BG confirmed that messaging was being repeated to staff on the drug and alcohol position at GEL and a short piece had been communicated on Blink, in the past week, to remind staff that they might be subject to a random drug and alcohol test. [KOL/BG]
- 5.1.8** AR observed that the standard seemed to indicate that GEL would tolerate a small amount of alcohol in the blood within the safety critical roles. AR questioned whether there should be zero tolerance. KOL commented that this point had been debated for safety critical roles and roles across the organization. It was concluded that the safety critical roles were the roles of most concern, and that action was unlikely to be taken against a person not in a safety critical role, whereas action would be taken in circumstances where people were clearly in breach of the law in terms of safety, such as driving or using heavy machinery. KOL suggested that, if necessary, once experience with testing has been gained this could be discussed again. MB recognized that it would be difficult to impose something harsher than the law. AR commented that other organisations took a zero-tolerance stance for safety critical roles and

suggested that this could be promoted as being for the safety of everyone, because a small amount of alcohol could still cause slight impairment.

**5.1.9** HH referenced the Council's drug and alcohol policy and questioned whether GEL's Drug and Alcohol Standard mirrored the Council's policy. AR commented that the Council's policy was based on judgement and had been found to be difficult to apply. MB commented that GEL's Drug and Alcohol Standard was in line with general industry practice in the sector. The unions would be familiar with the format and content and from experience would be supportive so long as the organisation was treating this as a medical condition where appropriate and not a straight route to exit staff. EM commented that GEL should be in line with the industry standard, which would be supported by the Council.

**5.1.10** The Board **approved** the Drug and Alcohol Standard and agreed to monitor progress and review the Standard in light of experience [**ACTION**].

[KOL/BG]

## **5.2 Violence and Aggression at Work Policy**

**5.2.1** BG explained that GEL had a duty of care to all employees to provide a healthy and safe working environment. Employees had the right to be treated with respect and dignity and to work in an environment where they felt safe from verbal abuse or threats of physical harm, from colleagues, members of the public or others. As a front-line service, interactions with residents and others, was an everyday feature of the job. Over recent months there had been occasions where members of staff had been threatened by members of the public and staff were asking what would be done to protect them. This policy was in response to reports from staff, to confirm the expectations GEL has of its staff and what support and protection they can expect in return. GEL would not tolerate any abuse towards staff, would report all such incidents to the Police and where necessary, would seek to prosecute offenders. The customer charter outlines the high-quality service customers are entitled to expect from GEL and if this was not being delivered then complaints should be made through the relevant channels. In return GEL expected that staff would be treated with respect.

**5.2.2** AR observed that some front-line staff tended to tolerate low-level, poor resident behaviours and not report everything, making it difficult to get a clear picture of what was happening. AR questioned (1) whether there were any residents that were causing an issue and whether staff were encouraged to report incidents? (2) what communication had taken place with problem residents? The Council had template letters which were sent out in response to low-level, poor resident behaviours. The Council also had a Vexatious and Unreasonable Complainants Policy in place and records were kept of applicable incidents. AR and BG to discuss outside of the meeting to look at how the Council and GEL were dealing with these issues and what information could be shared, often different departments could experience issues with the same residents [**ACTION**]. BG welcomed the information flow for any vexatious residents.

[BG/AR]

**5.2.3** BG referenced a report received from a female resident, in the past year, accusing a member of staff of being abusive to her. The resident had indicated that her landlord had video evidence of the incident, however, when contacted, the landlord explained the tenant was a vexatious person and produced a video showing the staff member had behaved properly.

**5.2.4** HH commented that data protection issues would need to be considered in relation to the Cautionary Contact Database ("CCD"), to consider the extent to which the Council and GEL could share data. HH suggested that as a minimum, GEL should look to obtain its own CCD, as part of its duty of care to its workforce. It was important to know which properties to be aware of. Staff also needed to be informed that any issues should be reported accurately and timely.

AR commented that there had been an increase in the number of vexatious complainers and aggressive behaviours over the past year.

**5.2.5** EM referenced two recent high-profile reports of bad crew conduct towards residents, which had occurred within a short timeframe, recognising that these had been dealt with swiftly and firmly. KOL explained that these were primarily issues of lewd behaviour against women from staff that now no longer worked for GEL. A message had been sent to the entire workforce and toolbox talks had been issued within days of the incidents, to make clear that this behaviour was unacceptable, and these messages would continually be reinforced. EM commented that the second incident had occurred the day after the portfolio holder had made a speech about the Council's efforts to educate the male population of the borough in relation to issues with violence against women.

**5.2.6** MB questioned whether it was sensible to propose within the policy, that the body worn cameras be introduced to protect our workforce for designated roles. . . MB suggested that the policy should be updated to state that for areas of the workforce that were most vulnerable to work-related violence, it would be appropriate for body worn cameras to be worn. NF commented that the cameras installed on the GEL refuse vehicles installed were likely to pick up most incidents the crews encountered. BG to update the policy to state that body worn cameras would be utilised in the appropriate application [**ACTION**].

[BG]

**5.2.7** Subject to the update in relation to body worn cameras, the Board **approved** the Violence and Aggression at Work Policy.

## **6.0 Annual Policy Governance Review - Anti-Fraud Policy, Risk Management Policy, Matters Reserved and Scheme of Delegation, and Financial Regulations**

**6.1** The Board **noted** that there had been no update to the Anti-Fraud Policy, Risk Management Policy, Matters Reserved and Scheme of Delegation.

**6.2** The Board **noted** that there had been no reports of suspected fraud in the last 12 months.

**6.3** The Board **approved** the wording amendment in the GEL Financial Regulations Capital Expenditure.

## **Strategy, Project & Operations**

### **7.0 Managing Director's report & update on business objectives**

**7.1** KOL provided an overview of the Managing Director's report, and the following was discussed:

- 7.2**
  - Contract performance remained good.
- 7.3**
  - The Graffiti contract had started and was performing within the required service level agreement.
- 7.4**
  - Work was progressing on the Deed of Variation, the final agreement on the contract indexation mechanism still needed to be agreed. Once finalised a paper would be provided on the dividend policy for 2024/25.
- 7.5**
  - A 5% pay increase had been put forward to the GMB who were currently consulting with their members. It was understood that the GMB was recommending this be accepted. The agreement with the Council was that they would pick up anything above the 2.5% increase which had been provisioned. GEL would therefore be looking to recover that additional cost from the Council.

- 7.6
- The Parking Enforcement Contract was progressing. Depot space remained a challenge. Arrangements had been made for SERCO to come into the depot up to the end of March 2024. KOL requested assistance from NF to resolve this issue going forward **[ACTION]**. A detailed session had taken place with the Council regarding service specification. Discussions were underway with the British Parking Association (“BPA”) regarding membership. Initial contact had been made with the local management of SERCO; however, GEL required the Council to broker the provision of the necessary Employers Liability Information (ELI) in relation to the transfer. [KOL/NF]
- 7.7
- Vehicles and Plant – GEL’s vehicles were now starting their 4<sup>th</sup> year of operation. The leases on some of the larger vehicles had been extended to 7 years and some of the smaller vehicles and plant on 5-year leases had been retained. Given the time it takes to procure vehicles and equipment it was proposed that the situation be reviewed over the next few months to consider the available options.
- 7.8
- Special Educational Needs, Home to School Transport – Although not identified as a potential area for GEL growth, KOL had been in early discussions regarding Home to School Transport Services in Ealing.
- 7.9
- Reasonable progress had been made on efficiencies.
- 7.10
- A progress update on action plans for the Business Plan 23/24 objectives would be provided to the next Board in September.
- 7.11
- The Strategic Leadership and Partnership Panel (SLAPP) was scheduled to take place on 13<sup>th</sup> July between the GEL Chair and the Council’s Deputy Leader, to look back at the previous performance for 22/23.
- 7.12
- The BSI accreditations certificates were awarded on 8<sup>th</sup> June 2023. A thank you letter would be drafted to Sandra Hewey and signed by MB, for the guiding the team through this difficult process **[ACTION]**. GEL was 1 of only 2 organisations out of 150 that had received awards for all three standards: Quality ISO 9001, Environmental ISO 14001 and Health and Safety ISO45001, [KOL]
- 7.13
- EM referenced the Eunomia report and observed that GEL had a lot going on in relation to the taking on of parking services, discussions regarding school transport and the procurement strategy for the fleet. Consideration was also being given to the possibility of GEL taking on state service for care taking. EM questioned GEL’s capacity, commenting that parking was currently working well and the Council wanted to be sure that GEL would be able to take this on and maintain the level of service delivery currently in place. EM suggested a discussion take place outside of the Board to ensure the requirements were understood and the support would be in place. KOL confirmed he was cognisant of the pressures of taking on the parking contract and the capacity that was required. KOL confirmed that a project manager had been recruited to assist with the parking projects and a member of the parking industry had been engaged to assist in terms of documentation. Decisions were required in respect of the TUPE in of the existing structure. The approach to the wider contract had been to bring it over, look what was in place and then resolve any issues. KOL was reasonably confident that GEL was on top of what needed to be done in relation to parking, however, was open to discuss this to ensure everything was covered. KOL recognised that the consequences of any service slippage in parking would quickly become financially acute for the Council. It was important that GEL had the right service in place from Day 1. KOL commented that there were some fundamental issues regarding the contract, the KPIs, and the notion that the relationship was more of a partnership, than the contract relationship that was previously in place. EM commented that discussions had taken place with Gina and Pritesh regarding the partnering approach that was expected and how this would be different to the arrangement in place with the current contractor SERCO. The KPIs

were there to support the contract. The expectation was that parking would work in a similar way to the Environmental Service Contract.

- 7.14
- MB commented that GEL was equally focused on unblocking any concerns regarding capacity. The depot space issue was a challenge that GEL was keen to resolve asap.

7.15 The Board **noted** the Managing Directors Report.

## 8. Combined Performance Report including HSEQ & Transport

8.1 KOL presented the report, and the following points were noted:

- 8.2
- Whilst the HGV driver shortage seemed to have stabilised, KOL was concerned about the summer months over the school holidays and plans were being put in place to ensure past issues did not reoccur.
- 8.3
- The sickness absence level was at an all-time low of 1.82%.

8.4 The Board **noted** the Consolidated Performance Report including the HSEQ & Transport report.

## 9. GEL Risk Management Report

9.1 The Board noted the risk register. KOL highlighted difficulties experienced with Go Plant over the last period, the failures had been few but significant. A performance improvement plan had been requested and the situation would continue to be monitored.

## 10. Finance Update

10.1 KP presented the financial results, highlighting the following:

- 10.2
- The overall draft financial position to 31st May 2023 was a loss of £18k against a budgeted loss of £61k. The favourable variance was mainly due to non-contractual work.
- 10.3
- There had been an increase in operating costs overall, with an adverse variance of £9k. There had been a favourable variance in vehicle and plant due to the decrease in fuel, partially offset by an increase in fleet and plant repairs, maintenance costs and additional hire of food vehicles.
- 10.4
- Funding costs had a negative variance of £4k due to a loan drawdown in March 2023 to repay the GEL capital and stock start up. The interest rate was calculated using the EU Base, currently at the rate of 4.24%, with the margin of 8.5% set by the Council to comply with any subsidy control regime rules. The Council updated the EU base rate on a quarterly basis. Loan repayments were made on a quarterly basis, when the cashflow position was also reviewed.
- 10.5
- The full year forecast had been updated to a loss of £143k against the originally budgeted loss of £161k. Factors contributing to the improvement included the decrease in fuel price, annual reduction in ICT SLA costs, revaluation of defined benefit pension scheme. A loss was still forecast due to costs increasing for fleet hire and interest payable.
- 10.6
- The Council was looking to rationalise GEL's premises use as part of the savings programme. This exercise would need to be completed before the Heads of Terms; premises lease agreement could be finalised

10.7 The Board **noted** the overall draft financial position to July 2023.

## 11. Board Forward Plan

11.1 The Board **noted** the plan.

**11. Any Other Business****11.1 Alison Reynolds resignation acceptance**

Following receipt of the letter from Ms Alison Reynolds tendering her resignation as a director of the Company with effect from 10th July 2023, the Board resolved to **accept** AR's resignation. AR was leaving due to other commitments at the Council. MB thanked AR for her contribution to the Board.

**11.2 Annual Business Plan**

**11.2.1** NF questioned when the annual business plan would be submitted and how feedback for content was expected to be received. KOL explained the process, commenting that initial cost expectations would be provided in October/November, the Council would then likely request efficiencies and discussions would commence. The annual business plan would then be presented for approval at the February/March Board meeting before submission to the Council's Cabinet meeting. This year it had gone to the Council's Cabinet meeting first because the Cabinet had choices to make that could not be pre-empted. NF suggested a workshop be arranged to understand the services that were due to transfer to GEL, the associated financials, and the potential efficiencies, benefits or returns [**ACTION**]. GEL had now been operating for 3 years and was providing some great services for the Council. It would be good to see what more could be done.

[KOL to discuss with EM]

**11.2.2** MB commented that the current situation was not 100% satisfactory for any party and there was a danger that the difficulties were not being resolved. EM commented that it was necessarily to take a step back when considering business planning. A business the size of GEL should have a longer-term plan, to think more expansively about future opportunities. Whilst GEL has performed well, and been very cooperative, the year-on-year annual plan has been piecemeal, resulting in challenges. It was now necessary to consider how to move forward.

**12. Date of next meeting: 14<sup>th</sup> September 2023**

**12.1** There being no other business, MB thanked those present and closed the meeting at 2p.m.

Signed

  
Mike Boulton (Sep 14, 2023 14:32 GMT+1)

**Chair of the Board**

**Date** Sep 14, 2023







# Please sign GEL Board minutes from 6th July 2023

Final Audit Report

2023-09-14

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