

SCRUTINY BOARD (CENTRAL AND CORPORATE)

MONDAY, 1ST FEBRUARY, 2010

PRESENT: Councillor P Grahame in the Chair

Councillors J Bale, S Bentley, P Ewens,
A Hussain, V Kendall, A Lowe, A McKenna,
A Parnham and D Schofield

Apologies Councillor B Chastney, M Hamilton and
J Lewis

60 Declarations of Interest

Councillor P Ewens declared a personal interest in relation to Agenda Item 8 (Minute No. 64 refers) – Community Engagement and Involvement – in respect of the current consultation exercise regarding the possible closure of the City of Leeds High School, in her capacity as a Governor at the School, and as Children’s Champion on the North West Inner Area Committee.

61 Apologies for Absence

Apologies for absence from the meeting were submitted on behalf of Councillors B Chastney, M Hamilton and J Lewis.

62 Minutes - 11th January 2010

RESOLVED – That the minutes of the meeting held on 11th January 2010, be confirmed as a correct record.

63 Procurement and Scrutiny

The Head of Scrutiny and Member Development submitted a report regarding issues arising from a Call-In meeting of the Scrutiny Board (Children’s Services) held on 12th October 2009, which had looked at the tender processes surrounding the award of a Connexions contract. Various matters had been raised at that meeting which, in turn, had raised questions regarding the role of scrutiny and Members in the procurement process, and these concerns and issues were outlined in the report and its appendix.

In attendance at the meeting and responding to Members’ queries and comments were:-

- Councillor W Hyde, Chair of the Scrutiny Board (Children’s Services).
- Wayne Baxter, Chief Procurement Officer.
- Dean Backhouse, Procurement Compliance , Procurement Unit.

In brief summary, the main areas of discussion were:-

- Councillor W Hyde outlined the concerns arising from the Call-In meeting. In summary, these related to the contract specification and tender questionnaire and whether sufficient weight was given to local knowledge and experience during the evaluation process. The concerns also encompassed the lack of involvement of, or consultation with, Members in drawing up the specification, whether the existing process made it more difficult for local voluntary, community and faith sector organisations to get involved and to bid successfully, and the role of Scrutiny Boards in calling-in these types of decisions.
- A letter dated 27th January 2010 to Councillor Hyde from the Chief Executive was circulated. This made it clear that the Chief Executive's view was that Scrutiny Boards' did have a legitimate role to play in such matters, and that these kind of decisions should not be exempt from Call-In, even if it was regarded that the Council might be at risk of damages claims from particular bidders for Council contracts. The Chief Executive's view was that the earlier in the process any involvement or intervention took place, the better. Reference was also made to a proposed variation of the Scrutiny Board Procedure Rules to allow for the intervention, where appropriate, of the Executive Board in the process.
- Reference was made to EU regulations relating to tendering processes. Whilst a degree of local knowledge and experience might be able to be built into the process, care needed to be exercised in respect of weighting and evaluation to ensure that these regulations were not breached. It may well be that what was required was Member involvement, in consultation and conjunction with Council Departments, in reviewing the current procurement process, to incorporate early involvement of Members, be they local Members if the contract was area-specific, or Executive Members for wider contracts.
- Care did need to be exercised in carrying out a review and possibly implementing new procedures, because the Council was liable to legal challenge and possible compensation claims from successful bidders who had complied with the tender process but had not ultimately been awarded the contract. The risk would vary from contract to contract, dependent on the circumstances.
- The Board regarded that Member involvement would be more helpful and successful at an early stage – say the policy analysis and selection criteria stage – rather than late in the day at the tail-end of the process, where legal challenge was more likely. Any revised procedures would require commissioning Council Departments to be more acutely aware of political considerations and Member interest areas, and to be proactive in consulting appropriate Members at the appropriate time. It was accepted that this represented something of a sea-change in

terms of existing processes, and would be difficult to build into any revised procedures. Different criteria might also apply to different types of purchasing, e.g. a piece of equipment or plant as opposed to provision of a particular service, and whether this service was local or City-wide.

- Best value, price and weighting factors were referred to, and whether Members would require any training to enable them to perform an enhanced role.
- Reference was also made to the 'Where Contracts Go Wrong' Inquiry previously undertaken by the former Scrutiny Board (Transforming Services), and whether the recommendations of that Board had been implemented and embedded in current procedures.

RESOLVED –

- a) That the report, the representations of Councillor W Hyde, and the letter dated 27th January 2010 from the Chief Executive, all be received and noted.
- b) That the Head of Scrutiny and Member Development, in consultation with the Chair and the Chief Procurement Officer, be instructed to pursue further the issues and concerns raised during the discussion of this item, and that an update report be submitted to a future meeting.

(NB:-

1. Councillor W Hyde left the meeting at 10.26 am, during the consideration of this item.
2. Councillor A Hussain temporarily left the meeting at 10.15 am during the consideration of this item (see later Minute No. 64).

64 Progress against Improvement Priorities relating to Community Engagement and Involvement

Further to Minute No. 48, 7th December 2009, the Chief Officer of Leeds Initiative and Partnerships submitted a report outlining current progress against two improvement priorities contained in the Council Business Plan:-

- 103a Increase involvement, engagement and participation of all communities, especially hard to reach groups.
- 103b Build trust with local communities to encourage greater engagement.

Present at the meeting and responding to Members' queries and comments were:-

- Kathy Kudelnitzky, Chief Officer of Leeds Initiative and Partnerships.

- Andrea Tara-Chand, Leeds Initiative and Partnerships.
- Matt Lund, Corporate Consultation Manager.

In brief summary, the main areas of discussion were:-

- The vital role which local Members, Area Committees and Area Management Teams could play in increasing involvement, engagement and participation of local groups, and the need to tap into that local knowledge and expertise.
- Examples of alternative types of engagement activity and the need for innovation and learning from the best practice of other organisations, e.g. the PCT.
- Efforts to co-ordinate and focus the Council's consultation and involvement efforts.
- Incentivising people to get involved.
- The role which Scrutiny Boards might have in trying to improve matters. It was agreed that one important way in which Scrutiny Boards could get involved would be by making Departments more accountable for their engagement and involvement activities, and that the Head of Scrutiny and Member Development should develop this idea, in consultation with the Chair.
- Councillor Ewens expressed her dissatisfaction at what she regarded as the current poor consultation being undertaken by Education Leeds in respect of the proposed closure of the City of Leeds High School.

RESOLVED – That, subject to the above comments and requests for future reports back, the report be received and noted.

(NB: Councillor A Hussain re-joined the meeting at 10:38, during the consideration of this item.)

65 Communications, Report Writing and Plain English

Further to Minute No. 34, 5th October 2009, the Board received an update from Andy Carter, Acting Head of Communications, regarding the Plain English initiative launched by the Council's Corporate Communications Team. Members were invited to contact Andy Carter if they wished to go along to a training session to see the initiative in action.

A request was made for the Council to produce an up to date corporate glossary, incorporating all the commonly used acronyms.

RESOLVED - That the update report be noted.

Draft minutes to be approved at the meeting
to be held on Monday, 1st March, 2010

66 Work Programme, Executive Board Minutes and Forward Plan of Key Decisions

The Head of Scrutiny and Member Development submitted the Board's work programme, updated to reflect decisions taken at previous meetings, together with a relevant extract from the Council's Forward Plan of Key Decisions for the period 1st February to 31st May 2010 and the minutes of the Executive Board meeting held on 6th January 2010.

RESOLVED – That, subject to any changes necessary as a result of today's meeting, the Board's work programme be approved.

67 Dates and Times of Future Meetings

Monday, 1st March 2010.

Monday, 29th March 2010.

Both at 10.00 am (Pre-Meetings at 9.30 am).