

SCRUTINY COMMITTEE

Monday 11 November 2002

PRESENT:

Councillor LACEY O.B.E (Chairman), Councillor BELSEY (Deputy Chairman) and Councillors SKILTON, SLATER, STANLEY, Mrs TESO and WILLIAMS.

22. **MINUTES.** The minutes of the meeting held on 16 September 2002 were submitted and approved and the Chairman was authorised to sign them as a correct record.

23. **CORRESPONDENCE RECEIVED.** The Chairman advised the Committee that he had received a letter from East Sussex County Council, thanking Members for inviting Officers to attend to discuss the Local Government Pension Scheme.

NOTED.

24. **CREATION OF A TENDER PROCEDURE TASK GROUP.** The Chairman requested that a Task Group be established to review the tender procedures of the Council. The Task Group would comprise 1 Member from each Political Group and the Head of Audit would act as Lead Officer. Councillor Skilton suggested that rather than set up a Task Group to discuss the Tenders Procedures, a report should be made by the relevant Officer in the usual format, at a suitable meeting of the the Committee.

The two nominated Members were Councillor Lacey, and Councillor Skilton..

RESOLVED: (1) (By 4 votes to 3 on the casting vote of the Chairman) That a Task Group be established to review the tender procedures of the Council, comprising one Member from each Political Group and the Head of Audit as Lead Officer.

(2) That Councillors Lacey, and Skilton be appointed as the two members to review the Tender procedures.

25. **VOTING PROCEDURES.** The Committee considered the report of the Head of Democratic Services and Member Services Manager inviting Members to consider existing voting procedures, the result of research conducted with Eastbourne residents and to explore possible future alternatives that were being considered at a national level.

The Committee were asked to comment on the content of the report and make any recommendations considered appropriate. The main concern raised by Members were the fraud implications and secrecy issues arising from an all postal vote election, and Members felt that postal voting should remain alongside existing election arrangements until these concerns could be resolved.

RESOLVED (1) That the results of the town-wide survey be sent to the Office of the Deputy Prime Minister and Electoral Commission for their information.

(2) That a copy of the report be passed to main local Party Agents.

26. CLEANSING CONTRACTS. The Committee considered the report of Councillor Harris, Chairman of the Cleansing Contracts Project Management Board, providing Members with a position statement on the progress of the Council's Refuse Collection and Street Cleansing Contracts; Public Convenience Cleansing and Attendant Services Contract; and Dog Litter Bins and Associated Signs Contract which were due to commence in 1 April 2003. Councillor Harris, Chairman of the Cleansing Contracts Project Management Board was in attendance to answer Members questions.

Members were invited to examine aspects of the procurement processes for the Contracts and examine the contract documents concerning the subject Contracts to ensure they would be delivered in accordance with Council policy and in accordance with the outcomes of the Best Value reviews for those services. Members were reminded that the subject Contracts Specifications were also available, detailed as part of the background papers to the report.

The Committee were advised that the delegated authority of the Council would be sought at its meeting on 13 November 2002, to enable the Cabinet to agree the award of the subject Contracts at their meeting on 5 December 2002 or at a later meeting of the Cabinet if required.

Members raised queries regarding various aspects of the proposed contract including the phasing in of the new scheme for rubbish collection, the proposed Borough wide survey regarding the provision of wheeled bins, and the alternatives for those residents for whom wheeled bins were inconvenient and/or inappropriate. Members requested further information regarding the increase in Council Tax, the reasons for the Borough distorted figures for recycling due to the collections site at St Phillips Avenue and how the recycling drive would be marketed to Eastbourne residents. All questions raised by Members were answered by the Chairman of the Project Management Board, Director of Planning, Regeneration and Amenities, Director of Finance and Corporate Services, and also the Head of Amenities.

The Committee were advised that a new Project Board would be established once the contract had been awarded to monitor the contract and that the Board would exist for the full seven-year term of the contract.

A query was raised by the Chairman regarding the procedures followed at the tender opening. As this was to be a negotiated tender no figures were recorded. The Head of Democratic Services confirmed that the tender opening arrangements were broadly in accordance with the Council's Constitution and Contract Procedure Rules having regard to the fact that it was not possible to record "bottom line" figures due to the negotiated nature of the tender. Members of the Committee considered whether this matter should be referred to the Tender Procedures Task Group (see minute 24 above). The aspect of procedure to be referred to the Task Group would be in relation to the information available to the "witnessing" Councillor at the time of tender opening in the circumstances of a negotiated tender.

RESOLVED:(1) That the Committee are satisfied with the procurement process with the exception of the matter raised in resolution (5) below.

(2) That the Committee noted that the proposed cleansing contracts will deliver Council policies and the requested outcomes of the Best Value Reviews of these services.

(3) That the Committee agree that the proposals should enable the Council to meet the Government's re-cycling targets in the short term, but that further investment will be required in the future to meet longer term targets.

(4) That the Committee note the intention to seek the authority from the Council at their meeting on 13 November 2002 to allow the Cabinet to agree the award of the subject contracts (planned for the Cabinet meeting on 5 December 2002).

(5) (By 4 votes to 3 on the casting vote of the Chairman) That the Tender Procedure Task Group be asked to review the arrangements for the opening and witnessing of negotiated tenders.

27. PROPERTY ISSUES. The Committee considered the report of the Acting Head of Property Services advising Members on the progress on implementing the Best Value Action Plan and the Asset Management Plan, Staffing issues, Not for Profit Rents and Downland Issues.

Members were advised that progress on implementing the improvement plan had been reported to the Best Value Management Committee on 23 September 2002. With regard to the Asset Management Plan Members were advised that an action plan had been drawn up by the Estates Manager and was being constantly updated to ensure the improvements and monitoring issues raised by the Asset Management Plan were being addressed. A copy of the Action Plan was attached at Appendix A.

Members were advised of the problems that had been experienced in relation to the staffing issues as detailed in the report.

A review of Not for Profit Rents establishing current levels of hidden grant was attached at Appendix B.

Members noted that a report on the Downland Property portfolio and its current management was being prepared. This would take the form of a comprehensive review, identifying the location and legal status of all Downland property and would include maps and photographs. A copy of the procedural programme for the establishment of the South Downs National Park was attached at Appendix C.

(NOTE: Councillors Skilton and Slater declared a personal non-prejudicial interest in this item in relation to the Old Town Library and Councillor Stanley also declared a personal non-prejudicial interest in this item in relation to his membership of the Project Management Board responsible for overseeing the Leisure outsourcing).

NOTED.

28. EXCLUSION OF THE PUBLIC.

RESOLVED: That the public be excluded from the remainder of the meeting as otherwise there was a likelihood of disclosure to them of exempt information as defined in Schedule 12A of the Local Government Act, 1972. The relevant paragraphs of Schedule 12A are shown beneath the items.

a) PROPERTY ISSUES - APPENDICES. The Committee considered the appendices to the Property Issues report. The Committee requested that the Acting Head of Property Services supply a copy of the conditions surveys for the Sovereign Centre, Motcombe Pool and Princes Park and Winter Garden, Congress Theatre and Wish Tower Restaurant, when available, so the Committee Members could circulate the reports amongst themselves.

The discussion relating to the Property Services report is reflected in the open minute above (see item 27).

RESOLVED: That a copy of the condition surveys for the Sovereign Centre, Motcombe Pool and Princes Park and Winter Garden, Congress Theatre and Wish Tower Restaurant, when available, be circulated to Members of the Committee.

(Exempt information reason – Para 9 - Terms of a Proposed Contract).

b) CLEANSING CONTRACTS. The Director of Finance and Corporate Resources distributed a copy of the report due for consideration at Council on 13 November to the Committee Members, advising Members of the short listed tenderers for the Cleansing Contracts and the likely contractual and financial implications. The discussion and outcome relating to the Cleansing Contracts is reflected in the open minute and resolutions above (see item 26).

NOTED.

(Exempt information reason – Para 9 - Terms of a Proposed Contract).

The meeting closed at 7.54 p.m.

R M LACEY O.B.E

Chairman