

FAREHAM

BOROUGH COUNCIL

Report to Scrutiny Board

Date 4 July 2013

Report of: Director of Finance and Resources

Subject: SCRUTINY BOARD WORK PROGRAMME 2013/14

SUMMARY

Items for the draft work programme of the Board for the year were agreed by the Board at its meeting on 21 March 2013 and confirmed by the Council at its meeting on 25 April 2013. The Board reviewed the work programme at its meeting on 30 May 2013.

RECOMMENDATION

The Board is now invited to further review the work programme for 2013/14.

INTRODUCTION

1. At the meeting of the Board on 21 March 2013, members agreed items for the draft work programme of the Board for the current year, 2013/14. The work programme was subsequently confirmed by the Council at its meeting on 25 April 2013. The Board's work programme is set out in Appendix A to this report.

RISK ASSESSMENT

2. There are no significant risk considerations in relation to this report.

CONCLUSION

3. The Board is now invited to review its work programme for 2013/14.

Background Papers:

None.

Reference Papers:

None.

Enquiries:

For further information on this report please contact Andrew Wannell (Ext 4620).

SCRUTINY BOARD –WORK PROGRAMME 2013/14

DATE	SCRUTINY BOARD ITEM
30 May 2013	Review of the work programme 2013/14 Question and answer session with representatives of the Environment Agency
4 July 2013	Presentation by, and Questioning of, the Executive Member for Streetscene The Disclosure and Barring System Annual Report on the Performance of the Community Safety Partnership Review of the work programme 2013/14
26 September 2013	Medium Term Finance Strategy 2013/14 Review of the work programme 2013/14
21 November 2013	Review of the work programme 2013/14 Presentation by, and Questioning of, an Executive Member
23 January 2014	Preliminary overall review of work programme 2013/14 and draft programme for 20413/15 Finance Strategy, Capital Programme, Revenue Budget and Council Tax 2014/15 Housing Revenue Account Budget and Capital Plans 2014/15
20 March 2014	Final review of work programme for 2013/14 and draft for 2014/15 Presentation by, and Questioning of, an Executive Member

Items to be assigned:

- Question and answer session with Fareham Community Savers - The Credit Union
- Question and answer session with Solent Local Enterprise Partnership

<u>SCRUTINY BOARD WORK PROGRAMME - PROGRESS SINCE LAST MEETING</u>				APPENDIX B	
Date of Meeting	Subject	Type of Item	Action by Board	Outcome	Link Officer
30 May 2013	Question and Answer Session with Representatives of the Environment Agency	Question and Answer Session	<p>The Board received a presentation from Colette Heggie, Environment, Planning and Engagement Manager, Sally Taviner, Sustainable Planning Team Leader and Jemma Colwell, Flood & Coastal Risk Management Advisor on the work of the Environment Agency. The presentation included details of the Environment Agency Role and Vision, the Solent and South Downs Area, the Agency's role in Planning and Development, Strategic Planning, Pre-Application and Applications, involvement in the development of Welborne, Managing flood risk in Fareham, with particular reference to Wallington and Useful Contacts. The presentation sought to give answers to members' questions arising from consideration of the scoping report at the meeting of the Board on 22 November 2012 (minute 7 refers). Following the presentation the Environment Agency representatives answered members' questions. Matters raised included responses to consultations on planning applications and flood risk management at the Welborne development, Wallington and Titchfield.</p> <p>It was AGREED that:</p>	<p>Further information on flood risk management issues in Wallington subsequently supplied by the Environment Agency and circulated to Scrutiny Board members.</p> <p>The presentation slides are available if any member wishes to refer to them.</p>	Richard Jolley

			<p>(a) Colette Heggie, Sally Taviner and Jemma Colwell be thanked for their presentation and for answering members' questions; and</p> <p>(b) it be noted that copies of the presentation and notes could be provided to members at the conclusion of the item.</p>		
	Call-in of Executive Decision 2013/14-6: Improving Customer Satisfaction	Call-in	The Chairman confirmed that this item was to consider the Executive's decision made on 13 May 2013 to waive contract procedure rules and approve the appointment of Vanguard Consultancy to provide guidance, expertise and support in implementing fundamental change to the way the Council delivers its services to customers. The decision had not yet been implemented because it had been called-in by 3 non-Executive members, as per the Council's Constitutional arrangements.	The Scrutiny Board accepted the decision made by the Executive. The Voluntary ex ante transparency notice, advising of the intention to award the contract has also been published.	Garry White

		<p>The Chairman explained how consideration of the item would proceed.</p> <p>The Scrutiny Board considered a report by the Director of Regulatory and Democratic Services and Monitoring Officer which outlined the reasons given for the call-in of the Executive Decision (copy of report sb-130530-r02-gwh circulated with agenda). The Director of Regulatory and Democratic Services presented the report which included a number of appendices to further assist the Scrutiny Board in its review of the decision.</p> <p>At the invitation of the Chairman, Councillor P W Whittle, JP, the representative of the call-in, explained the reasons for the call-in as being that:</p> <ul style="list-style-type: none">(a) The Council has high levels of customer satisfaction and therefore the justification is not sufficiently proven for the levels of expenditure for small incremental improvements.(b) The methodology proposed has not been adequately demonstrated to be the best solution in the circumstances.(c) The grounds for waiver of Council Contract Procedure Rules have not been evidenced and the circumvention of open competitive tendering process is un-sound for use of public funds.		
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			<p>(d) The funds are not available without forward commitment of future unapproved budgets.</p> <p>At the invitation of the Chairman, the Executive Leader Councillor S D T Woodward joined the meeting and was called upon to advise the Scrutiny Board of the rationale of the Executive decision and what was taken into account in making it.</p> <p>The Executive Leader explained that the requirements of the Council were to identify a solution to further improve customer satisfaction for the services it provides because although many Council services are currently rated positively by customers, there is evidence to suggest that systems are currently designed in a way to best meet organisational needs, rather than the</p> <p>needs of customers. As a result, it is clear that customers do not always receive a proactive, responsive, easily accessible and positive service.</p> <p>The Executive Leader stated that using a partner to act as a mentor would ensure that the Council could deliver continuous improvement for the long term, by fundamentally altering the culture and management approach within the organisation. He confirmed that although the</p>		
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		<p>Council does not presently have the depth of knowledge and therefore needs external support in the first instance, it is an organisation committed to developing and retaining the skills so as to limit the dependency on external consultancy support.</p> <p>The Executive Leader advised the Scrutiny Board that following soft market testing work, Vanguard appeared to be the only consultancy that offered a bespoke service/product which meets the Council's requirements, and demonstrated a strong understanding of the organisational needs and the needs of each individual service within it, through its track record with other local authorities. On closer inspection, the Vanguard Method contains vital differences that make it unique in helping organisations change from command and control to a systems approach to the design and management of work, putting the customer first, which is the approach that the Council wants to take.</p> <p>The Executive Leader explained that, on the basis that the methodology is genuinely proprietary to Vanguard, there is a sound argument that running a tender for the service would be difficult, because it would involve the Council seeking a service from suppliers which was Vanguard's own intellectual property. This would fall under the "protection of exclusive rights" procurement regulations.</p>		
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		<p>The Executive Leader stated that European Union Regulations require contracting authorities to adhere to the overriding EU principles of transparency and equal, non-discriminatory treatment of suppliers.</p> <p>He advised that the regulations also allow for public authorities to contract for the supply of services without conducting an OJEU (Official Journal of the European Union) competitive process. This is set out in Regulation 14(1)(a)(iii), which states that “when, for technical or artistic reasons, or for reasons connected with the protection of exclusive rights, the public contract may be awarded only to a particular economic operator”.</p> <p>Where public bodies apply Regulation 14 (1)(a)(iii), it is incumbent upon the public authority to demonstrate that the test applies. This is often a judgement based on subjective evidence, and in order to test the assumptions made, the regulations allow for public bodies to publish a “Voluntary ex ante transparency notice”. This is a public notice advising of the intention to award a contract without prior publication of a contract notice in the Official Journal of the EU. On publication, all suppliers within the EU are given the opportunity to challenge the rationale within 10 days of publication. The outcome of this exercise will either support the view of the public body or it will identify other suppliers that have an interest</p>		
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		<p>in the supply.</p> <p>The Executive Leader confirmed that it was always intended that Fareham Borough Council would publish a Voluntary ex ante transparency notice after the call-in period had expired. He confirmed that this process was now delayed due to the call-in notice, but could recommence, dependent on the decision of the Scrutiny Board.</p> <p>The Executive Leader confirmed that whilst the budget had been set, the rationale is not necessarily to spend the entire available budget but to review the progress of the new techniques as the work continues.</p> <p>The Executive Leader then answered questions put to him by members of the Scrutiny Board. At the request of the Chairman, questions were asked on each of the four reasons for the call-in in turn.</p> <p>The Chief Executive Officer also answered questions for clarification put to him by the members of the Scrutiny Board.</p> <p>The Executive Leader was thanked for his answers and was advised that he was no longer required at the meeting.</p> <p>Members of the Scrutiny Board considered each of the call-in reasons in turn and debated</p>		
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		<p>whether or not they had been fully answered.</p> <p>The Chairman confirmed that, having considered all the reasons given for the call-in, the Scrutiny Board now had to consider its options as set out in the report, that being either:</p> <ul style="list-style-type: none">(a) to accept the decision made by the Executive, in which case the decision could be implemented; or(b) to request that the Executive reconsider the decision, giving reasons for such a request. <p>A motion was proposed and seconded to request that the Executive reconsider its decision on the grounds that the reasons for the new approach had not been adequately proven.</p> <p>Upon being put to the vote, the motion was declared NOT CARRIED (3 members voting for and 6 against).</p> <p>A motion was then proposed and seconded to accept the decision made by the Executive and to allow the decision to be implemented which, when being put to the vote, was declared CARRIED (6 members voting for and 3 against).</p> <p>It was AGREED that the Scrutiny Board accept the decision made by the Executive and allow the decision to be implemented to waive</p>		
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			contract procedure rules and approve the appointment of Vanguard Consultancy to provide guidance, expertise and support in implementing a fundamental change to the way the Council delivers its services to customers.		
	Scrutiny Board Work Programme 2013/14	Programmin g	<p>The Board considered a report by the Director of Finance and Resources on the Board's work programme for 2013/14.</p> <p>It was AGREED that:-</p> <p>(a) the programme of items as set out in Appendix A to the report be noted; and</p> <p>(b) the progress on actions since the last meeting, as set out in Appendix B to the report, be noted.</p>	Complete.	Andrew Wannell