

CORPORATE AFFAIRS COMMITTEE

A meeting of the Corporate Affairs Committee was held on 18 February 2010.

PRESENT: Councillor Clark (Chair), Councillors Brunton, McIntyre, McPartland, Mrs H Pearson, OBE and Purvis.

OFFICERS: B Baldam, C Davies, S Harker, and R Painter.

****ALSO IN ATTENDANCE:** Councillor N J Walker.

**** DECLARATIONS OF INTEREST**

Name of Member	Type of Interest	Item/Nature of Interest
Councillor Clark.	Prejudicial.	Agenda Item 4 – Appointment of Local Authority Governors to Beechwood/ Marton Grove Federated Governing Body.

****MINUTES**

The Minutes of the meeting held on 23 December 2009 were taken as read and approved as a true record subject to the following amendment:

Apologies for Absence - Councillor Mrs H Pearson, OBE, to be added.

SCHOOL GOVERNING BODIES – APPOINTMENT OF LOCAL AUTHORITY SCHOOL GOVERNORS

A report of the Head of Commissioning and Resources was presented regarding vacancies for Local Authority appointed School Governors that had arisen as a result of resignations, the expiry of terms of office or the removal of Governors due to non-attendance.

It was noted that there were currently 10 vacancies out of a total of 142 Governorships for Local Authority representatives, which equated to 7.04%. The nominations received for such vacancies were outlined in Appendix 1 of the report submitted and a further update was tabled at the meeting.

ORDERED as follows:-

1. That the following appointments be approved for a four-year term of office:

<u>School</u>	<u>Governor</u>
Archibald Primary School	Mr P Peacock (wef 30.5.10)
Brambles Primary School	Mrs S Pattinson (wef 7.2.10)
Chandlers Ridge Primary School	Mrs Tomlinson (wef 30.5.10)
Green Lane Primary School	Doctor C Wong (wef 18.2.10)
Hemlington Hall Primary School	Reverend D Desics (wef 7.2.10)
Linthorpe Primary School	Councillor McIntyre (wef 18.2.10)
Newham Bridge Primary School	Mrs N Coulton (wef 18.2.10)
Park End Primary School	Doctor M Simpson (wef 30.5.10)

Rose Wood Primary School	Mr C Barnfather (wef 18.2.10)
St Augustine's RC Primary School	Mr J Hunt (wef 18.2.10)
St Gerard's RC Primary School	Mr G Wijesinghe (wef 30.5.10)
Holmwood School	Mrs S Pattison (7.2.10)
Priory Woods School	Miss J Maloney (wef 18.2.10)
Tollesby School	Mr P Beveridge (wef 30.5.10)

****DECLARATION OF INTEREST**

Having already declared an interest in relation to Agenda Item Number 4, Councillor Clark withdrew from the meeting at this point and, therefore, took no part in the determination of the following appointment.

Beechwood/Marton Grove Federated Governing Body	Councillor G Clark (wef 16.4.10) Councillor R Kerr (wef 16.4.10) Councillor C Rooney (wef 16.4.10) Mrs T Higgins (wef 16.4.10) Mr R Speakman (wef 16.4.10)
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2. That appointments to the following vacancies be deferred pending the receipt of nominations in respect of:

Berwick Hills Primary School.
Breckon Hill Primary School.
Hall Garth School.

**** Councillor McIntyre joined the meeting at this point.**

REVISED PROCUREMENT FINANCIAL THRESHOLDS

At a meeting of the Executive held on 23 June 2009, the Mayor raised issues relating to flexibility, reducing bureaucracy and assisting managers to make day-to-day operational decisions easier. One potential area for review was the current financial thresholds and support for local business.

In most cases the purchase of goods, materials and services were available from an existing corporate or national framework contract, but where a product or service could not be sourced from an existing arrangement, the financial thresholds and procedures set out in Standing Orders applied. Comparison of the existing Middlesbrough financial thresholds with other Tees Valley Authorities identified that no two Councils had the same thresholds.

As part of the National and Regional Improvement and Efficiency Programme, work currently being undertaken by NEIEP (North East Improvement and Efficiency Partnership) was being targeted towards harmonisation and standardisation of procurement documentation and financial thresholds. NEIEP had identified that financial thresholds across the region varied and there was no standard threshold. NEIEP had suggested that minimum thresholds of £5k for Quotations and £50k for Tenders should be introduced by all Local Authorities across the region aimed at introducing a level standard for local businesses.

The current Middlesbrough financial thresholds required to trigger the appropriate procurement process for goods, materials and services were attached at Appendix A to the submitted report.

The current thresholds included a separate category for consultants with higher thresholds. Proposals for revised thresholds using the existing thresholds for consultants and combining the goods, materials and services requirement into a single category to be used when identifying the appropriate procurement route were attached at Appendix B to the submitted report.

It was proposed that Middlesbrough Council's base threshold be raised from £5,000 to £15,000. Consultation had taken place with Internal Audit and the External Auditor and both were in agreement with the proposals. It was also proposed that the threshold figures were increased each year in line with the RPI figure and a complete review would be carried out every third year.

Where the financial value of the goods, materials or services fell below the Official Journal of the European Union (OJEU) tender threshold, the process was not covered by European rules and the Council could make its own decisions regarding the correct procedure to follow. For quotations the service making the purchase was not required to place an open advertisement publicising the opportunity. The requirement was to identify at least three suitable providers and seek written quotations. In support of local business it was suggested that this requirement was revised to require the service to seek three written quotations from local suppliers where possible.

Adjusting the current financial thresholds would provide greater flexibility for services, stay in touch with current market rates and move towards a regional standard. The processes and procedures laid down in Standing Orders were not considered excessive and were aimed at protecting the Council and its employees.

Internal Audit would monitor the process to ensure that three quotes were obtained for goods or services from local firms wherever possible. The External Auditor would also undertake checks to ensure that agreed procedures were adhered to.

The Council had recently facilitated several workshops for local suppliers to let them know what was available from the Council in terms of procurement. Guidance on how to put together quotes and tenders to make them more competitive with the Council and other authorities and businesses had been provided. Four workshops had taken place to date and all had been oversubscribed. Further workshops would be provided.

ORDERED as follows that:

1. the revised financial thresholds detailed at Appendix B to the submitted report be approved.
2. the revised financial thresholds were increased in line with RPI inflation figures annually, with a complete review every three years.
3. a review of the application of the revised thresholds would be undertaken during 2010/2011 to monitor compliance and identify any remaining service issues.
4. the requirement to seek quotations from local suppliers where possible be approved.

**** Councillor N J Walker joined the meeting at this point.**

COUNCILLOR CALLS FOR ACTION

The Members' Office Manager presented a report to seek agreement to the proposed processes in relation to Councillor Calls for Action (CCfA) and approval of the draft Guidance for Councillors.

CCfA were introduced by the Local Government and Public Involvement in Health Act 2007 and came into force on 1 April 2009. CCfA gave Councillors a new right to raise matters of local concern with the Council's Overview and Scrutiny Board (OSB).

CCfA had been introduced to provide Councillors with the opportunity to request discussions at scrutiny committees on issues where local problems had arisen and other methods of resolution had been exhausted and to assist Councillors to resolve issues and problems on behalf of their residents. CCfA was not to be regarded as a scrutiny process. Using CCfA effectively would require Councillors to consider a wide range of Council processes, including Corporate Complaints procedures, Call-Ins, Petitions and other local actions. CCfA were intended to complement and build on existing neighbourhood working arrangements by Ward Councillors and not to replace them.

A draft copy of the Middlesbrough Guidance was attached at Appendix 1 to the submitted report and accorded with legislation and national guidance. The draft guidance provided a framework

as to how to identify issues that might be subject of a CCfA, and the process to be followed. It provided a number of checklists intended to guide and advise Members on when and how to initiate a CCfA.

Any scrutiny reviews resulting from a CCfA would be undertaken by scrutiny panels. Locality based scrutiny reviews will normally be a short and sharp review as it was important that this was a responsive process that delivered tangible outcomes. The draft guidance advised Members how to initiate a CCfA and made it clear that a CCfA would not be progressed to scrutiny for consideration unless, and until, certain actions had been taken by the Ward Councillor.

Section 4 of the Guidance dealt with scrutiny of the CCfA. The Act only required that the matter subject to a CCfA was placed on the OSB agenda, and that it was discussed. The Act did not require that a scrutiny investigation was undertaken with regard to the matter, or that the OSB took any further action. However, if the OSB decided not to exercise any of its powers in relation to the matter, it must notify the Member who proposed the CCfA of its decision and the reasons for it. If the OSB decided not to exercise any of its powers in relation to the CCfA there was no right of appeal against that decision either by the Member who raised the CCfA, or by the residents who asked for it to be raised.

If the decision was to undertake a Scrutiny investigation into the CCfA, then it was recommended that OSB would refer the matter to the appropriate Scrutiny Panel for consideration. Crime and disorder issues would be considered by the Community Safety and Leisure Scrutiny Panel. All other issues would be considered by the Ad Hoc Scrutiny Panel, unless there were particular reasons why this would not be appropriate.

Once the investigation was complete, then Scrutiny recommendations would be reported to the Council and/or to the Executive in accordance with the provisions of the Council Constitution. If this recommendation was accepted, then the terms of reference of the Ad Hoc Scrutiny Panel would be amended accordingly.

The Government guidance pointed out that Members would require support in respect of CCfA. The guidance highlighted that the Members' Office would advise and assist in the booking of rooms for community meetings, producing community questionnaires, advising on the wording of questionnaires and reports, and would assist in processing CCfA through to OSB.

If the proposed guidance was approved, Members' Office would arrange briefings for all Members on the legislation and local guidance in respect of CCfA. A copy of the guidance would be issued to all Members. The guidance was intended to reflect the fact that CCfA was not simply a scrutiny process but a process that included full and proper consultation with the community, and must utilise existing Council provisions including the Complaints process, Calls, Petitions, and Executive Members' Surgeries.

ORDERED as follows that the Councillor Calls for Action Procedures and Guidance for Councillors be approved.

REVIEW OF MEMBERS AND OUTSIDE BODIES

The Deputy Director of Resources presented a report to update the Committee on the results of a recent review of Members and Outside Bodies. An initial review had been undertaken in 2008/2009 of the representation of Members on Outside Bodies using the Members' Register. The responses received as part of the review were assessed using a similar matrix to evaluate the Council's strategic partnerships.

A schedule of findings from the review was presented to the Audit Committee on 2 May 2009 as part of the report on the Corporate Governance Statement. The schedule was also presented to the Corporate Affairs Committee on 3 June 2009. Members considered the findings of the initial review and recommended that Officers continued the review using the Outside Bodies matrix during 2009/2010 and report the results to the Corporate Affairs Committee for a decision.

The review had been completed and the results analysed by Officers from Strategic Resources and Democratic Services using the approved criteria including any barriers to effectiveness. A

full schedule of findings from the review was shown at Appendix A attached to the submitted report.

The findings from the initial review to continue attendance or withdraw it, or that the Outside Body had ceased existence, were all confirmed. The Outside Bodies labelled as “review” in the initial review now had recommendations on whether to continue, withdraw or seek Members’ views.

Members of the Audit Committee had considered the results of the final review at a meeting held on 22 December 2009 and agreed recommendations on future attendance to Outside Bodies as follows:

Outside Body	Proposed Recommendation
Cleveland College of Art and Design Governing Body	Continue
Langridge Crescent Initiative Centre Management Committee	Continue
Staying Put Advisory Committee	Withdraw
Teesside Environmental Trust Ltd	Continue
Dorman Museum and Art Gallery Trust	Withdraw
Federation of British Cremation Authorities – Executive Committee	Continue
Tees and District Society for the Blind	Withdraw
Middlesbrough Voluntary Development Agency	Decision deferred pending further information

Further information had been requested regarding the Middlesbrough Voluntary Development Agency and the Committee was informed that the Agency was working in partnership with Middlesbrough Council on the Working Neighbourhoods Fund. It was suggested therefore that attendance should continue.

Councillor Mrs H Pearson, OBE, informed the Committee that regrettably the Middlesbrough Holiday Fund was unable to continue due to lack of membership. An advertisement would be placed in the local newspaper for interested parties to apply for the remaining funds.

ORDERED as follows that:

1. the recommendations to continue the future attendance to outside bodies were approved.
2. the recommendation to continue future attendance on the Middlesbrough Voluntary Development Agency was approved.
3. the recommendations to withdraw attendance to outside bodies were approved.
4. those outside bodies that had ceased operating were noted.