

CONTRACT SCRUTINY COMMITTEE AGENDA



Monday 28 November 2011

At 2.00 pm

**in Committee Room B
Civic Centre, Hartlepool**

MEMBERS: CONTRACT SCRUTINY COMMITTEE:

Councillors Aiken, Ingham, Lawton, Richardson, Rogan, Shields, Sutheran,
P Thompson and Wells.

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. MINUTES**
 - 3.1 To confirm the minutes of the meeting held on 14 November 2011
- 4. ITEMS FOR INFORMATION**

No items
- 5. ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS ARE URGENT**
- 6. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006**

EXEMPT ITEMS

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006

7. TENDERS TO BE OPENED

- 7.1 Supply, Design and Installation of Replacement Cremators and Flue Gas Filtration Equipment at Stranton Crematorium (ref 563) – *Procurement Category Manager*

8. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

CONTRACT SCRUTINY COMMITTEE

MINUTES AND DECISION RECORD

14 November 2011

The meeting commenced at 2.00pm in the Civic Centre, Hartlepool

PRESENT: Councillor Paul Thompson (In the Chair)

Councillors Peter Ingham, Trisha Lawton, Carl Richardson,
Linda Shields and Lilian Sutheran

In accordance with Council Procedure Rule 4.2 Councillor Brenda Loynes as
substitute for Councillor Ray Wells

OFFICERS: Phillip Timmins, Principal Estates Surveyor
James Cuthbert, Estates and Valuation Surveyor
Kate Watchorn, Commercial Solicitor
Jo Stubbs, Democratic Services Officer

53. Apologies for Absence

Apologies were submitted by Councillor Ray Wells.

54. Declarations of Interest

None

55. Minutes of the Meeting held on 17 October 2011

Approved.

At the last meeting members had requested an update on a previous tender for the Eamont Garden Garage Site. Only one bid had been received in respect of this tender which members had felt was insufficient. Officers had been asked to contact the tenderer requesting that they reconsider their bid. If this did not result in a sufficiently increased bid the tender process should be restarted. The Estates and Valuation Surveyor advised that the original tenderer had been asked to submit an increased bid however this had also been considered to be insufficient in terms of the land value. Subsequently a second bidder had contacted the Council and had submitted a bid which officers described as “substantially more” than the original offer. The decision had been taken therefore to take the new offer directly to the Portfolio Holder for approval on 17th November. The Chair queried why the Committee had been bypassed in this way and asked if it was legal to circumvent the

usual process in this way. The Commercial Solicitor indicated that she had not been consulted on the procedure and if she had been she would have advised that it would be preferable to follow the previous procedure. However she felt there was minimal risk of a legal challenge being made and even if this did happen the officer's decisions could be justified as public money was being saved. Despite this members were still concerned that proper procedures had not been followed. The Commercial Solicitor advised that she would consult the Constitution and Contract Procedure Rules to ascertain whether there was an exception which might apply in this case. The Chair asked that she report back to members informally prior to Portfolio Holder consideration on 17th November.

Members also noted that no information as to the subsequent bid amounts had been made available to them despite the fact that the committee would have been privy to these amounts if the usual procedures had been followed. The Estates and Valuation Surveyor explained that only the Portfolio Holder currently had access to this information. However a report for information would be brought to the committee at which time the information would be provided.

The Chair highlighted that on a number of occasions officers had indicated they would provide updates on tender openings and this had not happened. The Democratic Services Officer advised that it was the responsibility of individual officers to ensure any promised updates were delivered.

56. Local Government (Access to Information)

Under Section 100 (A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of the Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) order 2006.

Minute 57 – Land at Monmouth Grove, Throston Grange Estate and Clavering Road (ref 609) (para 3 - information relating to the financial or business affairs of any particular person (including the Authority holding that information))

57. Land at Monmouth Grove, Throston Grange Estate and Clavering Road (ref 609) - Principal Estates Surveyor

Two tenders had been received in respect of this contract which were opened in the presence of this Committee. Details are contained in the closed minutes.

Decision

That the opening of the tenders be noted.

The meeting concluded at 2.30pm

CHAIRMAN