

# **OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION**

## **MINUTES OF THE MEETING HELD ON MONDAY, 4 FEBRUARY 2013**

**Councillors Present:** Peter Argyle (Substitute) (In place of Marcus Franks), Jeff Beck (Substitute) (In place of Mike Johnston), Brian Bedwell (Chairman), Dominic Boeck, Jeff Brooks (Vice-Chairman), Dave Goff, Gwen Mason (Substitute) (In place of David Rendel), Tony Vickers, Virginia von Celsing, Quentin Webb and Emma Webster

**Also Present:** Tandra Forster (Contracts & Commissioning Manager - Housing Services), June Graves (Head of Care Commissioning, Housing & Safeguarding), Shiraz Sheikh (Solicitor), Mike Sullivan (Contracts and Procurement Officer), Councillor Graham Jones (Health and Well Being, Community Safety), David Lowe (Scrutiny & Partnerships Manager) and Elaine Walker (Principal Policy Officer)

**Apologies for inability to attend the meeting:** Councillor Marcus Franks, Councillor David Holtby, Councillor Mike Johnston, Councillor Joe Mooney and Councillor David Rendel

### **PART I**

#### **86. Declarations of Interest**

There were no declarations of interest received.

#### **87. Items Called-in following the Executive on 17 January 2013**

The Commission considered a report concerning the Call in item EX2582 – Healthwatch Commissioning, which was presented for consideration at a meeting of the Executive on 17 January 2013.

Councillor Jeff Brooks presented the reasons for calling in this item. Councillor Brooks commented that whilst it was expected that due process had been followed in arriving at the recommendations in the report, this information had not been presented to the Executive. The paucity of information meant that he did not believe the Executive had been able to make a fully informed decision on the matter. Councillor Brooks believed that information had been available that could have demonstrated the process undertaken and provided relevant information to the Executive to support their decision but had been omitted from the report. Councillor Brooks remarked that the Executive should be presented with sufficient information regarding the process and the outcome to enable them to reach a robust decision. There was a desire to see further information in relation to this item, for example an explanation of how any submitted bids would be reviewed, and who by, and what service levels would be set, etc. In addition, Councillor Brooks explained to the Commission that Appendix B had not been included in the report.

Councillor Brooks further commented that several points had been repeated a number of times through the report.

June Graves advised that the process undertaken had been robust and information was available as suggested.

Mike Sullivan provided an explanation of the Council's processes with regard to tendering. He explained that the default position for the Council was to operate a 'restricted procedure' whereby, following the advertisement of a contract notice, any

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expressions of interest received would be filtered using a published evaluation methodology and only selected suppliers would be invited to submit a tender.

Mike Sullivan went on to explain that in the case of Healthwatch commissioning, it had been anticipated that competition would be low, and therefore an 'open procedure' was employed whereby all interested suppliers were able to submit a tender with no pre-filtering. A risk associated with the 'open procedure' was that many tenders might be required to be evaluated, however in this case just three were received.

Councillor Dominic Boeck asked how often the 'open procedure' had been used. Mike Sullivan responded that it was used infrequently; in the past year it had been used twice relating to the procurement of local bus services, and for this procurement.. He added that it required the permission of the Head of Finance and the Head of Legal Services to instigate and that the 'Open Procedure' was a well established procurement process..

Councillor Brooks asked for further information about how the process had been advertised. Mike Sullivan replied that the advert had been issued via the Council's procurement portal on 29<sup>th</sup> October 2012, and additional work had been undertaken to inform potentially interested parties. He confirmed that the advert was available outside West Berkshire.

The Chairman requested information regarding the relationship between Healthwatch and the existing Local Involvement Network (LiNK). Tandra Forster responded that LiNK were the predecessor to Healthwatch and that there were fundamental differences in the functions expected to be undertaken by Healthwatch.

Councillor Gwen Mason was concerned that information currently held by LiNK might be lost in the transfer to Healthwatch. Tandra Forster confirmed that agreement had been sought from LiNK to ensure that all information would be transferred to the new body. June Graves added that an assessment had been undertaken to establish which of LiNK's activities would be outstanding at the point of transfer to Healthwatch in order that these could be managed.

Councillor Jeff Beck enquired as to whether any indication had been forthcoming from central government regarding future funding levels, and whether Public Health funding could be used. June Graves responded that no indication had yet been given as to future funding, and that Public Health funding was a separate issue that could not be used for Healthwatch.

Councillor Vickers expressed sympathy for Officers acknowledging that the Health and Welfare reforms had been undertaken at a fast pace necessitating a quick response from local authorities. Councillor Vickers advised that there was no desire to delay the implementation of the decision, but that it was important to ensure that adequate information was available to support the decision.

Councillor Brooks agreed that there had been no intention of delaying the decision, and that the Call In had arisen to reassure Members that the process had been robust as this had not been apparent in the report.

Councillor Quentin Webb asked whether the relevant Executive Member had been involved throughout the process. Tandra Forster confirmed that there had been full involvement in the process.

Councillor Beck asked what safeguards were in place to protect the Council should future funding be inadequate to continue the service. Shiraz Sheikh explained that provision had been made in the contract to extend only when future funding levels were known.

Councillor Brooks asked what service levels had been included in the contract. Tandra Forster explained that a number of performance measures had been developed in relation to how the successful bidder would operate and fulfil their obligations. This

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included their approach to consulting with the public. Tandra Forster reminded the Commission that Healthwatch were an independent consumer watchdog for local health issues, and so it was not possible, or appropriate, to set measures relating to their specific activities as these were required to be responsive to local public needs.

Councillor Brooks advised the Commission that he was satisfied that the process and resulting decision had been appropriate, and proposed that the Executive decision in relation to Healthwatch commissioning be upheld. The proposal was seconded by Councillor Webb. At the vote the proposal was carried.

Councillor Brooks additionally proposed that a recommendation be put to the Executive to advise that decisions should not be made until they were fully informed of how the proposed decision had been reached. Councillor Webb requested that papers put forward to the Executive should not contain excessive detail.

The Chairman invited Councillor Graham Jones to address the Commission on the points made. Councillor Jones reminded the Commission that the process with regard to Healthwatch commissioning had commenced with Councillor Joe Mooney as Portfolio Holder, and concluded with himself as Portfolio Holder. Councillor Jones went on to comment that the introduction of local Healthwatch was a key part of NHS reform, and thanked the Commission for upholding the decision made by the Executive. With regard to the proposal to include full information of the process undertaken to reach a decision, Councillor Jones suggested that it might be more appropriate to request an appropriate level of information, however he acknowledged that this remained subjective.

Following discussion, Councillor Brooks proposed that the following recommendation be made to the Executive: 'The Executive ensure that sufficient information is available in every report to allow a robust decision to be made.' The proposal was seconded and at the vote was carried.

**RESOLVED that:**

- The Executive decision (EX2582) in relation to Healthwatch commissioning be upheld;
- A recommendation be made to the Executive as follows: 'The Executive ensure that sufficient information is available in every report to allow a robust decision to be made.'

*(The meeting commenced at 6.30 pm and closed at 7.05 pm)*

**CHAIRMAN** .....

**Date of Signature** .....