

MAIDSTONE BOROUGH COUNCIL

**MINUTES OF THE COMMUNITIES OVERVIEW & SCRUTINY
COMMITTEE MEETING HELD ON WEDNESDAY 30 NOVEMBER
2011**

PRESENT: Councillors Black, Mrs Blackmore (Chairman), Brindle FitzGerald (Vice-Chairman), D Mortimer, Paterson and Yates.

90. The Committee to consider whether all items on the agenda should be web-cast.

It was resolved that all items should be web-cast with exception to Item 8, Exempt Appendix to the report of the Director of Regeneration & Communities – The Future Provision of the CCTV Monitoring Services. Members agreed to remain in Part I for as much of the meeting as possible.

91. Apologies.

Apologies were received from Councillors Ash, Field, Mrs Parvin and Mrs Stockell

92. Notification of Substitute Members.

Councillors Brindle and Black substituted for Mrs Parvin and Mrs Stockell respectively.

93. Notification of Visiting Members.

Councillors Burton, Collins, Mrs Gooch, Greer, Hinder, Paine, Pickett, and Robertson were in attendance as Visiting Members.

94. Disclosures by Members and Officers:

Councillor Brindle made a disclosure of personal interest by virtue of his daughter's employment by the Mall.

Visiting Member Councillor Pickett informed Members that he had a signed a petition on behalf of Town Centre Management in relation to the CCTV decision.

Cabinet Member Councillor Hotson declared a personal interest by virtue of his previous role as Mayor, attending a boxing match at the invite of Town Centre Management.

Leader of the Council, Councillor Garland and Cabinet Member Councillor JA Wilson also declared personal interests as they had also attended a boxing match at the invite of Town Centre Management.

The Cabinet declared prejudicial interests arising in relation to Overview and Scrutiny Committees for the following reason as stated in Part 5 of the constitution, Codes and Protocols: '(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint committee as mentioned in paragraph (a) and you were present when that decision was made or action was taken.'

All Members present disclosed that they had been lobbied.

95. To consider whether any items should be taken in private because of the possible disclosure of exempt information.

The Committee considered Item 8, Exempt Appendix to the report of the Director of Regeneration & Communities – The Future Provision of the CCTV Monitoring Services and agreed to remain in Part I for as much of the meeting as possible.

96. CALL-IN: The Future Provision of the CCTV Monitoring Service.

The Chairman began by inviting Councillor FitzGerald and Councillor Newton, who had called in the decision to present their case and explain the information they were seeking from the invited witnesses, to the Committee.

Councillor FitzGerald and Councillor Newton explained their reasons for calling in the decision. The primary concern was the security of the people of Maidstone. It was felt that a central Government decision not to relocate the Fire Service's central control to Hampshire at a cost of millions because of the loss of local knowledge reinforced this. It was explained that the preferential outcome the consultation with Stakeholders was that CCTV should be kept in Maidstone and the service should be provided in real-time with a minimum of 2 operators, 24 hours a day. The vote of Cabinet, although conducted under Part II had been made public by the press. It was therefore public knowledge that the Cabinet vote on the decision was three in favour and two against. Councillor FitzGerald felt that this demonstrated a conflict of interests, particularly as the Cabinet Member, Councillor JA Wilson, could have made the decision himself. Their recommendation was that the decision should go to full Council for a free vote.

Councillor Garland informed the Committee that the Cabinet papers were conclusive and a democratic decision had been made. He explained that Cabinet were sympathetic to keeping the CCTV service in Maidstone but the scoring of the procurement process had prevented this. The

Committee were told that the opposition had attended the Cabinet meeting and had their questions on the technicalities and financial aspects of the decision answered satisfactorily. He concluded that the Leader and Cabinet Member (named as the two opposing voters) would support the decision made.

Cabinet Members Councillors Hotson and JA Wilson were in support of the Leader's message that a democratic decision had been reached and the Leader told the Committee that a debate on the decision would be welcomed if any significant information was to come forward.

The Committee were informed that they were at liberty to open up the discussion if they chose to as a decision could only be called in once. Mr O'Connell, as Overview and Scrutiny Manager, informed the Cabinet Member and Committee that once the call-in was made he had been contacted by other Members who would have called in the decision. Mr Fisher, Head of Legal, informed the Committee that the reasons for call-in were to assist the process and not to restrict it.

The Leader and Cabinet Members left the meeting to allow Officers to answer Member questions in accordance with the overview and scrutiny procedure rules as they had taken part in the original decision.

The Chairman highlighted to Members that some parts of their questions relating to financial information and specifics of tenders would not be able to be answered in Part I. The Committee agreed to remain in Part I for as long as possible.

Councillor FitzGerald felt that there were three main areas to focus the discussion on the CCTV tendering and procurement process:

- A Maidstone centric focus;
- Long term risk management; and
- Partnership board and costing.

John Littlemore, Head of Housing and Communities responded to the first area, a Maidstone centric focus. He explained that stakeholders concerns had been considered in reports to the Cabinet member – specifically with a question which was focused on liaison on how tenders would address and maintain this locally. He explained that a Maidstone focus was a theme that had been built in to the process.

Members were informed that the Project Management position was a temporary post that would be put in place by the winning tenderer. The long term risk would be managed through the partnership board.

The issue of two operators was raised. Concerns were raised by Councillor FitzGerald in relation to the possibility of only one person looking after Maidstone as part of the new operation. Mr Littlemore explained that this was something that had been addressed as part of the tendering process

but it could not be used to restrict the process therefore innovation was asked for in providing a 24/7 service.

Councillor FitzGerald raised the issue of the tendering process being restricted as if was a 'not for profit' service. Officers explained that tenders had been made by two private sector companies and one public sector organisation so the results demonstrated that this stipulation had not put off the private sector. It was clarified that not for profit meant the council would pay the direct costs of providing its element of the CCTV service without profit margins being added.

Visiting Member, Councillor Robertson, queried whether the open nature of the tendering process with an emphasis on 'innovation' had been an issue and prohibited bidders. He was concerned primarily with the technical aspects of the tenders and made reference to 'realtime' images and there being no clear definition in the tender documents of what this was. Officers informed the Committee that a tenderer had asked for clarification on this and it was explained that any areas of concern or requests for information were answered and the reply sent to all tenderers to maintain a level playing field and ensure all tenderers had the same information.

Some Members questioned the existing space in the Town Hall there were concerns raised that tenderers had been treated differently regarding its use. Officers explained that in July 2011 there had been a visit to the Town Hall for all tenderers to view and evaluate the space and what could be achieved with it. At that stage there were 14 tenderers on the 'long list'.

It was explained that specific details of tenderers proposals for the use of the Town Hall space would have to be discussed in part II.

97. Exclusion of the Public from the Meeting

Resolved: That the public be excluded from the meeting for the following item of business due to the likely disclosure of exempt information for the reason specified under schedule 12A of the Local Government Act 1972:-

	Head of Schedule 12A and Brief Description
<u>CCTV Monitoring Service - Exempt Appendix to the report of the Director of Regeneration & Communities - The Future Provision of the CCTV Monitoring Service</u>	3 – Financial/Business Affairs

98. Public Minute of Future Provision of the CCTV Monitoring Service - Exempt Appendix to the report of the Director of Regeneration & Communities - The Future Provision of the CCTV Monitoring Service.

Members moved on to question the finite details of the tendering process regarding the information supplied by the tenderers and the specifications requested by the authority.

The role of the technical advisor employed by the Council as part of the procurement process was explained by Officers. Members were informed that his role was to ensure the specifications proposed by tenderers were fit for purpose.

The Committee questioned the future of mobile cameras in the borough. It was explained that the Council would continue to be involved in the deployment of mobile cameras and the function would remain intelligence led. The Community Safety Unit would continue to work with the Safer Maidstone Partnership who already funded a PCSO post that would assist with this deployment. It was confirmed that the live feed from the cameras would be fed to the screens in Medway.

Members raised questions surrounding the future employment of CCTV staff and the point of contact for Maidstone. They were informed that TUPE (Transfer Undertakings Protection of Employment) legislation would be followed.

The Committee considered the table on page 18 of the agenda. An explanation was sought on the disproportionate rise in the revised value of the tender proposals. It was explained that all tenderers had been asked to include a £50,000 annual cost for camera network costs. All but one had done so, so the revised figures showed a £250,000 increase for the five year period for two of the three scores. The Committee were informed that this had been agreed with the tenderers when amended.

The Committee sought clarification on the legalities of the decision taken. Ms Cook responded by explaining that the Legal and Finance departments at MBC provided advice on the risks and implications of all decisions made to ensure they were informed decisions. It was explained that the normal practice with procurement processes was very prescriptive and the decision would normally therefore be made by an Officer.

Members of the Committee who had evaluated the CCTV decision and consultation process as it stood the previous Municipal Year informed the rest of the Committee that as the Environment and Transportation Overview and Scrutiny Committee they had supported the Cabinet Member's decision making and had involved themselves in the consultation process, attending the Question and Answer session and visit to the control centre in Medway.

The Committee were informed that the consultation responses would feed into the work involved in implementing the service and that Medway were aware of the level of concern and as with any service there would be regular monitoring. The Committee recommended that at a later stage Medway could be invited to attend Overview and Scrutiny along with the Safer Maidstone Partnership when they meet as the Crime and Disorder Reduction Partnership Overview and Scrutiny Committee.

The Chairman moved the Committee on to the decision options they could take as detailed in 2.3 of the covering report:

- Take no action;
- Refer to Cabinet; and
- Refer to Council.

Members of the Committee concluded that they had received assurances that procurement procedures had been followed and that dialogue would continue with Stakeholders.

It was moved that the decision should stand but that the Committee recommend that continued dialogue with relevant stakeholders continued in the implementation and ongoing operation of the service.

It was recommended:

- a) The committee agreed that the decision should stand without referral back to the Cabinet. The Committee recommended both the Cabinet and officers ensure that stakeholders are fully engaged throughout all stages of the transfer of the CCTV service and its continued ongoing operation; and
- b) CCTV should remain on the agenda for the Communities Overview and Scrutiny Committee. A written update should be provided for the Committee to consider at the beginning of the second quarter of 2012.

99. Duration of the Meeting

6.30 p.m. to 9.10 p.m.