

# Overview and Scrutiny Committee



*St Edmundsbury*  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>Annual Presentation by the Cabinet Member for Resources and Performance</b>	
<b>Report No:</b>	<b>OAS/SE/18/007</b>	
<b>Report to and date:</b>	<b>Overview and Scrutiny Committee</b>	7 March 2018
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<b>Purpose of report:</b>	<p>As part of the "Challenge" role, Overview and Scrutiny are asked to consider the roles and responsibilities of Cabinet Members. It is part of the Scrutiny role to "challenge" in the form of questions.</p> <p>Therefore, to carry out this constitutional requirement, at every ordinary Overview and Scrutiny meeting at least one Cabinet Member shall attend to give an account of his or her portfolio and answer questions from the Committee.</p>	

<b>Recommendation:</b>	<p><b>Members of the Committee are asked to question the Cabinet Member for Resources and Performance on his portfolio responsibilities, and having considered the information, the Committee may wish to:</b></p> <p><b>1) Make recommendations to the Cabinet Member for Resources and Performance for his consideration;</b></p> <p><b>2) Request further information and / or receive a future update.</b></p> <p><b>3) Take any other appropriate action as necessary.</b></p>		
<b>Key Decision:</b> <i>(Check the appropriate box and delete all those that <b>do not</b> apply.)</i>	<p><i>Is this a Key Decision and, if so, under which definition?</i>  Yes, it is a Key Decision - <input type="checkbox"/>  No, it is not a Key Decision - <input checked="" type="checkbox"/></p>		
<b>Consultation:</b>	<ul style="list-style-type: none"> <li>N/A</li> </ul>		
<b>Alternative option(s):</b>	<ul style="list-style-type: none"> <li>N/A</li> </ul>		
<b>Implications:</b>			
Are there any <b>financial</b> implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	•
Are there any <b>staffing</b> implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	•
Are there any <b>ICT</b> implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	•
Are there any <b>legal and/or policy</b> implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	•
Are there any <b>equality</b> implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	•
<b>Risk/opportunity assessment:</b>		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
	Low/Medium/ High*		Low/Medium/ High*
None			
<b>Wards affected:</b>	All		
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>	None		
<b>Documents attached:</b>	None		

## **1. Key issues and reasons for recommendation**

### **1.1 Background**

1.1.1 As part of its "Challenge" role, the Overview and Scrutiny Committee is asked to consider the roles and responsibilities of Cabinet Members. To carry out this constitutional requirement, at every ordinary Overview and Scrutiny meeting at least one Cabinet Member shall be invited to give an account of his or her portfolio and to answer questions from the Committee.

1.1.2 Last year, on 15 March 2017, Councillor Ian Houlder, Cabinet Member for Resources and Performance attended this committee and presented a report which summarised the areas of responsibility covered under his portfolio.

### **1.2 Scrutiny Focus**

1.2.1 The scope of this report differs from that of last year as the Cabinet Member has been asked to prepare a report which answers the following specific questions identified by the committee members as being relevant to the resources and performance portfolio:

- 1) Procurement of contracts:** After a contract had been awarded to a company/business, how does the Council then ensure fair treatment and good practice was being adhered too in treating the public and employees ethically?
- 2) Procurement of contracts:** What penalties were there when contracts were not delivered on time? (Example: play equipment contracts).
- 3) Procurement of contracts:** Who reviews the performance of contracts awarded by the Council?
- 4) Equal gender pay:** As a Council do we operate an equal gender pay scheme, for example, if two people are doing the same job, with the same experience, same qualifications are they receiving the same pay irrelevant of gender or disability?
- 5) Harassment:** Given all the publicity in recent months, does the Council have anyone making any sexual harassment claims, male or female?

### **1.3 Response to Key Questions Set out in the Scrutiny Focus**

1.3.1 **Procurement: How does the Council ensure fair treatment and good practice is being adhered too in treating the public and employees ethically?**

As part of the procurement (quotation, tender) exercise, we ask mandatory and discretionary exclusion questions to check that the company is abiding by the relevant laws. However, this is based on self-

declaration by the supplier.

Once a contract is awarded, contract review meetings may be conducted, where for example contract performance, efficiency improvement with contract delivery, saving opportunities in relation to contract delivery may be discussed.

**1.3.2 Procurement: What penalties are there when contracts are not delivered on time? (Example: play equipment contracts)**

This depends on what contract is being used for or supplying, alongside what has been included and agreed in the terms and conditions. The JCT contracts – which Property Services generally use – make allowance for liquidated and ascertained damages. The damages figure included should be calculated as a genuine pre-estimate of loss to the Employer (the procurer) and not be considered a 'penalty'. This may be based on loss of capital tied up on the project, professional fees to be incurred or any other genuine cost, such as loss of income.

In practice it can sometimes be difficult to demonstrate where delays occur that they are entirely the fault of the contractor but where there is clear evidence that this is the case the council would seek to enforce recovery of these damages.

**1.3.3 Procurement: Who reviews the performance of contracts awarded by the Council?**

Once a contract is awarded, the contract manager (officer with responsibility to manage that contract) is responsible to review the performance of contracts through periodic contract review meetings, as appropriate. Contract performance, efficiency improvement with contract delivery, saving opportunities in relation to contract delivery may be discussed in those meetings.

The Council has recently implemented an electronic Contract Management Tool, which is being supplied through Suffolk County Council, which can enable and encourage formal recording of contract review meetings.

**1.3.4 Equal gender pay: As a Council do we operate an equal gender pay scheme, e.g. if two people are doing the same job, with the same experience, same qualifications are they receiving the same pay irrelevant of gender or disability?**

Equal Pay is not the same as Gender Pay Gap.

Equal Pay

Equal pay means that there should be no difference in the pay and contractual terms of a woman and a man doing work of equal value. It is a legal requirement. The Council evaluates jobs using the NJC (National Joint Council) Job Evaluation Scheme as explained in the annual Pay Policy Statement ([Joint Pay Policy Statement 2017-2018](#))

The job is evaluated against 13 factors including the knowledge required to carry out the role. Pay is not determined by the disability, gender or the sex of the job holder.

### Gender Pay Gap

The Gender Pay Gap is an average measure of disadvantage (a difference or gap) between what an average man earns in the organisation compared to an average woman. It is not linked to doing the same job.

The Councils 2017 Gender Pay Data and Statement can be found [here](#). It demonstrates that women are not disadvantaged in our workforce.

1.3.5 **Harassment: Given all the publicity in recent months, does the Council have anyone making any sexual harassment claims, male or female?**

No allegations of Sexual Harassment have been made by officers or Unison in the last 12 months.

The Council has a detailed policy ([Dignity at Work Policy](#)) that explains our behavioural expectations and provides both informal support and resolution as well as formal procedures when needed.

### 1.4 **Proposals**

1.4.1 That the Overview and Scrutiny Committee ask questions of the Cabinet Member following his update.