

TRAFFIC, ENVIRONMENT & COMMUNITY SAFETY SCRUTINY PANEL

MINUTES OF A MEETING of the Traffic, Environment & Community Safety Scrutiny Panel held on 08 September 2010 at 3.00 pm in the Executive Meeting Room, Third Floor, Portsmouth Guildhall.

(NB These minutes should be read in conjunction with the agenda for the meeting, which can be found at www.portsmouth.gov.uk).

Present

Councillors Frank Jonas (Acting Chair)

Lynne Stagg

David Stephen Butler (deputising for Cllr C Scott)

Luke Stubbs (deputising for Cllr Blake)

Michael Lawther, City Solicitor & Strategic Director

Rachel Dalby, Head of Community Safety

Paul Hunt, Head of Environment & Public Protection

Phil Gadd, (deputising for Martin Putman, Port)

Martin Lavers, (deputising for Simon Moon, Head of Transport & Street Management)

24 Apologies for absence (AI 1)

Apologies had been received from Councillors Caroline Scott, Margaret Foster, David Fuller and Mike Blake.

25 Declarations of interest (AI 2)

There were no declarations of interest.

26 Minutes of previous meeting (AI 3)

Due to there being no panel members present that attended the previous meeting, the minutes of the Traffic, Environment & Community Safety Scrutiny Panel meeting held on 26 March 2010 were carried over to the next formal meeting of Traffic, Environment & Community Safety for approval.

27 Review into “The city council’s use of consultants” (AI 4)

The panel received written responses from;

- 1) Legal, Licensing & Registrars
- 2) Community Safety
- 3) Environment & Public Protection
- 4) Port
- 5) Planning

in respect of the 15 questions sent to all Heads of Service by the Scrutiny Management Panel in August. The panel heard from a representative of each service in turn, outlining their own individual service responses.

Legal, Licensing & Registrars

The City Solicitor outlined the responses submitted to the panel and clarified that whilst the the data the panel had been supplied with was largely historical, it was also an incomplete set of data, as the actual cost of consultants had been higher than the figure shown and that he would explain this to the panel.

[TAKE IN RESPONSE]

The reason that this figure was not a true reflection of the actual cost to the city council for external legal expenses was due to the fact that these figures are often accounted for within the budgets of other services. The true cost of legal expenditure for consultants amounted to about £1.3m, whereas following changes to the structure of legal services, the cost this year is expected to be about £300k.

One reason for a reduction in legal costs this year is due to the number of capital projects that have been put on hold or are no longer going ahead. The panel also heard that fewer external consultants are engaged within legal services, although some were used to assist with PFI work as well as helping to clear the backlog of contracts work. There is also a lawyer currently working on a fixed term contract to allow the service to respond flexibly as a result of any budgetary restraints. In respect of childcare advocacy cases, there has been a 50% saving over the cost of the year by having a fixed term contract lawyer as opposed to engaging counsel on an individual basis.

The panel were advised that other services would not have to pay for external legal services as the bulk of this work was now being done in-house. The panel were also advised that no external legal expenses should be authorised unless this has been approved by the City Solicitor, which has not always been the case historically.

There will always be areas of expertise that are unique and necessitate purchasing external legal advice, i.e. sheep exportation and harassment defamation legislation.

In response to questions, the panel heard that;

- The fixed term contract for a childcare advocacy lawyer was not a direct result of the baby P case. There has been a rise in childcare cases from 35 to 80 cases, which is now a fairly constant number. Any spare advocacy capacity is sold to Hampshire County Council and Isle Of Wight Council on a shared services agreement.
- The five high salary figures identified in 2008/09 data were the lawyers engaged in excess of 12 months and that these figures are reducing year on year. This was due to insufficient budget being available, which has now been resolved.
- Whilst the bulk of the child protection work is carried out in-house, there are occasions when external lawyers are engaged due to the complexity of the case. Previously Hampshire County Council lawyers

had to be used, however, this will only be on an occasional basis in the future, although it is acknowledged that this is an area that is very difficult to control the peaks in the workflow.

- There is a need to maintain a good mix of experienced lawyers who can deal with more complex litigation, although it has taken some years to develop this mix and there is still some way to go.
- There is a need to develop own lawyers with a range of experience and there are currently two trainees working within the service at present.
- Whilst no service is immune to spending cuts, the cost of an in-house lawyer per hour amounts to £80 as opposed to £250 for any high street lawyer, therefore, it is not necessarily cost effective to go externally for legal advice.
- Some scope exists for income generation opportunities from other local authorities at the same time as utilising other authorities to carry out work on behalf of Portsmouth City Council.

Community Safety

The Head of Community Safety presented the panel with the written response in respect of Community Safety and advised the panel that the service does not use agency staff within Community Safety, preferring instead to utilise the in-house temporary register.

[TAKE IN RESPONSE]

The panel heard that consultants are selected carefully and only where it is felt that their expertise will help to develop the service. There are projects that are run within the service where a requirement of the project is that it is externally evaluated. On these occasions, external consultants will be brought in to carry out the evaluation. Whilst consultants are often used in these circumstances, they are also often externally funded and the usage of any consultant is thoroughly questioned before being engaged to carry out work, to ensure value for money for the organisation.

In response to questions, the panel heard that;

- Resources are re-allocated when staff are off sick and as a consequence, some areas of work will not get done.
- There is no available budget to provide maternity cover or long-term sickness absence and in these cases, the workload would be divided equitably amongst the team.
- Whilst the cost of consultants across the service equated to circa £60k, this was mostly self-funded.

Environment & Public Protection

The Head of Environment & Public Protection presented that panel with the written response in respect of the Environment & Public Protection Service and advised the panel that he felt there was no need to engage consultants other than for essential work.

[TAKE IN RESPONSE]

Consultants cost were incurred in respect of Air Quality Modelling as it is not cost-effective to maintain this in-house and Contaminated Land as it too is prohibitive and costly to maintain this expertise. Whilst costs were incurred for both of these areas of work, they were grant funded by Department for the Environment, Food & Rural Affairs (DEFRA) although it is acknowledged that there could be reductions in this funding in future years.

Another consultant cost relates to petrol pump testing, which is carried out on behalf of PCC by Hampshire County Council. This is due to it not being cost-effective to operate this within PCC's own Trading Standards team.

The panel heard that whilst the service use temporary register staff to cover secondments that are being funded by another service, they do not generally appoint for long-term sickness absence or maternity cover and make do with the remaining resources. The consequence of this might mean a reduced service at times or slower response to a query.

The panel heard that the service buys in other services which are not cost effective to operate, which includes; Illegal landings at the Ferry Port (diseases of animals responsibility) and a Service Level Agreement (SLA) with Hampshire County Council to undertake the authorities diseases of animals responsibilities.

In response to questions, the panel heard that;

- The service is exploring the opportunities of selling Trading Standards services to other authorities at a unitary or county council level.
- Environment & Public Protection in conjunction with Planning, could seek to use land developers fees to fund staff required to work on contaminated land issues as DEFRA funding is not available on developed land.
- In respect of the planned regeneration at Tipner, this could equate to a years salary for a member of staff.

Port

The panel received a verbal presentation from Phil Gadd who was deputising for the Port Manager.

[TAKE IN RESPONSE]

The panel were informed that the bulk of the consultants costs incurred by the Port were in relation to engineering costs as the expertise did not exist in-house and that these costs would be incurred through a Framework Agreement or competitive tendering. The bulk of the engineering costs related to the new terminal building construction. There were also consultants costs incurred in establishing compatible IT facilities at the Port as well as the purchase of MMD Shipping. The panel also heard that the railhead at Fratton had currently been moth-balled and that the consultant costs incurred for that project had been grant funded.

In response to questions, the panel heard that;

- The £105k paid to Strath Services to provide additional berthing gangs was necessary to ensure that the Port had the capacity to respond to berthing requirements on a 24/7 basis.
- The £108k to provide sickness/absence cover was in addition to the £105k paid to Strath Services and that there was a legal requirement to have a minimum staffing level for berthing vessels in accordance with Health & Safety legislation.
- Whilst the combined costs of Strath Services and cover for sickness absence may appear high, the income cost centre from berthing charges covers these costs and makes a profit each year.

Transport & Street Management

The panel received a verbal response from Martin Lavers, deputising for the Head of Transport & Street Management.

[TAKE IN RESPONSE]

The panel were informed that the service uses Framework Consultants in three particular areas of work; Transport, Highway Design and Coastal Protection. The framework has been agreed for a five year period with the opportunity to offer a two-year extension and was subject to the appropriate procurement process. There is a need to bring in consultants through this framework agreement where there is a skills shortage or a need for particular expertise. The service seeks to engage consultants through the framework agreement when required as this represents the best value for money when engaging consultants.

There is a currently a downward trend for engaging consultants, which in part is due to the fact that certain capital projects have been stopped with immediate effect.

The cost of consultants for the M275 Interchange Bridge was recouped from the Department for transport and other external funding such as through Partnership Urban South Hampshire (PUSH) covers some of the costs for other work carried out within the service.

Whilst there are certain capabilities in-house, there are posts that need to be filled, subject to funding and budgetary agreements in the autumn.

The service seeks to capture the skills of individuals and teams across the service to match resources more efficiently, with a view to this leading to a reduction in the use of consultants. The service supports the training and development of the team and currently funds one member of staff to undertake an HNC in Civil Engineering. The service has a flexible approach to working and offers secondment opportunities across other disciplines to increase the knowledge of the wider team and develop a wider skill base.

In response to questions, the panel heard that;

- The cost associated to the Kennels project was part funded through PUSH and South East England Development Agency (SEEDA) however the figures shown do not appear to represent the actual consultant's costs for this project and that the value would be clarified and reported back to the Scrutiny Management Panel at their 15th September meeting.
- The number of consultants engaged (response to question 3) was not part of the framework agreement and was a standalone cost.
- The hourly rate negotiated through the Framework Agreement is lower than the normal hourly rate charged by consultants for infrequent work.
- The SMP would receive clarification at their meeting of 15th September, whether the agency staff used to provide office cover/cashier were engaged through the internal agency
- The SMP would receive clarification at their 15^h September meeting on the rationale for engaging former employees (response to question 14).
- Whilst the authority holds the intellectual rights for PCC projects, no-one else had the knowledge to carry out the work that the former employee was engaged to carry out.
- The former employee was engaged to provide some neutrality as part of the Highways Authority when commenting on the Highways Design team submission for Tipner.
- The SMP would be advised whether it was a legal requirement or good practice to provide this level of neutrality

RESOLVED that ;

- 1. The Head of Transport & Street Management would provide the clarification sought for the Scrutiny Management Panel ahead of their meeting on 15th September and attend the meeting to answer any additional questions from the panel. The panel would also like to know what procurement process was followed to engage the services of the former employee.**
- 2. The responses from all services that presented to the meeting be forwarded to the Scrutiny Management Panel meeting on 15th September, who may wish to question the Heads of Service further.**

28 Dates of future meetings (AI 5)

The panel members to be contacted to provide a suitable date for the next meeting.

The meeting closed at 4.30 pm