

SCRUTINY CO-ORDINATION COMMITTEE

1st November, 2006

Members Present:-	Councillor Bains Councillor Crookes (Substitute for Councillor Asif) Councillor Duggins Councillor Lee Councillor Mutton Councillor Ridge Councillor Sawdon (Chair) Councillor Williams
Co-opted Member Present:-	Councillor Clifford
Cabinet Member Present:-	Councillor Mrs. Johnson (Cabinet Member (Human Resources, Corporate and Customer Services))
Other Member Present:-	Councillor Maton
Employees Present:-	P. Barnett (Chief Executive's Directorate) C. Hinde (Director of Legal and Democratic Services) R. Hughes (Head of Corporate Policy) C. Steele (Chief Executive's Directorate) C. Swann (Legal and Democratic Services Directorate)
Apology:-	Councillor Asif

100. Appointment of External Legal Advisors – Equal Pay Claims

The Committee considered a report of the Director of Legal and Democratic Services, which had previously been considered by the Cabinet (their Minute 81/06 refers) and had been "called in" by Councillors Maton, Patton and Skipper.

The report sought retrospective approval to the appointment of Eversheds LLP as the City Council's external legal advisors in relation to equal pay and associated claims. The Cabinet had, subsequently, decided to approve this request.

The Committee noted that the reason for the "call in" was to understand why it had been necessary to seek retrospective approval for expenditure in excess of £100,000, and why this level of expenditure had not been anticipated and so the need for retrospective action avoided. In addition, the "call in" had been requested in order to understand if this expenditure represented value for money, since the report gave minimal financial information, and importantly gave no idea of the potential savings that could result from having this expenditure in place; and to understand if appointing in-house staff in anticipation of a requirement for dealing with this situation would have been a more cost effective option. Councillor Maton, one of the Members calling in the report and the Committee questioned the Cabinet Member (Human Resources, Corporate and Customer

Services), who had attended the meeting for the consideration of this item, on the value for money aspects of the proposal. The Director of Legal and Democratic Services indicated that, following the introduction of the "Single Status" Agreement, the City Council faced a significant number of claims from employees under the Equal Pay Legislation, and should these be successful, then the financial cost to the City Council would be substantial. Having regard to the number of claims received and the workload that these would generate, it was decided that this could not be accommodated within the resources available within the City Council's in-house Legal Services. As a result, a decision was taken to instruct an external firm of lawyers, Eversheds LLP, who have considerable expertise in this particular area of law, to undertake this work. Eversheds LLP were appointed by the Director of Legal and Democratic Services under the City Council's Single Negotiated Tender Process. It was confirmed, that since their appointment, Eversheds LLP had carried out a considerable amount of work in relation to the individual claims and had provided advice on the City Council's general approach to this litigation. Consequently, the value of work that had been carried out by Eversheds LLP had passed the £100,000 threshold that could be undertaken under delegated powers in accordance with the City Council's Constitution and, therefore, retrospective approval had been sought to the continued appointment of this company. The Director of Legal and Democratic Services also confirmed that, although a formal value for money exercise had not been conducted in this case, appropriate action had been taken to ensure that expenditure had been kept to the minimum by negotiating the lowest rate possible with Eversheds LLP and for appropriate legal work to be undertaken "in house" where this had been possible. It was confirmed that a report setting out all the financial aspects of this matter and action being taken to minimise costs would be submitted to a meeting of the Cabinet Member (Human Resources, Corporate and Customer Services) in due course.

RESOLVED:-

- (1) That the Committee concur with the decision of the Cabinet.**
- (2) That a value for money exercise be carried out into the use of external legal advisors in respect of the equal pay and associated claims, and that a report on the findings be submitted to a future meeting of the Cabinet Member (Human Resources, Corporate and Customer Services).**

101. Call-Ins Stage 1

The Committee noted that no call-ins had been received yet this week. The deadline for "call-ins" for Cabinet and Cabinet Member decisions made during the week commencing 23rd October, 2006, was 9.00 a.m. on Friday 3rd November, 2006. Any "call-ins" received after this meeting, and before that deadline, would be considered for validity by the Chair of the Scrutiny Co-ordination Committee, in consultation with the Director of Legal and Democratic Services (Paragraph 5.4.5.25.4 of the City Council's Constitution refers).

102. Report on the Work of Scrutiny Board (2) – Children, Learning and Young People

Councillor Lee, the Chair of Scrutiny Board (2) gave a brief update on the work of the Scrutiny Board for the quarter ending 31st October, 2006. This had included work on the Respite Care Review, Teenage Pregnancy, Cabinet Member Strategic Plan, JAR

Action Plan/Youth Service Inspection, Children's Centres Capital Programme and Children and Young People's Commissioning Trust. It was noted that future work programme items included Children and Young People Affected by Domestic Violence and Corporate Parenting.

The Committee questioned the Scrutiny Board Chair and the appropriate officer present on aspects of the Board's work and requested that, in relation to the issue in respect of Corporate Parenting, an appropriate application form for CRB (Criminal Records Bureau) checking be made available to all Members requiring one, prior to the Members' Seminar on Corporate Parenting to be held on 13th December, 2006.

103. **Outstanding Issues**

The Committee considered and noted a report of the Director of Legal and Democratic Services which identified those issues on which further reports had been requested in order that Members could monitor progress.

104. **Work Programme 2006/07**

The Committee considered and noted the Work Programme for the Scrutiny Co-ordination Committee for the 2006/07 Municipal Year.