

ITEM 4 – PUBLIC QUESTION TIME

Questions asked of the Chairman of the Committee

ITEM 10 - Replacement of cremators, building works, renovations and compliance with mercury abatement legislation at Hendon Cemetery & Crematorium

From Mr John Dix

1. At 9.9 the report states “an in house delivery with the required investment would be most attractive from a financial perspective”. If that is the case why is this Committee approving this investment only to hand it over to a private company. Surely if the desire is to achieve best value you would either make the investment and operate the facility with an in house team as identified by the options appraisal or get a private operator in now to fund and run the facilities. Surely this recommendation is the worst of all options.

Reply by the Chairman of the Cabinet Resources Committee

Paragraph 4.5 of the report states, “The operations at Hendon Cemetery & Crematorium are currently included in the One Barnet Development and Regulatory Services (DRS) project and could potentially be run by another operator from early 2013. It is unlikely that the existing cremators will last long enough for any new organisation to carry out the replacement once any new organisation is appointed”.

The procurement process to find a potential new provider to operate the facility is not compatible with the timeframe for complying with the mercury abatement legislation and due to the age of the cremators there would be a risk to the business if replacement was delayed until any contract was in place.

The procurement process for the Cemetery & Crematorium will only continue if it shows best value for the council can be achieved by entering into a contract with another provider. Consideration of any investment by either party will be a matter which will be dealt with in the detail of any contract drawn up.

ITEM 15 - Leisure Contract Review

From Mr John Dix

2. Why is the contract with GLL being terminated before the outcome of the strategic leisure review is known?

Reply by the Chairman of the Cabinet Resources Committee

The report asks for approval to negotiate and agree the terms of a termination, these terms would be reported back to CRC for approval and this wouldn't be done until after the Strategic Review has been completed and only if it is necessary in order to move forward with the preferred option. As we cannot predict the outcomes of the Review this is just to be sure all the relevant information is available in order to inform the Options Appraisal.

3. Has anyone assessed the risk that there may be a period after GLL's contract is terminated when no one is running leisure in Barnet?

Reply by the Chairman of the Cabinet Resources Committee

As noted above this would not be the case. Should a termination to the contract be required in order to proceed it would be planned to reduce any effect on services.

4. Are the cabinet completely satisfied that the financial risk of challenge from tenderers who were unsuccessful when the contract was tendered previously, significantly outweighs the cost of terminating the contract with GLL.

Reply by the Chairman of the Cabinet Resources Committee

The advice provided by Bevan Brittan to the Council was very clear that a challenge could come from the previous unsuccessful tenderers and or others currently in the Leisure market as the Leisure Market is very competitive.

5. Which of the proposed contract changes meet the criteria identified by the European Courts of Justice in the case of presstext Nachrichtenagentur Gmbh v Republik Österreich (Bund) and others (Case C-454/06), as representing a “material change”, given that the report suggests the changes represent **a reduction** in scope and potentially a shift in the economic balance in **favour of the council**.

Reply by the Chairman of the Cabinet Resources Committee

The external lawyers took account of the full extent of the proposed changes in coming to a view as to whether they were likely to amount to a ‘material’ change