

MINUTES OF CJC MEETING AT 1100 ON FRIDAY 30 SEPTEMBER 2011 - CIPFA OFFICES, WC2

Present – Carl Allen (CP), Bob Atkins (APA), Norma Atlay (ALAT), Derek Collins (BSA), Malcolm Dawes (ACES), David Kelly (LGA), Lesley Lodge (CIPFA), Sipi Hameenaho (CoopsUK), Richard Harbord (IRRV), John Serle (Socitm), Julian Smith (secretary), Will Werry (chair)

Apologies - John Blair (APSE), Mark Bramah (APSE), Steve Cross (ADASS), Roy Fairclough (TAG), Kirsten Gillingham (CIPFA), Alistair Merrick APSE), Parvis Khansari (CSS), Sue Morecroft (CIOPS), Bernard Wyld (SCALA)

- 1 **CJC guide to open public services** - latest drafts of all Parts approved for immediate publication subject in
04.07 to acknowledging that even if the intended purchaser of a building in which services are provided fails to secure the contract for providing them, the authority may be able to sell the building to the new contractor
10.04 to noting that the statutes always make clear whether or not the new body is a 'public body'
11.02 pointing out the need for an entirely new funding model
12.01 to acknowledging that to date ministers have not commended open commissioning for use otherwise than in central government
13.02 to acknowledging that a power of general competence would extend to budget pooling with any desired body
14.04 to adding that the 'lowest price' procedure can safely be used only if client authorities are satisfied that quality is satisfactorily defined by specifications
14.04 noting that the propose requirement to take social wellbeing into account in tender evaluation will apply only where authorities have chosen to make social wellbeing one of the objects of the contract
Part 16 (payment by outcomes) noting the technical difficulty in deciding in the time available what outcomes have in fact been achieved, the danger of performance distortion, the danger to service providers of accepting performance payment instead of (and not in addition to) output payment, deciding how to address outcomes of benefit to bodies other than the client body, and the scope in some fields for payments based on random samples
Part 19 (appeals against non-selection as a tenderer) accepting that an independent appeals body might be welcomed by many types of service provider
Part 25 (personal choice) noting the recent critical NAO report
25.10 noting the Rafaela Savva case
- 2 **CJC response to the white paper on open public services** - 27 September draft approved subject to amendments in line with corresponding amendments to the CJC Guide
- 3 **CIPFA response to the James Review** - agreed to suggest general preference for local or regional, rather than national initiatives; to note widespread criticisms of the bureaucratic contractual partnerships required by BSF, NHS Lift and PFI contracts; the impossibility of drafting a document capable of covering all possibilities needed locally otherwise than at impossible length, that central documentation may nevertheless be helpful if expressed to be advisory and open to any desired local amendment, that there is better scope for regional standardisation of any sort than national, and that CIPFA would welcome an opportunity to cooperate in any joint exercise within local government to identify best practice
- 4 **CJC on-line guide** - draft list of batch 2 of updates agreed, so far as possible by the next meeting
- 5 **Simplification of the EU directives** - agreed to cooperate with CIOPS in responding to the EC consultation
- 6 **Calendar of meetings** noted as follows, all at 1100 in the CIPFA offices, Robert Street
25 November 2011 27 January 2012 30 March 2012 25 May 2012
20 July 2012 (a revised date) 28 September 2012 30 November 2012

Approved and signed



Will Werry, chair, 30 September 2011