

Mr S Feeney
[REDACTED]

Oxford

OX4 [REDACTED]

Date 31 March 2005

Your ref.

My ref. EB/BL

Ask for Brenda Lammin

Telephone 01865 252219

e-mail blammin@oxford.gov.uk

Dear Mr Feeney

QUESTIONS TO EXECUTIVE BOARD – 7 FEBRUARY 2005

I refer to your 23 questions to elected members of Oxford City Council's Executive Board on Monday 7 February 2005, on agenda item 4, Audit and inspection letter, December 2004 and set out below the questions and the responses I have received.

1. Does this local authority have a no-tolerance policy for criminal offences committed by officers in the course of their official duties?

Response Yes.

2. Does the Executive Board agree with Councillor Muir that I should receive all the information that I am entitled to by law and does it share his concern about the urgency of providing any information to which I am legally entitled and which has not been provided?

Response Yes.

3. Does the Executive Board share my concern about Mr. Newman's interference with the wishes of elected members to obtain appropriate legal advice from the monitoring officer?

Response

The Monitoring Officer had responded to Mr. Feeney on 11 October 2004 saying there was no suggestion that any unlawfulness had occurred. From the information that Mr Newman had he was not aware there were any outstanding issues. The Monitoring Officer advised you (on 11 October 2004) that a Monitoring Officer had no powers in relation to maladministration etc unless the Local Government

Ombudsman had investigated, hence Mr Newman's suggestion that you should contact the Ombudsman.

4. Will the Executive Board ensure my complaint is formally considered by the statutory monitoring officer, particularly given the Section 11 recommendation of the Audit Commission today?

Response

It is not clear which complaint you are referring to. The Monitoring Officer responded on 10 October 2004 to your letter received on 4 October 2004. At the Executive Board meeting on 7 February 2005 it was explained that questions had been addressed to 5 different officers and through several committees. Officers believed that the questions had been answered. There was some lack of clarity about what was outstanding and you were asked to confirm in writing to the Chief Executive exactly what information you believed you had not been given.

5. Is Mr. Cane a legally qualified solicitor or barrister?

Response *Mr Cane is a barrister.*

The Audit Commission state invoices of East Oxford Action were "passed for payment without any supporting evidence". OCC is the principal accounting body for this SRB/company and so I understand invoices/contracts between East Oxford Action and Oxford Greenprint are disclosable; and Councillor Simmons was a Director of this company. I reaffirm my publicly stated intention to complain to the Standards Board for England about my concerns that Councillor Simmons has failed to declare interests. I asked to inspect and copy all invoices and contracts with Oxford Greenprint (of which Councillor Simmons's wife, Councillor Benjamin, is a Director) on the opening of the annual audit inspection period on 17th September 2004. No invoices or contracts have been provided. I do not believe there is a legally valid reason for this failure.

6. Will the Executive Board ensure all Oxford Greenprint invoices and contracts are supplied as a matter of urgency or provide a legally valid reason for refusal?

Response

Copies of invoices for 2002/03 and 2003/04 are attached.

The questions I (and Councillor Jan-Khan) asked about the tenders for the kitchen at East Oxford Community Association on 24th February 2004 at the

community scrutiny committee have never been answered. I am concerned that this authority's tendering procedures have been breached.

7. Where were the tenders advertised?

Response

They were not advertised. The Standing List Tendering Procedure was used initially, and the re-tendering exercise was carried out under the Negotiated Procedure. The Executive Board on 15 December 2003 authorised the use of the negotiated tender procedure under paragraph 9.05 of Part 4 the Constitution (Contract Procedure Rules). A further re-pricing of the winning tender was required in September 2004 as the various delays in the project caused the validity period of the re-tender to expire. The re-pricing was undertaken with the authority of the Strategic Director, using Delegated Power 28 of the Constitution.

8. When was the close date?

Response

*Initial Tender – 21 August 2003
Re-tender – 19 December 2003*

9. What was the tender limit? What was the then EU procurement limit?

Response

Officers do not understand what limit you are referring to in the first part of the question, but see response to question 11 which gives the amount of the accepted tender. The operative EU procurement limit was € 5 million.

10. Have OCC's tendering procedures been breached?

Response No.

11. Will I be allowed to inspect and copy these tenders or will I be provided with a legally valid reason for refusal?

Response

The amounts for the successful tenders were as follows:

<i>£278,528</i>	<i>Initial tender</i>
<i>£215,500</i>	<i>revised tender</i>
<i>£221,965</i>	<i>following further negotiations – acceptance approved using delegated powers</i>

Tenders are available for inspection (via the Chief Executive).

12. Does OCC still maintain there were no financial transactions involving the kitchen tenders at East Oxford Community Association despite the evidence that James Barlow invoiced you on 20 January 2004 for "Meetings SWA and City to discuss tender evaluation exercise" (on 15th September 2003) and for "e-mails and phone conversation NOF; SWA and City Council re. Re-tendering exercise" (on 8th December 2003)?

Response

In response to contact with the successful tenderer the only financial transactions were those set out in the contract documents. It is true that Mr Barlow, the project consultant, did carry out some work in September and December 2003. Mr Barlow's itemized invoice states that he spent 2 hours on 15 September 2003 meeting with SWA and the Council to discuss the tender evaluation exercise and one hour on 8 December 2003 on the same issue. (Julia Tomkins had forgotten about this time when you originally asked if there were any financial transactions involving the kitchen tenders.)

13. Has 5 per cent of the HL1 capital grant been paid and, if so, when?

Response

Yes, on 15 February 2005.

14. Has a legally valid, signed, dated and sealed deed of dedication been deposited with HM Land Registry as required by Appendix B of the contract when 5 per cent of the capital grant is paid?

Response

Yes

15. If no deed of dedication has been lodged and 5% of the capital grant been received has this event of default under the contract been notified to the funders?

Response

Not applicable.

16. The partnership agreements(s) I have seen are not signed by Oxford City Council and they falsely name the principal accounting body as Oxford Primary Care Trust not Oxford City Council. Are any of the partnership

agreements legally valid and are any signed by Oxford City Council, and, if so, can I inspect and copy them?

Response

Oxford City Council is not party to any signed 'partnership' agreement. As such, the HLI is an agreement in principle among the participating bodies. The agreements to which Mr Feeney refers were drafted before Oxford City Council took responsibility for making application for Lottery funding, these draft agreements were superseded by events.

17. The consultation about the East Oxford Community Association kitchen in 2004 claimed "The nature of the funding means they have to legally guarantee community use for the kitchen for a significant period (30 years). Can you confirm this is untrue because the site can be sold or its use changed provided the funders give written consent?"

Response

The agreement with the New Opportunities Fund commits us to retain the site for 20 years, subject to obtaining the permission of NOF for any disposal before the end of that period.

18. I am concerned that not all invoices for James Barlow have been provided, particularly between 1st August 2003 and 14th September 2003, particularly given that I have invoice number 03/OCCHLI/2 but not invoice number 03/OCCHLI/1 (the first invoice under his name in 2003 for OCC for work on the HLI). The East Oxford healthy Living Initiative report to core partners on 3rd September states "There are the usual complications with higher than expected tenders but we are still aiming for an October start date at present. Val Johnson and Jim Barlow have been dealing with most of these issues" (p. 4, paragraph 2.4). The minutes of the core partners meeting on 5th November 2003 state "Tenders have been far too high. Val Johnson, Jim Barlow and John Bellenger had met on 27th October to discuss how to take the project forward. The City Council had agreed to use £20,000 from its capital budget to make up the shortfall between the reduced tender and the available NOF funding" (paragraph 3). Will you confirm there is at least one requested invoice that has not been provided, and provide it and any other invoices requested but not provided?

Response

Copies of all the invoices on file for Jim Barlow's time are attached, except the 2 below:

*There is no copy of invoice 03/OCCHLI/1 on file (it was for £856.61)
You already have invoice 03/OCCHLI/2*

19. Is the HLI contract entered on OCC's contract register, as required by the constitution?

Response

Yes. If you wish to see a copy of the building contract a copy will be made available to you for inspection (via the Chief Executive).

20. Do the financial asset management business unit managers have access to OCC's contract register and, if so, why was I falsely told no contract existed?

Response

Yes, the contract register is held in Legal Services and is available to all Business Managers. As pointed out above the contract does exist and you are welcome to inspect it.

21. OCC is the principal accounting body for East Oxford Action. Can you confirm the date that Councillor Craig Simmons became a Director of East Oxford Action (I understand he was a Director from 13th August 2003 so that he was a Director at the East Area Committee on Wednesday 20th August 2003)?

Response

Councillor Simmons became a Director of East Oxford Action in August 2003 and resigned in September 2004.

22. Payments have been made to the architects Stanhope Wilkinson Associates during 2003/4. Were these architects selected by a tendering process, and were OCC's financial procedures broken in the selection of these architects?

Response

These architects had been appointed by the East Oxford Community Association. They had already undertaken significant feasibility work on improvements to the premises. When the Council took over the kitchen project SW were asked to provide a quotation for their professional services. They quoted 8%, well below the RIBA's standard 11%. There was a time pressure to progress the project quickly. Their rate of 8% was considered good value for money by Val Johnson and John Bellenger, who therefore accepted the quotation. No alternative was sought because it was not felt that a rate approaching 8% was likely. SW were able to offer such a low rate because they had already undertaken considerable work on the project; others would have to start from scratch. SW's plans were subject to copyright.

For contracts under £20k the business manager is entitled to waive the requirement to get two quotes where specialist goods are being sought. Given the prior knowledge that SW had of this matter, the business manager exercised this waiver to appoint SW to assist the timescale/continuity of the scheme.

23. The HLI bid is named as a background paper to Council reports and a business plan is an integral part of that bid. I understand it is a criminal offence to obstruct inspection and copying of background papers to Council reports. Will you allow me to inspect and copy the business plan or give a legally valid reason for refusal?

Response

You are entitled to see background papers listed on reports. If a business plan is included in the background papers you are entitled to see that document. To do so you should make an appointment through the Chief Executive.

I have copied this letter to Caroline J Bull (Chief Executive) and Councillor Alex Hollingsworth (Leader of the Council and Chair of Executive Board). May I remind you that the Chief Executive stated at the Executive Board meeting on 28 February 2005 that in future all enquiries on the Healthy Living Initiative project at the East Oxford Community Centre and related matters are to be made through her and in writing.

Yours sincerely

Brenda Lammin
Legal and Democratic Services

Gib

TOMKINS Julia

From: JOHNSON Val
Sent: 17 February 2005 15:17
To: TOMKINS Julia
Subject: FW: Mr Feeney's questions at EB

From: Zoe Brooks [mailto:zoe@eastoxford.com]
Sent: 14 February 2005 21:24
To: JOHNSON Val
Subject: RE: Mr Feeney's questions at EB

Dear Val

RE Greenprint

You will have all the invoices etc.

There were two services they provided for us.

a) Delivery of newsletters

We only contracted with them after having tried two other delivery services:

- i) Newsquest - who did not deliver the newsletter to all the properties specified (we ended up seeking a refund)
- ii) East Oxford Community Association - whose volunteers delivered the newsletters, this was ok for a while but then service dropped off and we got complaints about slowness or total lack of delivery from local residents. The final straw was having a bag of newsletters dumped at Boundary Brook.

It was only then that we contracted Greenprint with whom we have had no problems.

b) Paper for the Copier

We shopped around for this too and did/do so regularly - usually we compare/d with the City Council's preferred stationary supplier. In Jan 2004 JBL was £24.75 per box, Greenprint £21. We have found somewhere cheaper now, so we no longer use Greenprint.

I have searched my computer for any discussion at Board level about these contracts and Greenprint and for other things. It does not surprise me as the Board does not discuss the placement of orders.

Zoe

3.8

RECEIVED

INVOICE TO
East Oxford Action Neighbourhood Renewal Oxford City Council St Aldates Chambers (3rd Floor) Oxford OX1 1DF

Invoice

VAT REG NO	TAX DATE	INVOICE NO
685531314	04/06/03	1195
TERMS:	30 days	

ITEM	DESCRIPTION	QTY	RATE	VAT AMT	AMOUNT
delivery	Newletter delivery in east Oxford - 6500 off		600.00	105.00	600.00
VAT SUMMARY			SUBTOTAL		600.00
£ 105.00 @ 17.5% ;			VAT TOTAL		105.00
Order No 377039			Total		£705.00

OXFORD CITY COUNCIL CREDITOR PAYMENT STAMP

PLEASE ENSURE ALL THE SHADED AREAS ARE COMPLETED BEFORE PAYMENTS ARE PASSED FOR PAYMENT.

ACCOUNT CODE(S)	COST CENTRE	AMOUNT (EXC. VAT)	CREDITOR NO:	20008503
D3811	HR40	£600.00	TRANSACTION NO:	

ORDER NO.	INITIALS (WHO RECEIVED THE GOODS/SERVICE)	NARRATION (DESCRIPTION OF GOODS ORDERED) EG. CONF/21.06.01
377039	AD	Oxford Green Print - delivery of newsletter

Initiated by:	Prices checked by:	Work/Mats. Satisfactory	Certified for Payment by: (Authorised Signatory)			
	B	B	Dept	Initials		
			B	4	4	VJS
						ufdusa

OXFORD CITY COUNCIL CREDITOR PAYMENT FORM

Transaction Number

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Period

Invoice Date

200408

15102003

Creditor Number

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Name

OXFORD GREEN PRINT

Address

115 MAGDALEN ROAD
OXFORD

Post Code

OX4 1RQ

Invoice Details

+/-

Total Invoice Amount

VAT

+/-

VAT Amount

2970598

21

70500

2110203

10

10500

Remittance Text

NEWSLETTER DELIVERY FOR EDA

Payment Terms

Payment Method

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Collection Reason

--	--	--	--

Sort Code

--	--	--	--	--	--	--	--

A/C Number

A/C Name

Invoice No.

1306

Date Received

26112003

Account Code

Cost Centre

Job Code

Order Number

VAT +/-

Amount

D3811

HR40

377050

60000

G/L Text

NEWSLETTER DELIVERY CHARGES (SET)

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G/L Text

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G/L Text

Date

Details

Payment Details where not accompanied by an Invoice

Amount
£ D

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Initiated By

Prices Checked By

Work/Mats. Satisfactory

3-12

Certified for Payment By
(Authorised Signatory)

Dept. Initials

26.11.2003

11/11

OXFORD GREEN PRINT

RECEIVED
15/10/03

APT
AD

115 Magdalen Rd
Oxford OX4 1RQ
Tel: 0845 345 1398
www.oxfordgreenprint.com

INVOICE TO

East Oxford Action
Neighbourhood Renewal
Oxford City Council
St Aldates Chambers (3rd Floor)
Oxford OX1 1DF

RE: PO # 377050

Invoice

VAT REG NO	TAX DATE	INVOICE NO
685531314	15/10/03	1306
TERMS:	30 days	

ITEM	DESCRIPTION	QTY	RATE	VAT AMT	AMOUNT
delivery	Newsletter delivery 7000 off		600.00	105.00	600.00
VAT SUMMARY					
£ 105.00 @ 17.5%;				SUBTOTAL	600.00
				VAT TOTAL	105.00
				Total	£705.00

3.13

OXFORD CITY COUNCIL CREDITOR PAYMENT FORM

Transaction Number

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Period

2004 10

Invoice Date

12 01 2004

Creditor Number

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Name

OXFORD GREEN PRINT

Address

115 MAGDALEN ROAD
OXFORD

Post Code

OX4 1RQ

Invoice Details

+/- Total Invoice Amount

VAT

+/-

VAT Amount

2970593

21

70500

21020

10

0500

Remittance Text

INVOICE NO 1400 - EDA delivery

Payment Terms

Payment Method

BX

Collection Reason

Sort Code

A/C Number

A/C Name

Invoice No.

1400

Date Received

16 01 2004

Account Code

Cost Centre

Job Code

Order Number

VAT

+/-

Amount

03811

HR40

378306

60000

G/L Text

G/L Text

G/L Text

Date

Details

Payment Details where not accompanied by an Invoice

Amount

£ p

Initiated By

Prices Checked By

Work/Mats. Satisfactory

3.14

Certified for Payment By (Authorised Signatory)

Date: Initials

31/1/04

Wdman

OXFORD GREEN PRINT

RECEIVED

115 Magdalen Rd
Oxford OX4 1RQ
Tel: 0845.345 1398
www.oxfordgreenprint.com

Invoice

TERMS	TAX DATE	INVOICE NO
	12/01/04	1400

INVOICE TO
East Oxford Action SS Mary & John Church Hall Cowley Rd Oxford OX4

ITEM	DESCRIPTION	QTY	RATE	VAT AMT	AMOUNT
Char Services	EAO Newsletter delivery		600.00	105.00	600.00
VAT SUMMARY					
£ 105.00 @ 17.5%				SUBTOTAL	600.00
Order No 378306				VAT TOTAL	105.00
				Total	£705.00

16 JAN 2004

16 JAN 2004



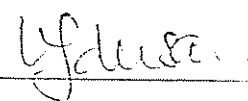
3.15

Journalled to HR41

OXFORD CITY COUNCIL CREDITOR PAYMENT STAMP

PLEASE ENSURE ALL THE SHADED AREAS ARE COMPLETED BEFORE PAYMENTS ARE PASSED FOR PAYMENT.

ACCOUNT CODE(S) D3811	COST CENTRE HR40	AMOUNT (EXC. VAT) £114.00	CREDITOR NO: 2000 8503
			TRANSACTION NO:
ORDER NO. N/A	INITIALS (WHO RECEIVED THE GOODS/SERVICE) N/A	NARRATION (DESCRIPTION OF GOODS ORDERED) EG. CONF/21.06.01 Oxford Green Print - supply 30 reams of copier paper	

Initiated by:	Prices checked by: 	Work/Mats. Satisfactory 	Certified for Payment by: (Authorised Signatory) Dept: H R 2 Initials: V J 
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OXFORD GREEN PRINT INVOICE
NO 2002/03

OXFORD GREEN PRINT

Hr240

115 Magdalen I
Oxford OX4 1R
Tel: 01865 45123
mail@oxfordgreenprint.co.uk

OR Andy

INVOICE

INVOICE TO
East Oxford Action SS Mary & John Church Hall Cowley Rd Oxford OX4

VAT REG NO	TAX DATE	INVOICE NO
685531314	31/05/02	911

TERMS - 30 DAYS

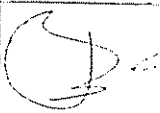
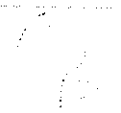
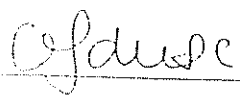
ITEM	DESCRIPTION	QTY	RATE	VAT AMT	AMOUNT
1 ream	Evolve business copier paper	30	3.80	19.95	114.00
VAT SUMMARY					
£19.95 @ 17.5%					
				SUBTOTAL	114.00
				VAT TOTAL	19.95
				Total	£133.95

3.17

OXFORD CITY COUNCIL CREDITOR PAYMENT STAMP

PLEASE ENSURE ALL THE SHADED AREAS ARE COMPLETED BEFORE PAYMENTS ARE PASSED FOR PAYMENT.

ACCOUNT CODE(S)	COST CENTRE	AMOUNT (EXC. VAT)	CREDITOR NO:	2000
D3811	HR41	£76.00	TRANSACTION NO:	
ORDER NO.	INITIALS (WHO RECEIVED THE GOODS/SERVICE)	NARRATION (DESCRIPTION OF GOODS ORDERED) EG. CONF/21.06.01		
N/A	N/A	Oxford Green Print - supply 20 reams of paper		

Initiated by:	Prices checked by:	Work Order No.:	Certified for Payment by: (Authorized Signatory)				
			<table border="1"> <tr> <td>Dept</td> <td>Initials</td> </tr> <tr> <td>B 4 4</td> <td>✓ J</td> </tr> </table> 	Dept	Initials	B 4 4	✓ J
Dept	Initials						
B 4 4	✓ J						

OXFORD GREEN PRINT

115 Magdalen Rd
Oxford OX4 1RC
Tel: 01865 451235
mail@oxfordgreenprint.co.uk

Invoice

INVOICE TO
East Oxford Action SS Mary & John Church Hall Cowley Rd Oxford OX4

VAT REG NO	TAX DATE	INVOICE NO
685531314	22/07/02	957

TERMS - 30 DAYS

ITEM	DESCRIPTION	QTY	RATE	VAT AMT	AMOUNT
1 Item	A4 envelope	20	3.80	13.30	76.00
VAT SUMMARY				SUBTOTAL	76.00
£ 13.30 @ 17.5%				VAT TOTAL	13.30
				Total	£89.30

RECEIVED
- 7 AUG 2002

3.19