

Public Document Pack

Standards and Governance Committee

Tuesday, 14th December,
2010

at 3.00 pm

PLEASE NOTE TIME OF MEETING

Committee Room 1 - Civic Centre

This meeting is open to the public

Members of the Committee

Councillor Barnes-Andrews
Councillor Burke
Councillor Cunio (Mayor)
Councillor Osmond
Councillor Parnell
Councillor Slade
Councillor Sollitt

Independent Members

Mr B Hooper (Chair)
Mr D Blake
Mr G Wilkinson

Contacts

Democratic Support Officer
Pat Wood
Tel: 023 8083 2302
Email: pat.wood@southampton.gov.uk

Solicitor of the Council
Mark Heath
Tel. 023 8083 2371
Email: mark.heath@southampton.gov.uk

PUBLIC INFORMATION

Role of the Standards and Governance Committee

The Committee has responsibility for:

- the promotion and maintenance of high standards of conduct by Councillors and Council representatives,
- the maintenance, monitoring and revision when necessary of the Member's Code of Conduct,
- the operation of and variations to the City Council's Constitution,
- the maintenance of a process to reprimand Councillors for breaches of conduct outside the local code, and in any other areas subject to the direction of the National Standards Board.

The Committee is chaired by an Independent Member. It includes at least one Councillor from each of the political groups represented on the Council, and at least one independent person, with voting rights, who is not a Councillor or an Officer of the Council.

Public Representations

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

Southampton City Council's Six Priorities

- Providing good value, high quality services
- Getting the City working
- Investing in education and training
- Keeping people safe
- Keeping the City clean and green
- Looking after people

Smoking policy – The Council operates a no-smoking policy in all civic buildings.

Mobile Telephones – Please turn off your mobile telephone whilst in the meeting.

Fire Procedure – in the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2010/11

2010	2011
Thurs 24 June	Mon 18 April
Thurs 23 Sept	
Tues 14 Dec	

CONDUCT OF MEETING

Terms of Reference

The terms of reference of the Standards and Governance Committee are contained in Article 9 and Part 3 (Schedule 2) of the Council's Constitution.

Business to be discussed

Only those items listed on the attached agenda may be considered at this meeting.

Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is 3 (including 1 Independent Member).

Rules of Procedure

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

Disclosure of Interests

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "personal" or "prejudicial" interests they may have in relation to matters for consideration on this Agenda.

Personal Interests

A Member must regard himself or herself as having a personal interest in any matter:

- (i) if the matter relates to an interest in the Member's register of interests; or
- (ii) if a decision upon a matter might reasonably be regarded as affecting to a greater extent than other Council Tax payers, ratepayers and inhabitants of the District, the wellbeing or financial position of himself or herself, a relative or a friend or:-
 - (a) any employment or business carried on by such person;
 - (b) any person who employs or has appointed such a person, any firm in which such a person is a partner, or any company of which such a person is a director;
 - (c) any corporate body in which such a person has a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - (d) any body listed in Article 14(a) to (e) in which such a person holds a position of general control or management.

Prejudicial Interests

Having identified a personal interest, a Member must consider whether a member of the public with knowledge of the relevant facts would reasonably think that the interest was so significant and particular that it could prejudice that Member's judgement of the public interest. If that is the case, the interest must be regarded as "prejudicial" and the Member must disclose the interest and withdraw from the meeting room during discussion on the item.

It should be noted that a prejudicial interest may apply to part or the whole of an item.

Where there are a series of inter-related financial or resource matters, with a limited resource available, under consideration a prejudicial interest in one matter relating to that resource may lead to a member being excluded from considering the other matters relating to that same limited resource.

There are some limited exceptions.

Note: Members are encouraged to seek advice from the Monitoring Officer or his staff in Democratic Services if they have any problems or concerns in relation to the above.

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

The agenda and papers are available online via the Council's Website

1 APOLOGIES

To receive any apologies.

2 DECLARATIONS OF INTEREST

In accordance with the Local Government Act, 2000, and the Council's Code of Conduct adopted on 16th May 2007, Members to declare any personal or prejudicial interests in any matter included on the agenda for this meeting.

NOTE: Members are required, where applicable, to complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer prior to the commencement of this meeting.

3 STATEMENT FROM THE CHAIR

4 MINUTES OF PREVIOUS MEETING (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the meeting held on 23rd September 2010 and to deal with any matters arising, attached.

5 AUDIT COMMISSION: ANNUAL AUDIT LETTER 2009/10

Report of the Chief Internal Auditor concerning the Annual Audit Letter presenting the results of the statutory audit of the Council's 2009/10 financial statements and the assessment of arrangements to achieve value for money in the Council's use of resources, attached.

6 CRB CHECKS FOR MEMBERS

Report of the Solicitor to the Council seeking consideration of the implications of the Government's new regime for criminal record checking, attached.

Monday, 6 December 2010

SOLICITOR TO THE COUNCIL

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STANDARDS AND GOVERNANCE COMMITTEE
MINUTES OF THE MEETING HELD ON 23 SEPTEMBER 2010

Present:

Members of the Council

Councillors Barnes-Andrews, Osmond, Slade and Parnell

Independent Members

Mr B Hooper (Chair), Mr D Blake and Mr G Wilkinson

Apologies

Councillors Burke, Cunio and Sollitt

7. **APPOINTMENT OF INDEPENDENT CHAIR**

RESOLVED that Mr Brian Hooper be elected as Independent Chair for the 2010/11 Municipal Year.

8. **STATEMENT FROM THE CHAIR**

The Chair reported that he had met with the Leader and Chief Executive in July and highlighted the main issues discussed:

- the potential impact of increased partnership working;
- Members Development, in particular Chairmanship of meetings; and
- Officers Scheme of Delegation.

9. **MINUTES OF PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the meeting of the Standards and Governance Committee held on 24th June, 2010 be approved and signed as a correct record. (Copy of Minutes circulated with agenda and appended to the signed Minutes).

10. **AUDIT COMMISSION: ANNUAL GOVERNANCE REPORT 2009/10**

The Committee considered the report of the Chief Internal Auditor requesting that the Committee consider the recommendations arising in relation to the Audit Commission's draft Annual Governance Report for 2009/10. (Copy of the report appended to the signed minutes).

The Committee noted that no audit work was outstanding. A revised letter of representation was tabled at the meeting. This included an additional paragraph on equal pay provision explaining that a figure had not been disclosed in the 2009/10 accounts as it was felt it would prejudice the Council's position in relation to the ongoing litigation.

The Committee also noted the issue of heating charges. It was explained that the error identified in electricity metres did not represent a material error within the accounts. No amendments would be made until further work had been undertaken. The Committee noted that Audit Commission was unable to complete the audit until this issue had been resolved.

A revised recommendation (i) was tabled at the meeting and agreed.

RESOLVED

- (i) that the Committee consider the matters raised in the report and delegates authority to the Chair of Standards and Governance Committee to approve and sign the financial statements before the statutory deadline of 30th September 2010;
- (ii) to note the adjustments to the financial statements set out in the report;
- (iii) that the letter of representation on behalf of the Council be approved before the Audit Commission issues their opinion and conclusion; and
- (iv) that the responses to the proposed action plan be approved.

11. **ANNUAL REPORT ON LOCAL GOVERNMENT OMBUDSMAN COMPLAINTS 2008-09**

The Committee received and noted the report of the Solicitor to the Council summarising the performance and issues arising out of the Annual Letter for 2009-10 from the Commission for Local Administration in England (Ombudsman), (Copy of the report appended to the signed minutes).

The Committee noted the letter from the Local Government Ombudsman acknowledged the Council had an excellent record of response times to complaints. The Committee expressed their thanks to officers in receiving the commendation from the Ombudsman.

12. **CORPORATE COMPLAINTS 2009/10**

The Committee received and noted the report of the Head of Corporate Policy and Performance summarising performance and issues arising out of the Council's performance under the Corporate Complaint's Procedure for 2009/10. (Copy of the report appended to the signed minutes).

The Committee discussed the customer satisfaction surveys and the high level of dissatisfaction customers had in the manner the complaint had been dealt with. It was noted there was only a 19% return rate and it was difficult to establish why complainants were not satisfied because the surveys were anonymous. It was reported that work would be carried out to develop the questionnaires further.

13. **ANNUAL REPORT ON CHILDREN'S SERVICES AND LEARNING/ HEALTH AND ADULT SOCIAL CARE COMPLAINTS 2009-10**

The Committee received and noted a report of the Customer Care and Complaints Manager updating the Committee on the issues arising out of complaints made by the public to Children's Services and Learning and the Health and Adult Social Care Directorate during 2009-10, (Copy of the report appended to the signed minutes).

Agenda Item 5

DECISION-MAKER:	STANDARDS AND GOVERNANCE
SUBJECT:	AUDIT COMMISSION: ANNUAL AUDIT LETTER 2009/10
DATE OF DECISION:	14 December 2010
REPORT OF:	CHIEF INTERNAL AUDITOR
STATEMENT OF CONFIDENTIALITY	
Not Applicable	

BRIEF SUMMARY

The Annual Audit Letter presents the results of the District Auditor's statutory audit of the Council's 2009/10 financial statements and the assessment of arrangements to achieve value for money in the Council's use of resources.

The District Auditor cannot complete the audit and issue her certificate until consideration of issues that local authority electors have brought to her attention. These concern how the Council calculates heating charges for tenants and leaseholders.

An appropriate action plan has been agreed to address these issues and the Council are currently on target to meet implementation dates.

In accordance with Audit Commission guidelines a copy of the Annual Audit Letter was circulated to all Members by the 30 November 2010

The Annual Audit Letter is to be presented to those charged with governance but will not, as historically has been the case, be further presented to Full Council

RECOMMENDATIONS:

- (i) That the Standards and Governance Committee note the Letter, make such comments as are appropriate / necessary and identify any issues they feel are worth exploring as set out in the 2010 Annual Audit Letter

REASONS FOR REPORT RECOMMENDATIONS

1. Under the statutory Code of Audit Practice, the Audit Commission is required to issue a report to those charged with governance, summarising the conclusions from their audit work.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. None

DETAIL (Including consultation carried out)

3. Under Regulation 19 of the Accounts and Audit Regulations 2003 (as amended 2006) the Annual Audit letter must be published and copied to all Members of the Council.
4. The Annual Audit letter attached at Appendix 1 sets out the Audit Commission's conclusions and any significant issues arising from the audit of the Council's 2009/10 accounts as well as other external inspections carried out within the Council up to the end of December 2010.

5. The letter acknowledges the Council's current and future challenges. The District Auditor is satisfied that the Council is taking the necessary steps to meet the challenges of its financial stability over the coming years and to ensure it can continue to deliver key services for its residents. Going forward, Members will want to:
- Monitor closely the delivery of the Council's savings programme;
 - Continue to support efforts to work with other public bodies to consider alternative ways of service delivery and reduce overall costs;
 - Monitor the achievement of the expected benefits from the major street lighting, highway and leisure contracts entered into in the years; and
 - Be satisfied the capital programme is affordable

The Annual Audit Letter, as attached, has been discussed and agreed with the appropriate officers.

RESOURCE IMPLICATIONS

Capital/Revenue

6. None

Property/Other

7. None

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

8. The duties and powers of auditors appointed by the Audit Commission are set out in the Local Government Act 1999.

Other Legal Implications:

9. None

POLICY FRAMEWORK IMPLICATIONS

10. None

AUTHOR:	Name:	Neil Pitman	Tel:	023 8083 4616
	E-mail:	Neil.pitman@southampton.gov.uk		

KEY DECISION? Yes/No No

WARDS/COMMUNITIES AFFECTED:	N/A
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SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	Annual Audit Letter 2009/10
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Documents In Members' Rooms

1.	None
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Integrated Impact Assessment

Do the implications/subject of the report require an Integrated Impact Assessment (IIA) to be carried out.	No
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Other Background Documents

Integrated Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None.	
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Annual Audit Letter

Southampton City Council

Audit 2009/10

The Audit Commission is an independent watchdog, driving economy, efficiency and effectiveness in local public services to deliver better outcomes for everyone.

Our work across local government, health, housing, community safety and fire and rescue services means that we have a unique perspective. We promote value for money for taxpayers, auditing the £200 billion spent by 11,000 local public bodies.

As a force for improvement, we work in partnership to assess local public services and make practical recommendations for promoting a better quality of life for local people.

Contents

Key messages	2
Audit opinion and financial statements	2
Value for money.....	3
Current and future challenges	3
Financial statements and annual governance statement	5
Overall conclusion from the audit	5
Whole of Government Accounts	6
Heating charges.....	6
Adoption of International Financial Reporting Standards	9
Value for money	11
Risk-based performance reviews	11
2009/10 use of resources assessments	14
VFM conclusion	14
Approach to local value for money work from 2010/11.....	16
Current and future challenges	18
The economic downturn	18
Closing remarks	20
Appendix 1 Audit fees	21
Appendix 2 VFM conclusion	22
Appendix 3 Glossary	23

Key messages

This report summarises my findings from the 2009/10 audit. My audit comprises two parts:

- **the audit of your financial statements (pages 5 to 10); and**
- **my assessment of your arrangements to achieve value for money in your use of resources (pages 11 to 17).**

I also comment on some of the future challenges for the Council (pages 18 to 19).

Audit opinion and financial statements

1 I issued my audit report on the 30 September 2010, in line with the deadline for local authority accounts. The report included an unqualified opinion on the financial statements for the year ending 31 March 2010. The arrangements to produce your financial statements were good as were the working papers that supported the statements.

2 The Council adjusted the notes to the accounts for the six material errors I identified before I gave my audit opinion. I did not identify any amendments that altered the Council's financial position at 31 March 2010.

3 I also reported to Members two uncorrected misstatements that were not material to my opinion. I reported that I disagreed with the Council's interpretation of accounting standard (FRS12) and its decision not to recognise the equal pay provision in the 2009/10 financial statements. I also reported an uncertainty in the figures included for heating charges. I accepted the Council's reasons for not adjusting the accounts for these items.

4 I cannot complete the audit and issue my certificate until I have completed my consideration of issues that local authority electors have brought to my attention. These concern how the Council calculates heating charges for tenants and leaseholders. I am satisfied the Council has taken appropriate action on the matters I raised in my last Annual Audit Letter. It also responded appropriately to an elector who identified a potential overcharge from the electricity supply company last year and recovered £12,000. However, I concluded that the Council:

- cannot be certain that its record of meters and what each one supplies is accurate. It cannot therefore be certain that charges to tenants are accurate; and
- has inadequate controls in place to govern the changes made to the record of electricity meters.

5 The Council is taking action in response to the recommendations that I made in these two areas. I will review its promised progress in December before I can decide whether I should take any more action and whether I can certify completion of the 2009/10 audit.

Value for money

6 The Council has had a challenging year, with increasing financial pressures and a consequent increasing need to seek savings through changes to services and structures as well as efficiencies.

7 The Council has made a number of improvements over the last year. In particular it:

- increased efficiency savings to £10.2 million compared to £7.8 million last year;
- achieved better value for money from the benefits service where the number of claimants has increased by 12 per cent yet processing times have remained constant;
- used joint business planning and performance monitoring with the Primary Care Trust to coordinate and improve the delivery to services to users;
- set up successful initiatives for jobs and training. Thirty apprenticeships are underway and a training programme has given opportunities to 118 harder to reach people, 36 of whom went into employment;
- introduced new automated, directorate scorecards to enable managers to explore key performance, financial and staff variances and to take further action where necessary. This resulted in less officer input, better management information and clearer reporting;
- improved workforce management leading to reduced sickness rates, good and improving staff satisfaction; and better management training; and
- agreed some major contracts for street lighting (£25.8 million); Highways Partnership (£100 million) and leisure (£15 million) to both improve services and reduce costs.

8 I issued an unqualified value for money conclusion stating the Council had made proper arrangements to secure economy, efficiency, and effectiveness in its use of resources for the year ending 31 March 2010.

Current and future challenges

9 The economic downturn is having a significant impact on public finances and the bodies that manage them. It is affecting the ability of public sector bodies to fund service delivery and capital programmes, and some sources of income are reducing.

10 The recent Comprehensive Spending Review proposes an average 28 per cent reduction in central government support for local government over the next four years. This will increase the financial pressures on local government and the Council will have some difficult decisions to take in setting its 2011/12 budget.

11 Savings options are being developed based on the cumulative funding gap of £57 million over the four years to 2014/15. The Council has a good track record of managing within budgets, achieving an under spending of £5.7 million for 2009/10 and a one off saving of £2.7 million from a refund from HMRC. The Council added £4.5 million to reserves to help with the pressures to come. The loss of capital grants is putting pressure on the Council's current £171 million capital programme.

12 I am satisfied the Council is taking the necessary steps to meet the challenges to its financial stability over the coming years and to ensure it can continue to deliver key services for its residents. Going forward, Members will want to:

- monitor closely the delivery of the Council's savings programme;
- continue to support efforts to work with other public bodies to consider alternative ways of service delivery and reduce overall cost;
- monitor the achievement of the expected benefits from the major street lighting; highways and leisure contracts entered into in the year; and
- be satisfied the capital programme is affordable.

Financial statements and annual governance statement

The Council's financial statements and annual governance statement are an important means by which the Council accounts for its stewardship of public funds.

I gave an unqualified opinion on the Council's 2009/10 financial statements on 30 September 2010, within the statutory target date.

Overall conclusion from the audit

13 I did not identify any significant misstatements that would impact on the Council's financial position at 31 March 2010. I did however identify a number of adjustments to the financial statements and the associated notes. Six of the adjustments to the notes to the financial statements were above the materiality level for the opinion audit of £12.7 million. Officers agreed to amend the notes:

- to clarify the level of General Fund and HRA capital spending in the explanatory forward;
- to correct the analysis of future obligations for the Schools PFI schemes;
- to add future obligations under the street lighting PFI agreement in the notes to the financial statements;
- to add a post balance sheet event to explain the change in estimation basis for future pension liabilities from 1 April 2010; and
- to add post balance sheet events explaining the award of the Highways Maintenance contract and the Leisure Services contract.

14 I reported two other matters to the Standards and Governance Committee which were not material to my opinion and which officers decided not to adjust. Members supported officers' decision and I accepted the explanations provided in the letter of representation.

- I disagreed with officers' interpretation of the disclosure required by Financial Reporting Standard 12 (Provisions, contingent liabilities and contingent assets) for the equal pay provision. My interpretation is the equal pay provision should have been recognised in the financial statements. While the provision was included in the Council's ledger it was not recognised in the financial statements. The Council chose not to disclose the information usually required to be shown within Statement of Accounts. The Monitoring Officer advised that to disclose

the information would seriously prejudice the Council's position in ongoing litigation. The Council included this explanation in the financial statements.

- I identified an estimated maximum uncertainty for heating charges totalling £0.76 million. This arose from the Council's incomplete record of electricity meters which is used to calculate the heating charges to tenants and leaseholders. I accepted the Council's decision not to adjust the accounts because it is not possible to make any amendments until significant further work is undertaken to verify the integrity of the data. It would also not be appropriate to amend the accounts based on extrapolating the sample results.

15 The Council's accountants had addressed all the matters I raised last year. They also dealt effectively with the new accounting requirements for contracts that involve leasing of assets to private sector providers. I identified relatively few related adjustments despite the new and technically demanding nature of the accounting entries.

Whole of Government Accounts

16 I provided a qualified assurance statement on your 'Whole of Government Accounts' (WGA) consolidation pack for 2009/10. I made the qualification because of the inconsistent treatment of the equal pay provision, which was recognised in the consolidation pack sent to the CLG but not included in the Council's financial statements for 2009/10.

Heating charges

17 Members will be aware that local government electors continue to raise queries with me over the way it operates the heating charges account. I have monitored the Council's response to the actions I suggested in my 2008/09 annual audit letter. I have also considered concerns raised with me by two electors about potential overcharging by the energy supply company and the accuracy of the Council's record of meters within its control. In carrying out this work I also identified some significant weaknesses in internal control.

Council response to my 2008/09 Annual Audit Letter

18 Following the formal objection to the Council's 2007/08 accounts I urged the Council to:

- complete the planned installation of individual electricity supply meters to the tenanted and leasehold properties, including the first 600 meters by 31 March 2010, so charges can be accurately calculated for each individual property;
- consider whether it continues to be appropriate to have different methods of apportionment of electricity charges for heating costs for tenants and leaseholders; and

- consider whether it can amend its systems to show the administration charges as a separate element of the service charge for heating in the tenant rental agreements as suggested by the Ofgem guidance on the resale of Gas and Electricity.

19 The Council has consulted 515 tenants and offered to install individual heating energy meters to their homes. 86 meters were installed by the end of March 2010. A further 16 were installed in 2010/11 and an extra 491 properties suitable for conversion have been identified. This rate of change is slower than anticipated. I recognise that progress depends on the tenants' response to the offer, the money to finance the work and confirmation that the Council's supplier can change the electricity supply.

20 I am satisfied the Council has considered moving leaseholder charges on to the same basis as for tenants and decided not to. Officers decided under delegated powers that such a change would result in additional legal and administrative costs arising from the need to alter lease agreements. Tenants were given the choice to adopt the same method of recharge used for leaseholders but they preferred to use the floor area banded approach that is currently used.

21 The Council has written to tenants in February 2010 telling them of their new rent and service charges including the administration charge relating to the heating charges account.

22 I am satisfied the Council has responded to the actions I suggested in my 2008/09 Annual Audit Letter.

Potential overcharging by the energy supply company

23 During the 2009/10 audit, I received correspondence from a leaseholder who alleged the energy supply company was overcharging the Council for communal electricity at one property. This was because the energy supply company had not read meters with the frequency required by the contract. When bills were eventually received the electricity usage was charged at the current rate which was higher than the rate applicable when electricity was used.

24 The Council looked into the allegation and concluded the elector was right. It has done its own analysis of the overpayment and negotiated a refund of £12,392 from the energy supply company which has been credited to the heating charges account. It has now introduced a monthly procedure to identify any meters that have not been read within the previous 12 months so that the contractor can be alerted. The Council has discussed whether it can install smart meters in homes with its main energy supplier. These send the meter readings through electronically and every invoice should therefore be an actual reading, and there will be no more estimated bills. The Council's main energy supplier has confirmed that it plans to begin to introduce smart meters in the next 18 months.

25 I am satisfied the Council has taken action to recover the identified overpayment of energy costs. Officers have confirmed to me that improved procedures have been implemented to ensure that all electricity meters are read on at least an annual basis. I will continue to check the Council's progress in installing smart meters.

Accuracy of the Council's record of electricity meters

26 In previous correspondence with me and with the Local Government Ombudsman the Council has stated that there was a City-wide meter review in 2007 and that an accurate record is now kept of all meters within the Council's control. Correspondence I received from an elector during my 2009/10 audit questioned whether this statement was correct. The accuracy of the record is important. It is used to make sure the Council only pays for electricity on recognised meters. It is then also used to divide legitimate charges between accounts which are recovered in different ways from tenants and leaseholders. If a meter records heating energy, charges are allocated as tenants' heating charges and are recovered through heating charges that are levied by the Council on tenants and leaseholders. If a meter records lighting energy, charges go to the Housing Revenue Account and are recovered through tenants' rent and leaseholder service charges. Over 40 per cent of the Council's tenants and leaseholders are affected by this arrangement. The Council's record of electricity meters is therefore crucial for ensuring charges to individual tenants and leaseholders are correct.

27 Internal Audit undertook some sample testing on my behalf to look into the elector's concerns. They identified one error in processing the 2007 survey and a number of uncertainties where the meter or its designation between heating and lighting was not confirmed by the 2007 survey. I concluded the Council cannot be certain that its record of meters and what each one supplies is accurate. It cannot therefore be certain that charges to tenants are accurate. I reported this to both the Council's Audit and its Standards and Governance Committees in September 2010.

28 The Council has agreed to complete the work necessary to check the data on these remaining meters. Most were surveyed by 1 November but there were a number of properties where the Council was unable to gain access. It intends to complete the full survey of the remaining meters before Christmas. The survey has identified 39 more errors, but the Council is querying some of these. Once the full extent of the actual errors in meter designations are known, the Council has agreed to find out what financial impact these would have had on charges to tenants. It has agreed to do this by December. It can then decide what action it can take to correct any errors identified. I will be closely monitoring the outcome of this work.

Significant weaknesses in internal control

29 In responding to the issues raised with me by local electors I identified some significant weakness in internal control. Testing carried out on my behalf by Internal Audit has identified there are inadequate controls in place to govern the changes that are made to the record of electricity meters. This testing has also confirmed that the Council has poorly managed the surveys of the electricity meters and that it has failed to set up an accurate meter record.

30 The current record of electricity meters has been kept on an excel spreadsheet. This has not proved to be a robust medium. I have agreed an action plan with your officers which they are implementing. I recommended the Council:

- set up a more effective database and system of controls; and
- review the record of gas meters to discover if there are similar weaknesses in these records.

31 The Council is trying a new database that is designed for the utilities market and that will hold all site information and enable estimates to be made more easily in the future. For gas meters, the Council has told its engineers to complete a serial number and meter read as they carry out a gas safety check on all properties annually. This information will then be passed to the gas supplier for invoicing purposes.

32 I will revisit the Council's progress with these recommendations during my 2010/11 audit.

Adoption of International Financial Reporting Standards

33 From 2010/11, local government bodies have to prepare their financial statements to meet International Financial Reporting Standards (IFRS). This will change the calculation of some figures in the accounts and the format of some of the core statements.

34 The Audit Commission is undertaking a national study on the transition to IFRS in local government. This study aims to assess councils' progress towards preparing IFRS-based accounts and has two phases. In October 2009 I completed the phase-one survey at the Council, and assessed the Council as a 'green' risk. This reflected my judgement that it:

- had a robust project plan in place;
- was making good progress in addressing the key areas;
- had continued to be on track with its project plan; and
- was focused on the remaining significant area of work on the waste management contract.

35 In July this year I carried out the phase-two survey to assess the Council's progress, and I decided the Council remained a 'green' risk. The Council continued to make good progress on the most challenging issues, and it remains on track with its project plan. It has engaged members in the project and has taken a rigorous approach to identifying contracts with embedded leases. Progress has been made on the accounting treatment of the tripartite waste management contract through the 2009/10 financial statement closure process.

36 Although there remains much work still to do, I am confident the Council will do all it can to complete the project in good time.

Value for money

I considered whether the Council is managing and using its money, time and people to deliver value for money.

I assessed your performance against the criteria specified by the Audit Commission and have reported the outcome as the value for money (VFM) conclusion. I gave an unqualified conclusion on 30 September 2010.

Risk-based performance reviews

37 I undertake local risk based projects to inform my value for money conclusion. In 2009/10 I completed a review of the progress with the 'Highways Partnership Project' (August 2009). I also considered the management arrangements that have been set up for the street lighting PFI contract (September 2010).

Progress with the Highways Partnership Project

38 The Council has entered into highways maintenance partnership with Balfour Beatty to deliver highways maintenance services for ten years from 1 October 2010 with an estimated total cost of £100 million. The procurement process for this significant contract posed a risk for my value for money conclusion during 2009/10. This included the risk of non-compliance with government and EU guidance during the tendering phase and the selection process. We challenged the Council with four questions to ensure that it is managing the key risks. These and the Council's responses are set out in the following table.

Table 1: Risks in the tendering process

There are a number of key risks that the Council needed to address in the tendering process.

Risk	Response
Does the Council consider that the strategic approach in respect of highways provision now being placed before them is in the best interest of the Council and its citizens and is affordable over the course of the contract?	There is no other alternative for delivering increased service improvement over the same condensed time-frame for the same up-front cost. The affordability of the Partnership will be demonstrated, or not, through the submission of detailed solution bids (ISDS). At this point a decision will be required on whether the Council should proceed to Final Tender stage. The Council is confident that the information provided at ISDS will be sufficient to make a judgement on the benefits of the Partnership.
If the Council proceeds to the ISDS stage what measures and ongoing monitoring arrangements will it put in place to make sure that value for money is assured?	Detailed solution submissions (ISDS) will assist the Council in assessing VFM in a number of ways: bidders must deliver a level of service much greater than the Council currently delivers for the same (or less) cost and bidders must price for delivering sample schemes. These prices will be compared against how much it would currently cost the Council to deliver these schemes. After the submission of ISDS bids the Council will determine whether to continue to Final Tender stage. Final Tender stage will require the resubmission of information at ISDS plus additional information which will further support VFM and the demonstration of benefits.
What steps is the Council taking to ensure continuity of service provision should the highways partnership not come to fruition for whatever reason?	If the Partnership does not come to fruition then service continuity will be maintained through the existing in-house resource and the existing contracts which can be extended until September 2012. If the project were to cease the Council would be required to consider the future direction of the service.
What steps is the Council taking to ensure that its financial scenario planning is kept up to date to ensure that it understands the financial ramifications of any decisions which it takes?	This issue has been raised at Project Board level and within the Service budget setting process. The Council recognises the need to consider how the implications of the Partnership project on the Council's wider financial planning process are taken into account.

Source: Progress report to the Audit Committee in January 2010

39 The Council reported that in its view there was no further action necessary on the first three risks that were highlighted. The fourth risk was considered by the Project board.

40 I am satisfied the Council has considered the key risks in the initial pretender process. The Council has now awarded the contract. We will work with officers to review their responses to the key risks with this contract. These risks are likely to include affordability, deliverability and value for money. The large nature of the project and the current state of public sector finances means the project poses a significant risk for the Council.

Street lighting PFI contract management

41 In December 2009, the Council signed a Private Finance Initiative (PFI) contract with a private sector partner, Tay Valley Lighting (TVL), to replace, upgrade and maintain the Council's street lights. Illuminated signs and bollards. Joint working arrangements have been established with TVL and these have proved valuable when resolving issues relating to maintenance and replacement backlogs.

42 The Council negotiated the procurement of the PFI jointly with Hampshire County Council and West Sussex County Council. Although each council signed its own contract, there is joint working to ensure consistency and improve processes.

43 As this scheme represents a large financial commitment (£25.8 million capital expenditure over 25 years), I reviewed the arrangements for managing the contract. In particular, I looked at the team and procedures in place for:

- checking the contractor has delivered the required outputs and achieved the performance claimed;
- identifying, monitoring and reporting potential risks; and
- considering and approving changes to contracts.

44 The Council currently has satisfactory arrangements to oversee the PFI contract. However, the scheme has only been operational since 1 April 2010 and will last for 25 years. In common with many other authorities, arrangements are reliant on a few key staff and few written procedures. It is important the Council has the right resources to check the contractor's claimed performance, particularly in the first five years of the contract when most of the replacement work is planned.

45 The risk management arrangements that are in place cover the risks incurred during the procurement and mobilisation phases of the contract. Officers will need to consider the risk management arrangements necessary to address the risks that are likely to arise during the life of the contract. The Council should make sure:

- risks are properly mitigated and regularly reviewed; and
- the risk of losing skills and expertise are reduced by establishing well documented procedures.

2009/10 use of resources assessments

46 At the end of May 2010, the Commission wrote to all chief executives to inform them that, following the government's announcement, work on CAA would stop with immediate effect. The Commission would no longer issue scores for its use of resources assessments.

47 However, I am still required by the Code of Audit Practice to issue a value for money conclusion. I have therefore used the results of my risk-based performance reviews, and the work completed on the use of resources assessment up to the end of May, to inform my 2009/10 conclusion.

VFM conclusion

48 I assessed your arrangements to achieve economy, efficiency and effectiveness in your use of money, time and people, against criteria specified by the Audit Commission. The Audit Commission specifies each year, which Key Lines of Enquiry (KLOE) are the relevant criteria for the VFM conclusion at each category of audited body.

49 I issued an unqualified conclusion stating the Council had proper arrangements in place. I have set out my conclusion on each criterion in Appendix 2 and have summarised my findings in the three themes in the following paragraphs.

50 The Council has made a number of improvements over the last year. In particular it:

- increased efficiency savings to £10.2 million compared to £7.8 million last year;
- achieved better value for money from the benefits service where the number of claimants has increased by 12 per cent yet processing times have remained constant;
- used joint business planning and performance monitoring with the Primary Care Trust to coordinate and improve the delivery to services to users;
- set up successful initiatives for jobs and training. Thirty apprenticeships are underway and a training programme has given opportunities to 118 harder to reach people, 36 of whom went into employment;
- introduced new automated, directorate scorecards to enable managers to explore key performance, financial and staff variances and to take action where necessary. This resulted in less officer input, better management information and clearer reporting;
- improved workforce management leading to reduced sick rates, good and improving staff satisfaction; and better management training; and
- agreed some major contracts for street lighting (£25.8 million); Highways Partnership (£100 million) and 15-year leisure (£15 million) to both improve services and reduce costs.

Managing finances

51 The Council manages its finances well. Improvements in financial planning include the use of joint business planning and performance monitoring with Southampton City PCT to ensure services are coordinated, jointly delivered to users and effectively managed. A partnership toolkit was issued to staff. This has been used by officers to identify, document and codify 248 partnerships and identify the level of operational risk for each one. The creation of a risk register has identified some areas where partnerships could be streamlined to avoid potential duplication and to make best use of members' and officers' contributions. Improved automated reporting led to managers receiving real-time data from partners on eg invoice payments. The Council continues with timely and reliable financial reporting. Risk based budget monitoring has been introduced and this has led to efficiencies allowing a finance department restructure which has reduced the headcount. The Council has been proactive in addressing changes to statutory accounting requirements by IFRS for example by suggesting, and now chairing, a Hampshire wide IFRS group which led to collaborative working and common approaches being adopted.

Governing the business

52 The Council governs its business well. It has improved the commissioning and procurement of quality services. It has provided easier access to procurement information - all corporate tenders now take place via e-tendering, and the percentage spend covered by contract has increased. Progress on a Customer Insight programme with the PCT has led to the identification of harder to reach groups.

53 The Council continues to demonstrate the principles of good governance. Roles are clear, kept under review and senior management reviews of directorate structures and service areas are undertaken to ensure they continue to focus on the delivery of the purpose and priorities of the Council. It continues to raise standards of ethical conduct, with a high priority given to councillor training. The Council actively monitors compliance with codes of conduct. It ensures each significant partnership arrangement that it is involved in has an appropriate form of governance. It has signed a locality-wide agreement governing its relations with voluntary organisations.

54 The Council manages its risks and maintains a sound system of internal control. It has effectively managed risk and its reputation through for example publicising its successful prosecution of significant cases of housing benefit fraud. It has a strong counter fraud culture formed through fraud awareness training. Internal Audit has achieved value for money through economies of scale, shared procurement and timely access to experts.

Managing resources

55 The Council manages its assets effectively. It has carried out a service property review, and implemented the Southampton PFI Street Lighting partnership, the Academies scheme programme and bought the new Regional Business Centre (One Guildhall Square). Thirty projects have been developed where buildings can be rationalised to generate capital receipts and/or revenue savings and reduce the maintenance backlog. The Council has used the asset base to help deliver economic outcomes by stimulating economic development and new business start ups in response to the recession. For example by making vacant shop fronts available for educational advertising at 'nil' cost, making land available for social housing and supporting businesses to remain in Southampton by providing extra car parking. It has actively worked to develop a long-term strategic approach for all assets used by public bodies across its area, including exploring alternative models of sharing, ownership and management of public sector assets with its key partners.

56 The Council plans and develops its workforce effectively. It has recruited to fill 48 posts; received £1.76 million funding for 'Future Jobs' and has 30 apprenticeships underway; carried out successful initiatives for jobs and training in deprived areas; and reduced sick rates. It has good and improving staff satisfaction; a good health and safety record; level 4 of the equality standard has been reached; and it is on-target to reach its preferred mix of staff. Management training has been given to 300 staff. It has restructured its organisation around partnership priorities including, for example, a new Executive Director Economic Development and Corporate Policy. Adult Services integration with the PCT has led to a jointly appointed Associate Director of Commissioning. A workforce planning strategy is in place to 2012. Eighty three per cent of staff feel well-involved in organisational change, which includes effective training, political support and the use of a redeployment policy to reduce redundancies.

Approach to local value for money work from 2010/11

57 Given the scale of pressures facing public bodies in the current economic climate, the Audit Commission has been reviewing its work programme for 2010/11 onwards. This review has included discussions with key stakeholders of possible choices for a new approach to local value for money (VFM) audit work. The Commission aims to introduce a new, more targeted and better value approach to our local VFM audit work.

58 I will base my work on a reduced number reporting criteria, specified by the Commission, concentrating on how the Council:

- secures financial resilience; and
- sets priorities for resources within tighter budgets.

59 I will decide a local programme of VFM audit work based on my audit risk assessment, to cover these criteria and my statutory responsibilities. I will no longer provide an annual scored judgement based on my local VFM audit work. Instead I will report the results of all my local VFM audit work and the key messages for the Council in my annual report to those charged with governance and in my annual audit letter.

Current and future challenges

The economic downturn

60 The economic downturn is having a significant impact on public finances and the bodies that manage them. It is affecting the ability of public sector bodies to fund service delivery and capital programmes and some sources of income are reducing. The recent Comprehensive Spending Review proposes an average 28 per cent reduction in central government support for local government over the next four years. This will increase the financial pressures on local government and the Council will have some difficult decisions to take in setting its 2011/12 budget.

61 Already in the current year the Council has had to find extra savings in response to the government's cuts in funding amounting to more than £4.6 million of reduced revenue grants. This is in addition to local pressures on finance where income from car parking charges has reduced and the demand for adult disability care services; adult learning and foster and residential care has increased costs beyond budget.

62 The position over the next three years will not be clear until the government announces its spending review results and publishes the grant determination in December. The Council's medium-term strategy recognises a funding gap of £16 million in 2011/12 that rises to a cumulative total of £57 million by 2014/15, this takes into account the £4.6million of reduced revenue grants that were already announced by the government. These plans are to be revisited when the local government settlement is announced in December 2010, in advance of the approval of the 2011/12 budget in February 2011.

63 The Council has a good track record of managing within budgets, achieving an underspending of £5.7 million for 2009/10 and a one off saving from a refund of £2.7 million from HMRC. The Council was able to add £4.5 million to reserves to help with the pressures to come, rather than drawing on balances by £3.9 million as planned in the budget. Given the forecasts for future years the Cabinet has already asked Chief Officers Management Team to fundamentally review all service areas and to consider options that can be used to deliver £50 million savings over the next three years. A consultation programme is being put in place so that individuals and organisations affected by the proposals can be consulted.

64 The Council has also experienced the loss of capital grants and the government's removal of funding for the Building Schools for the Future project to refurbish and rebuild schools. This means there is pressure on the Council's existing capital programme which currently amounts to £171 million in the period from 2010/11 to 2012/13. The Council has however secured the funding for its Academies programme.

65 I am satisfied the Council is taking the necessary steps to meet the challenges to its financial stability over the coming years and to ensure it can continue to deliver key services for its residents. It is vital that Members oversee the delivery of the savings programme and are satisfied that the capital programme, which is planned to be funded mainly from external borrowing (£49 million) and capital grants (£54 million), is affordable.

Closing remarks

66 I have discussed and agreed this letter with the Chief Executive and the Interim Executive Director of Resources. The letter will be sent to all members by the 30 November 2010. I will then present it to the Audit Committee and the Standards and Governance Committees at their respective meetings in December 2010.

67 I included detailed findings, conclusions and recommendations for the areas covered by my audit in the reports I issued to the Council during the year.

Report	Date issued
Audit Fee Plan	June 2009
Highways Maintenance	January 2010
Opinion audit plan	June 2010
Annual Governance Report	September 2010

68 The Council has taken a positive and helpful approach to our audit. I wish to thank Councillors and staff for their support and cooperation during the audit.

K L Handy
District Auditor
November 2010

Appendix 1 Audit fees

	Actual	Proposed	Variance
Financial statements and annual governance statement	£239,060	£239,060	£0
Value for money	£84,640	£84,640	£0
Whole of Government accounts	£ 1,800	£ 1,800	£0
Total audit fees	£325,500	£325,500	£0

I have agreed with officers that I will separately invoice the Council for the fee for dealing with correspondence with local electors. At the end of October 2010 this amounted to £23,000.

Appendix 2 VFM conclusion

Criteria	Proper arrangements?
Managing finances	
Planning for financial health	Yes
Understanding costs and achieving efficiencies	Yes
Financial reporting	Yes
Governing the business	
Commissioning and procurement	Yes
Use of information	Yes
Good governance	Yes
Risk management and internal control	Yes
Managing resources	
Natural resources	Yes
Strategic asset management	Yes
Workforce	Yes

Appendix 3 Glossary

Annual governance statement

Governance is about how local government bodies ensure that they are doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.

It comprises the systems and processes, cultures and values, by which local government bodies are directed and controlled and through which they account to, engage with and where appropriate, lead their communities.

The annual governance statement is a public report by the Council on the extent to which it complies with its own local governance code. This includes how it has checked the effectiveness of its governance arrangements in the year, and on any planned changes in the coming period.

Audit opinion

On completion of the audit of the accounts, auditors must give their opinion on the financial statements, including:

- whether they give a true and fair view of the financial position of the audited body and its spending and income for the year in question;
- whether they have been prepared properly, following the relevant accounting rules; and
- for local probation boards and trusts, on the regularity of their spending and income.

Financial statements

The annual accounts and accompanying notes.

Unqualified

The auditor does not have any reservations.

Value for money conclusion

The auditor's conclusion on whether the audited body has put in place proper arrangements for securing economy, efficiency and effectiveness in its use of money, people and time.

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- any third party.



Audit Commission

1st Floor
Millbank Tower
Millbank
London
SW1P 4HQ

Telephone: 0844 798 3131

Fax: 0844 798 2945

Textphone (minicom): 0844 798 2946

Agenda Item 6

DECISION-MAKER:	STANDARDS AND GOVERNANCE COMMITTEE
SUBJECT:	CRB CHECKS FOR MEMBERS
DATE OF DECISION:	14 DECEMBER 2010
REPORT OF:	SOLICITOR TO THE COUNCIL
STATEMENT OF CONFIDENTIALITY	
Not Applicable	

BRIEF SUMMARY

In July 2010, the Government introduced a new regime for criminal record checking, including a proposed registration scheme with the Independent Safeguarding Authority (ISA) for those involved in regulated or controlled activities with children and vulnerable adults. There are implications for the way in which the Council undertakes CRB checks and Standards and Governance Committee is asked to make recommendations for CRB checks and registration for Members.

RECOMMENDATIONS:

- (i) Standards and Governance Committee recommend that Members engaged in regulated or controlled activities (as detailed in paragraph 7 below) are required to have enhanced CRB checks and be registered with the proposed ISA scheme when relevant; and
- (ii) Standards and Governance Committee consider and make recommendations on any other relevant matters relating to the new arrangements.

REASONS FOR REPORT RECOMMENDATIONS

1. Standards and Governance Committee last considered CRB checks for Members in April 2003 and a review is therefore timely.
2. With the introduction of the Government's new Independent Safeguarding Authority (ISA) in July 2010, there have been changes to criminal record vetting and a proposed registration scheme with the ISA is likely to become a requirement shortly for those involved with children and vulnerable adults,.

DETAIL (Including consultation carried out)

- 3 In April 2003 the Government introduced new procedures for Criminal Record checks and as a result, Standards and Governance Committee recommended that all Members were encouraged to complete Disclosure Forms after the election in May 2003 and that in future years all newly elected Members were to be issued with Disclosure Forms.
4. In July 2010, a new regime for criminal record vetting, including a registration scheme with the ISA, was due to be introduced although this was delayed by the Government to enable a review to take place of the criminal records regime and the vetting and barring scheme. Registration with the ISA would have been required for all those involved in regulated or controlled activities, whether in an official or voluntary capacity, that involve contact with children or vulnerable adults.

5. Regulated activities are those which are of a specific nature (e.g. teaching, transport) or that take place in a specified place (e.g. schools, children's homes and adult care homes). The category includes "defined office holders", such as Directors of Children's Services, trustees of children's charities, school governors and members of the Local Safeguarding Children's Board.
6. Controlled activities include those working within specific organisations, including local authorities, with frequent access to sensitive records about children or vulnerable adults, or with frequent opportunities to have any form of contact with children as part of that work.
7. Members, like staff, will need to be ISA registered if engaging in regulated or controlled activities as it would otherwise be an offence. Members are exercising functions of a regulated activity if:-
 - a member of a local authority and discharging any education or social services functions of a local authority;
 - a member of an executive of a local authority which discharges any such functions;
 - a member of a committee of an executive of a local authority which discharges any such functions;
 - a member of an area committee or other committee which discharges any such functions.
8. It was originally intended that those with CRB checks will also need to apply for ISA registration in 2011 in a phased registration process, starting with those whose CRB checks are the oldest, and it is likely that this will still commence in 2011, subject to any changes as a result of the review currently taking place.
9. The review will also consider multiple CRB checks and portability to minimise paperwork, administration and costs for organisations whilst ensuring appropriate checks are in place.
10. Standards and Governance Committee is asked to consider and make recommendations on the scope of CRB checks for Members and other related matters. The options are that CRB checks and registration, as required, would be carried out :-
 - i. for all Members, including newly elected Members
 - or
 - ii. only for Members who undertake regulated activities as in 7 above.

Whilst option i) is consistent with current practice based on the recommendations of Standards and Governance Committee in 2003, the categories of Members requiring CRB checks has been clarified in more recent legislation. Option 2 specifies those Members who are required to have CRB checks and better meets the Government's aims of reducing paperwork and administration. There would appear to be little risk and financial merit in ensuring all members are subject to enhanced checks.

11. Members may also wish to consider and make recommendations on other related matters including how frequently CRB checks for Members should be carried out and the portability of CRB checks.
12. Consultation is taking place with other local authorities on their current practices and the outcome will be reported at the meeting.

RESOURCE IMPLICATIONS

Revenue

The cost of an enhanced CRB check is £36 with an additional £28 for ISA registration, although this may be subject to change after the Government's review of the regime. The cost of enhanced CRB check with ISA registration for all 48 Members (option 1) would be £3,072 in 2010-2011 or 2011-2012 with an estimated £448 for new Members annually thereafter. The cost of enhanced CRB check and registration for specified Members (Option 2) of whom there would be approximately fifteen, would be a maximum of £930 in 2010-2011 or any year in which there were significant changes. The costs would need to be met from within existing Member Support budgets.

Property/Other

N/A

LEGAL IMPLICATIONS

Statutory Power to undertake the proposals in the report:

Safeguarding Vulnerable Groups Act 2006

Other Legal Implications:

none

POLICY FRAMEWORK IMPLICATIONS

N/A

AUTHOR:	Name:	Celia Fraser, Member Services Office	Tel	023 8083 2035
	E-mail:	celia.fraser@southampton.gov.uk		

SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	None.
2.	

Documents In Members' Rooms

1.	None.
2.	

Integrated Impact Assessment

Do the implications/subject/recommendations in the report require an Integrated Impact Assessment to be carried out.	Yes/No
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Other Background Documents

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.		
2.		

Integrated Impact Assessment and Other Background documents available for inspection at:

WARDS/COMMUNITIES AFFECTED:	
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