# OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Thursday, 15th December, 2011 at 5.00 pm

# **Council Chamber - Civic Centre**

## This meeting is open to the public

## Members

Councillor Barnes-Andrews (Chair) Councillor Vinson (Vice-Chair) Councillor Fitzgerald Councillor B Harris Councillor Kolker Councillor Mead Councillor Morrell Councillor Stevens Councillor Walker Councillor Dr R Williams

**Appointed Members** 

Mr J Bettridge, (Parent Governor Representative) Mrs U Topp, (Roman Catholic Church) Mr T Blackshaw, The Church of England (Dioceses of Winchester & Portsmouth) Vacancy – Primary Parent Governors Representative

## Contacts

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## **PUBLIC INFORMATION**

## **Role of Overview and Scrutiny**

Overview and Scrutiny includes the following three functions:

- Holding the Executive to account by questioning and evaluating the Executive's actions, both before and after decisions taken.
- Developing and reviewing Council policies, including the Policy Framework and Budget Strategy.
- Making reports and recommendations on any aspect of Council business and other matters that affect the City and its citizens.

Overview and Scrutiny can ask the Executive to reconsider a decision, but they do not have the power to change the decision themselves.

## **Overview and Scrutiny Management Committee**

The Overview and Scrutiny Management Committee holds the Executive to account, exercises the call-in process, and sets and monitors standards for scrutiny. It formulates a programme of scrutiny inquiries and appoints Scrutiny Panels to undertake them. Members of the Executive cannot serve on this Committee.

## Southampton City Council's Priorities

- More jobs for local people
- More local people who are well education and skilled
- A better and safer place in which to live and invest
- Better protection for children and young people
- Support for the most vulnerable people and families
- Reducing health inequalities
- Reshaping the Council for the future

## **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 2011/12

2011	2012
2 June	12 January
30 June	26 January *
28 July	9 February
25 August	8 March
22 September	12 April
20 October	
17 November	
1 December *	
15 December	
* Additional dates	

## **CONDUCT OF MEETING**

## **Terms of Reference**

The general role and terms of reference for the Overview and Scrutiny Management Committee, together with those for all Scrutiny Panels, are set out in Part 2 (Article 6) of the Council's Constitution, and their particular roles are set out in Part 4 (Overview and Scrutiny Procedure Rules – paragraph 5) of the Constitution.

## **Rules of Procedure**

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

## **Disclosure of Interests**

#### 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 4.

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.

A Member must disclose a personal interest

## **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.

<u>Note:</u> 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

## Agendas and papers are now available online via the Council's Website

## 1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

## 2 DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS

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

NOTE: Members are reminded that, where applicable, they must 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 DECLARATIONS OF SCRUTINY INTEREST

Members are invited to declare any prior participation in any decision taken by a Committee, Sub-Committee, or Panel of the Council on the agenda and being scrutinised at this meeting.

## 4 DECLARATION OF PARTY POLITICAL WHIP

Members are invited to declare the application of any party political whip on any matter on the agenda and being scrutinised at this meeting.

## 5 STATEMENT FROM THE CHAIR

## 6 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the meetings held on 17<sup>th</sup> November 2011 and the 1<sup>st</sup> December 2011 and to deal with any matters arising, attached.

## 7 <u>CALL IN OF EXECUTIVE DECISION CAB 11/12 7331 - SOUTHAMPTON CITY</u> <u>COUNCIL'S CHANGE PROGRAMME</u>

Report of the Head of Corporate Policy and Performance detailing the call-in of the Cabinet Decision, attached.

## 8 <u>EXCLUSION OF THE PRESS AND PUBLIC - CONFIDENTIAL PAPERS INCLUDED</u> <u>IN THE FOLLOWING ITEM</u>

To move that in accordance with the Council's Constitution, specifically the Access to Information Procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of any consideration of the confidential appendix to the following Item

Confidential Appendix 3 contains information deemed to be exempt from general publication based on Category 3 of paragraph 10.4 of the Council's Access to Information Procedure Rules. The appendix includes a table showing the rental income and values of property which, if disclosed prior to entering into any contracts, could put the Council at a commercial disadvantage. In applying the public interest test it is not considered appropriate to publish this information as it could influence bids for a property which may be to the Council's financial detriment.

## 9 FORWARD PLAN

Report of the Head of Corporate Policy and Performance detailing items requested for discussion from the current Forward Plan, attached.

## 10 CAPITA PROPERTY SERVICES PERFORMANCE REVIEW

Report of the Head of Property and Procurement setting out an overview of the Capita Property Services Performance Review, attached.

## 11 SECOND QUARTER PERFORMANCE MONITORING FOR 2011/12

Report of the Head of Corporate Policy and Performance detail performance for the above quarter, attached.

## 12 MONITORING SCRUTINY RECOMMENDATIONS TO THE EXECUTIVE

Report of the Head of Corporate Policy and Performance, detailing actions and monitoring progress of the recommendations of the Panel, attached.

## **BIG SOCIETY INQUIRY FROM 6:30 PM**

## 13 <u>BIG SOCIETY INQUIRY - AN INTRODUCTION TO CORPORATE SOCIAL</u> <u>RESPONSIBILITY AND VOLUNTEERING IN SOUTHAMPTON</u>

Report of the Head of Corporate Policy and Performance providing an introduction to corporate responsibility and volunteering in Southampton, attached.

WEDNESDAY, 7 DECEMBER 2011 HEAD OF LEGAL AND DEMOCRATIC SERVICES