

<b>DECISION-MAKER:</b>	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE		
<b>SUBJECT:</b>	INDEPENDENT REVIEW OF THE AWARD OF THE ROM AND CCTV CONTRACT		
<b>DATE OF DECISION:</b>	11 APRIL 2013		
<b>REPORT OF:</b>	LEADER OF THE COUNCIL		
<b><u>CONTACT DETAILS</u></b>			
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<b>STATEMENT OF CONFIDENTIALITY</b>
None

### **BRIEF SUMMARY**

The Leader of the Council commissioned an independent review of the decision by the former Administration to award the outsourced contract in relation to Rom TV and CCTV during the period between the annual elections in May 2012 and the Annual General Meeting later that month when the new Administration took control of the Council. This report contains the outcome of that review

### **RECOMMENDATIONS:**

- (i) That the committee considers the report and makes any recommendations considered appropriate including the need to ensure that the Constitution is revised so that no similar significant decisions can be taken by the Executive, or by Executive Members through delegated powers during the period between annual elections and the AGM should the elections result in a change of Administration

### **REASONS FOR REPORT RECOMMENDATIONS**

1. To ensure that there is no "democratic deficit" which to the public would appear to show political bias and limited legitimacy in the circumstances when one political party loses control of the Council

### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

2. To leave the Constitution unrevised which would not appear to be reasonable in the circumstances

## **DETAIL (Including consultation carried out)**

- 3 This report summarises the outcome of the review commissioned by the Leader of the Council in June 2012 regarding the outsourcing of the Rom TV contract and highlights what senior officers believe to be serious shortcomings in the veracity of the report and its recommendations. Local Government Partnerships (LGP) was commissioned to carry out the review.
- 4 The terms of reference for the review were agreed with the Leader and Director of Corporate Services and are contained at Appendix A of the report (which is attached in full to this report). The main concerns were over the timeliness of the decision, what information was provided to OSMC, the call in and the subsequent decision made by the outgoing administration after the elections in 2012 when the Labour Administration took control.
- 5 The draft LGP report has had a rather tortuous journey in reaching finalisation. It was commenced by the Head of Legal, HR & Democratic Services last summer and involved interviews (either face to face or by telephone) with some 18 people, the names for which were provided by the Environment and Economy Directorate as project owners. Logistically this proved difficult over the summer period especially as it involved staff, contractors, union reps and members. It should be noted that the members of the former administration declined (through non reply) to take part in the review notwithstanding several requests to do so.
- 6 The first draft LGP report was received in September and in the view of those involved and who were provided with draft copies, was incomplete both in terms of its quality and more over that assumptions had been made were not evidenced based. In addition many parts were contradictory, there did not appear to be a full understanding of the law surrounding decision-making and officers' roles and that further people needed to be interviewed in order to provide a holistic picture. In summary the report was considered to be both flawed and incomplete.
- 7 A draft of the report was sent to the Leader and he met with the report authors. The Leader provided a copy to the Chairman of OSMC (Cllr Moulton) who then placed the matter on the OSMC agenda for discussion on 8<sup>th</sup> November 2012. This was premature as the report was still considered to be a draft in light of the concerns raised.
- 8 Subsequently, a further seven interviews were arranged with the then Chief Executive, Monitoring Officer (and some follow up ones such as with former Interim Director of the Environment) in December 2012 to seek clarification on outstanding issues or areas of concern raised by those involved. The former administration members again declined to take part.
- 9 The final LGP report was received in December and the same route of copies being given to those involved was followed. Whilst a fuller picture of the issues was reflected in the report the fundamental concerns as detailed above remained. With an extended Christmas and New Year break it took some time to receive comments back. These were not passed to LGP until late February. A copy of the report was given to the Leader. The report did not suggest that there were any fundamental issues in project management.

- 10 The recommendations contained in the report were as follows:
- a. There should be detailed consultations with service managers and union representatives in advance of any future major changes in service. Guidance for officers involved in major staff re-organisation should be reviewed and briefing provided to improve knowledge and understanding.
  - b. Review Option Appraisal systems and consider providing guidance and staff training.
  - c. Review the arrangements for providing information to the Overview and Scrutiny Management Committee.
  - d. Review governance arrangements for major projects, ensuring that Project Boards are established at the outset and that suitable assurance regimes are in place to provide robust challenge.
  - e. Provide new Project Owners/Sponsors of major projects with enhanced support and training in their duties.
- 11 To officers these looked too general. Limited discussions took place with LGP but they advised that they stood by their report and its recommendations. They declined to expand on how the broad recommendations could be implemented by referring to best practice elsewhere or other practical ideas.
- 12 One of the most important elements of the review at the outset was to identify the “democratic deficit” that clearly existed at the time the decision was made to award the contract. The Leader is clear that this should not occur in the future whichever political party is in control. Accordingly it is the intention to put forward a proposal to revise this at the May AGM .
- 13 Additionally, it is considered that the report authors, whilst undoubtedly experienced in their fields, did not appear to fully understand how decision-making works in practice, especially during what is known colloquially as “purdah” or in the unusual position before the Council last May when an outgoing administration wishes to push ahead with a decision contrary to the advice of officers. It should be stressed that the decision to do so was however lawful, hence the “democratic deficit” terminology.

## **RESOURCE IMPLICATIONS**

### **Capital/Revenue**

14 None

### **Property/Other**

15 None

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

16 Section 1 Localism Act 2011

### **Other Legal Implications:**

17 None

**POLICY FRAMEWORK IMPLICATIONS**

18      None

**KEY DECISION?**                      No

<b>WARDS/COMMUNITIES AFFECTED:</b>	None
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**SUPPORTING DOCUMENTATION**

**Appendices**

1.	LGP Report December 2012
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**Documents In Members' Rooms**

1.	None
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**Equality Impact Assessment**

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	Yes/No
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**Other Background Documents**

**Equality 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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