

Public Document Pack

COUNCIL APPENDICES

Wednesday, 11th July, 2012
at 2.00 pm

APPENDICES ATTACHED TO THE LISTED REPORTS

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

**16 'PLATFORM FOR PROSPERITY' - PLATFORM ROAD IMPROVEMENT SCHEME
- PROJECT APPROVALS**

- Drawing 11ALM019023 Revision C
- Drawing 11ALM019019 Revision G
- Summary of responses from public exhibitions, emails and telephone conversations

17 LOCALISM ACT 2011 - REVISED STANDARDS ARRANGEMENTS

- Proposed Members Code of Conduct
- Proposed arrangements for the consideration, investigation and hearing of conduct related complaints
- Amended Council Procedure Rules
- Amended Executive Procedure Rules
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18 LICENSING OF SEXUAL ENTERTAINMENT VENUES

- Responses to public consultation regarding adoption of legislation

19 CHIPPERFIELD TRUST GOVERNANCE

- Updates to the Chipperfield Scheme
- Chipperfield Trust Advisory Committee Terms of Reference
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- Representations received from Cllr Vinson

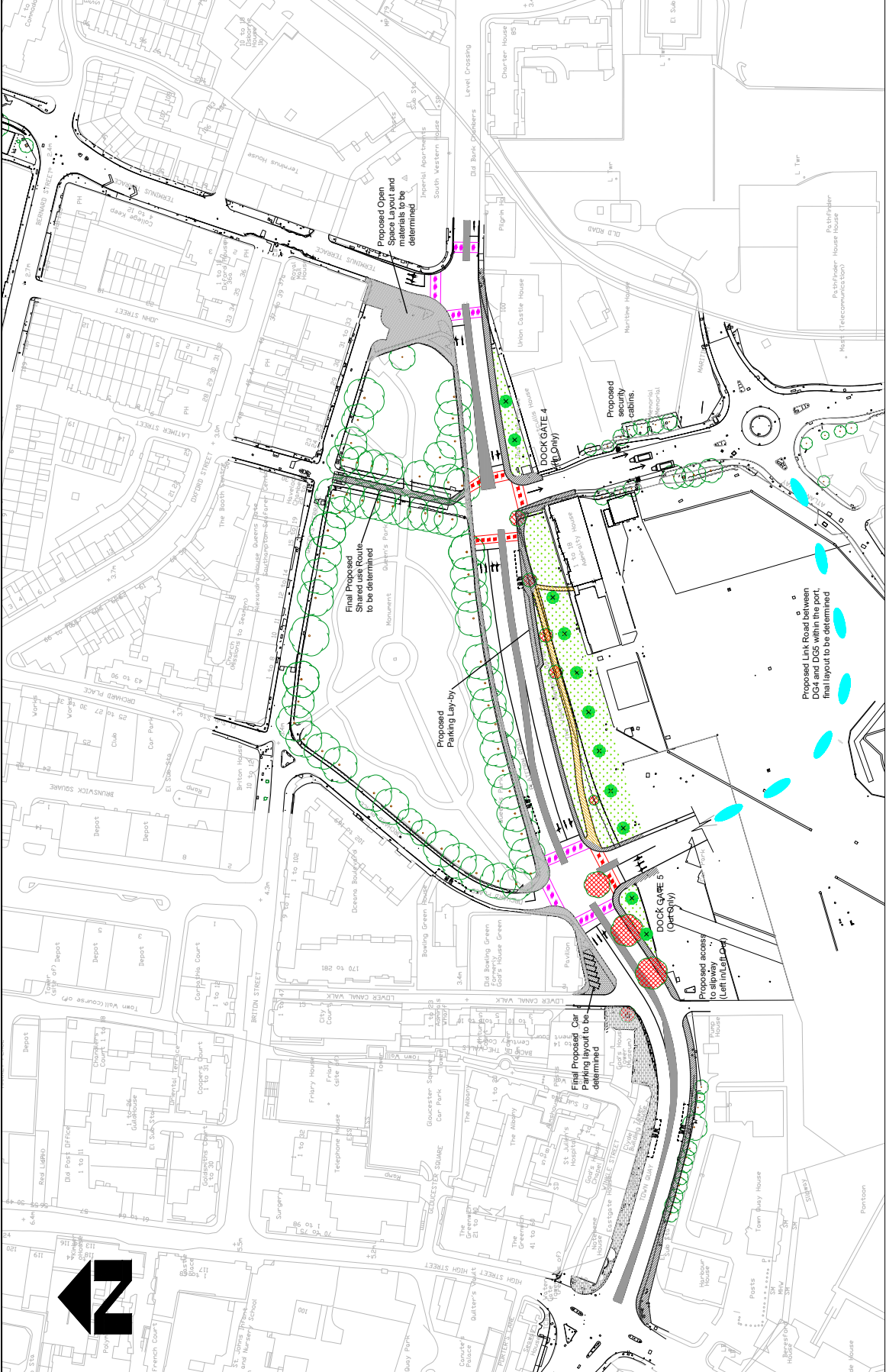
21 OVERVIEW AND SCRUTINY: ANNUAL REPORT 2011 / 2012

- Overview and Scrutiny Annual Report 2011/12

Tuesday, 3 July 2012

DIRECTOR OF CORPORATE SERVICES

THESE PLANS AND SPECIFICATIONS SHALL BE CONSIDERED TO BE THE SOLE AGREEMENT BETWEEN THE CLIENT AND THE DESIGNER. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR OMISSIONS. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY DELAYS OR COST OVERRUNS CAUSED BY THE CLIENT OR ANY OTHER PARTY. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY ACCIDENTS OR INJURIES CAUSED BY THE CONSTRUCTION OR OPERATION OF THE PROJECT. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY CHANGES TO THE PROJECT WITHOUT THE WRITTEN CONSENT OF THE DESIGNER.



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KEY

- Proposed Link Road (within Eastern Docks)
- Trees to remain
- Proposed new trees (number & species to be confirmed)
- Existing trees to be removed (final number to be confirmed)
- Proposed Enlarged & enhanced public open space
- Natural Stone Paving
- Malvern Leemoor Concrete Slabs
- Concrete Cobbles
- Bitmac Surfacing
- Specialized Surfacing
- Shared Use Crossing (Pedestrians/Cycles)
- Pedestrian Crossing

| REV | DATE | DESCRIPTION | BY | CHKD | APP'D |
|-----|----------|--|----|------|-------|
| C | 20/01/23 | Revised after Public Consultation. Needs to be reviewed for any changes to the proposed works. | KJ | KJ | KJ |
| B | 18/01/23 | Revised after Public Consultation. Needs to be reviewed for any changes to the proposed works. | KJ | KJ | KJ |
| A | 18/01/23 | Revised after Public Consultation. Needs to be reviewed for any changes to the proposed works. | KJ | KJ | KJ |
| REV | DATE | DESCRIPTION <td>BY</td> <td>CHKD</td> <td>APP'D</td> | BY | CHKD | APP'D |

FOR INFORMATION

Balfour Beatty
Living Places
Working in partnership Design Group

Southampton City Council
SOUTHAMPTON SOUTHAMPTON SO9 4JY

| DESIGNED | DRAWN | GPR | CHECKED | DATE | SCALE | APPROVED |
|----------|-------|-----|---------|------------|-------|----------|
| KJ | KJ | KJ | KJ | 11/01/2023 | 1:1 | KJ |

11/AL/M/019/023 1 of 1

Agenda Item 16C

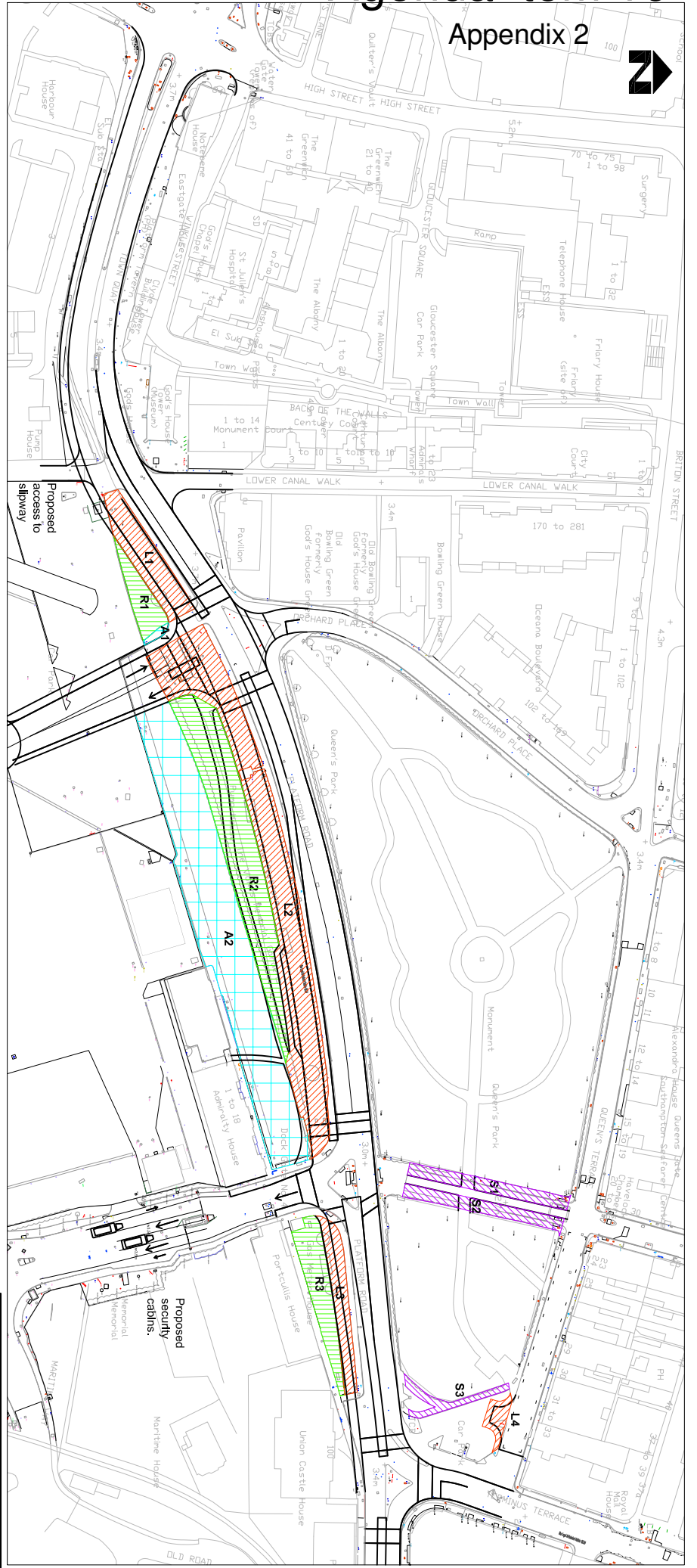
PLATFORM ROAD PROPOSALS
OUTLINE DESIGN
Public Consultation Plan

- NOTES**
1. Trees - Only trees directly affected by the works will be removed, final number to be confirmed.
 2. Dock Gate 5 - Generally "out" traffic only except for traffic using the Triangle Car Park (no direct access into docks).
 3. Queens Terrace - Proposals are subject to design work, budget and local consultation.

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Agenda Item 16

Appendix 2



LOST & RETAINED
 L1/L2/L3/L4 - Lost Open Space 470+216+4326+97+3057sqm
 R1/R2/R3 - Retained Open Space 224+1322+413+1959sqm

REPLACEMENT
 S1/S2/S3 - SCC Highways 266+257+123=646sqm
 A1/A2 - ABP 23+2625=2648sqm

PROPOSAL
 No net loss - S1/S2/S3+A1/A2=3294sqm

- NOTES**
1. This plan only shows land relating to open space not ALL land required for the improvement scheme.
 2. The off road stored cycle/footpath that runs through Vokes Park will be classified as Open Space, as an internal route through the park. The area of the off road stored cycle/footpath will be used to improve the recreational value of the park.

| REV | DATE | DRWN | CHKD | APPD | AMENDMENT |
|-----|---------|------|------|------|--|
| 0 | 13/2/12 | gsl | sl | kl | Area S1/S2/S3 amended |
| 1 | 20/6/12 | gsl | kl | kl | Area L1, R2 & S3 amended. Area S4 deleted after comment from client. Area S5 added after public consultation |
| 2 | 16/9/12 | gsl | kl | kl | Area S1/S2/S3 amended. Area S4 deleted after public consultation |
| 3 | 4/9/12 | gsl | kl | kl | Area S1/S2/S3 amended. Area S4 deleted after public consultation |
| 4 | 19/4/12 | kl | | | Area S1/S2/S3 amended. Area S4 deleted after public consultation |

DRAFT

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 Working in partnership
 Design Group

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SOUTHAMPTON CITY COUNCIL
 Southampton City Council
 Southampton SO14 2LW

Platform Road
 April 2012 Design
 ABP/SCC Highways/SCC Open Space

| DESIGNED | DRW | CHECKED | APPROVED | DATE | SCALE | |
|--------------|-------------|---------|----------|---------|----------|--------|
| GPR | gsl | gsl | kl | 29/3/12 | 1:1000 | |
| DRAWN NUMBER | 11ALM019019 | | | | SHEET | 1 of 1 |
| | | | | | REVISION | G |

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Platform for Prosperity Public Consultation Responses

| Comments | No. of people raising this issue | Response |
|--|----------------------------------|---|
| Endorsements | | |
| Access to Queen's Park will be improved | 9 | Noted |
| Traffic noise will be less audible in Queen's Park and along Queen's Terrace | 3 | Noted |
| Approve of the plans for a new footpath and planting in Vokes Memorial Gardens | 1 | Noted |
| Approve of the plans to move the Titanic memorial to Vokes Memorial Gardens | 1 | Noted |
| Approve of the plans for works to improve existing public open space | 1 | Noted |
| The scheme will promote a café culture along Queen's Terrace | 1 | Noted |
| Properties along Queen's Terrace will be more desirable | 1 | Noted |
| Traffic flow through Oxford Street onto Orchard Place or Queen's Terrace will be reduced | 1 | Noted |
| Encouraging to see that the loss of parking for day time businesses will be minimised | 1 | Noted |
| Access to the port will be improved | 2 | Noted |
| Traffic flow in the area will be improved | 4 | Noted |
| The area will be more attractive to visit | 2 | Noted |
| Quality of life in the area will be improved | 1 | Noted |
| Cycling facilities along Platform Road will be improved | 1 | Noted |
| I think it is just what the area requires. | 1 | Noted |
| Objections/Concerns | | |
| Queen's Terrace should remain a through route for local traffic | 2 | The improvements to Platform Road are designed to accommodate the through traffic, which currently uses Queen's Terrace. This closure aims to reduce the existing severance between Queen's Park and the areas of the city centre to the north and west and allows expansion the existing café culture in Oxford Street into Queen's Terrace. Retaining Queen's Terrace as a through route would compromise this aspiration. Alternative routes are available for local traffic movements to access Queen's Terrace and other adjacent streets. |
| Changing Terminus Terrace/Marsh Lane into two way single lane traffic will exacerbate existing southbound congestion issues | 1 | This part of the scheme adjacent to Central Bridge will be designed alongside the proposed Local Sustainable Transport Fund east-west cycle route, which will be subject to further public consultation. Capacity will be considered as part of the design process, but this proposal aims to reduce eastbound congestion in Canute Road. |
| There will be too many sets of traffic lights along Platform Road | 6 | Due to the high traffic volumes, the traffic signals along Platform Road will provide a number of benefits compared to other junction layouts: <ul style="list-style-type: none"> Different timing plans can be applied to optimise traffic movements, particularly during periods of busy demand; It is possible to incorporate controlled pedestrian crossing movements. Consideration was given to implementing a shared space roundabout at the Canute Road / Platform Road / Terminus Terrace junction at an early stage in the design. However, this was rejected as: <ul style="list-style-type: none"> It would not have provided operated as efficiently during periods of busy traffic demands; It had the potential to block the route from Terminus Terrace to Platform Road when the level crossing in Canute Road is in operation; Pedestrian flows aren't high enough to create the necessary inter-action with vehicles for a successful shared-space scheme |
| There needs to be a right hand turn from Canute Road onto Terminus Terrace if Queen's Terrace is to be blocked up | 3 | The proposal is now to allow this right turn. |
| Is Canute Road to become one lane driving towards Dock Gate 4? This will cause congestion as the road is currently two lanes | 1 | This will be reconsidered at the detail design stage. The traffic island currently shown on the plan at the end of Canute Road is probably not necessary. |
| There should be no parking along Queen's Terrace / Concerned about proposed parking arrangements | 2 | The proposed layout intends to improve Queen's Park by removing the existing off street car park and replacing it with on-street parking in Queen's Terrace. It is likely that the majority of the parking will be in the section west of Latimer Street. A working group will be established to design the layout in Queen's Terrace. |
| There no commitment to implement traffic routing up Terminus Terrace onto Central Bridge | 2 | It is intended to deliver the scheme, which will permit traffic from Terminus Terrace to access Central Bridge. |
| Closing Queen's Terrace will not generate increased usage of Queen's Park | 1 | Current traffic movements around Queen's Park create severance between surrounding areas. The scheme will significantly reduce traffic flows along the northern and western frontages of the car park, which will improve its accessibility. We anticipate that this will increase usage of the park. |
| The proposed traffic lights at the junction of Canute Road and Terminus Terrace combined with the railway crossing on Canute Road will bring traffic to a standstill | 1 | The City Council will liaise with Network Rail to provide a link between the proposed traffic signals and the level crossing, to operate a specific timing plan when the level crossing is in operation. The scheme will allow eastbound |

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| | | traffic to avoid Canute Road by using Terminus Terrace and Central Bridge. |
| Has access into Union Castle House and Pilgrim House been considered? | 1 | Vehicular access to Union Castle House and Pilgrim House will be via an uncontrolled access within the proposed Canute Road / Platform Road / Terminus Terrace traffic signal junction. Whilst this is not an ideal situation, there are other examples within the city and they have not created any specific road safety problems. |
| Residents living along Lower Canal Walk will now be unable to turn right onto Platform Road | 2 | For road safety reasons, it is proposed to ban the right turn out of Lower Canal Walk. Traffic will be able to U-turn at the new traffic signal junction at Gate 5. |
| It should be possible to turn right into Lower Canal Walk from Platform Road | 2 | For road safety reasons, it is proposed to ban the right turn into Lower Canal Walk. There is an alternative movement available via Orchard Place, Briton Street and the High Street for traffic approaching Lower Canal Walk from the east. |
| The proposed width of Platform Road seems quite wide | 1 | The scheme has been designed to accommodate peak travel demands for cruise traffic, which required two right turn lanes into Eastern Docks. The lane widths throughout the scheme are narrower than traditional road designs. |
| Traffic speeds along Platform Road will increase | 2 | Platform Road is currently a wide road with no specific constraints to prevent vehicles from speeding. The proposed layout has narrower lane widths than the existing layout, so there is no reason why speeds would increase. This situation will be monitored. |
| Will access for delivery vehicles be permitted along Queen's Terrace? | 1 | Yes. Although it is proposed to close Queen's Terrace as a through route, it will still remain open for local access including delivery vehicles. |
| This scheme will only benefit Associated British Ports | 5 | A key reason for delivering the scheme is to improve access to and from the Port of Southampton. However, the Port is extremely important to the local and national economy. The scheme will also improve traffic movements for local people using the route, improve the accessibility and setting of Queen's Park and allow expansion of the existing café culture in Oxford Street to Queen's Terrace. |
| The scheme will not result in economic growth | 1 | The scheme will ensure that the Port of Southampton can maintain and increase its economic activity in line with the Port Master Plan. The scheme will also provide infrastructure to support further regeneration in the city centre, including the Royal Pier and Town Depot redevelopment sites. The economic growth anticipated from the scheme was included as part of the bid to Central Government for Regional Growth Fund monies. |
| There will be an increase in traffic flows as a consequence of the scheme | 6 | The Port Master Plan anticipates an increase in port activity over the period to 2030. This will lead to increase overall traffic movements to and from the Port, including Platform Road. This is offset to some extent by the City Council's balanced transport strategy, which is aiming to maximise the number of journeys, which can be made by alternative modes to the private car. The City Council recently secured nearly £4m from the Local Sustainable Transport Fund to promote sustainable travel choices. |
| There will be an increase in noise and air pollution as a consequence of the scheme | 3 | The City Council has commissioned detailed to work to assess the noise and air pollution impacts of the scheme. |
| Will there be any monitoring of air pollution and where will the equipment be housed? | 2 | A detailed Air Quality Assessment will be undertaken using the advanced dispersion model, ADMS-Roads, in accordance with Local Air Quality Management Technical Guidance, 2009. The assessment will compare the pre and post works pollutant concentrations at key receptor locations and assess the significance of those changes in accordance with Environmental Protection, UK (EPUK) guidance. Verification of the model will be carried out using three local diffusion tubes (Town Quay, SWH and 6-7 Canute Road). Locations of continuous analysers are not considered representative of air quality within the study area and therefore will not be considered. At this stage we do not envisage carrying out any monitoring after the scheme is complete, however, this is dependant upon the results of the assessment. The Environmental Health Officer has not raised any concerns or requested additional monitoring to be carried out. The Local Authority will continue with the ongoing monitoring of air quality within their district in line with Part IV of the Environment Act. |
| There will be an increase in anti-social behaviour along Platform Road as a consequence of the scheme | 1 | There is no specific reason for this to occur. |
| The scheme will just move traffic to bottlenecks in neighbouring areas i.e. the single carriageway section outside the Red Funnel Terminal | 3 | Short term improvements are being considered along this section of Town Quay to address this issue in advance of more permanent improvements, which would be implemented alongside the Royal Pier redevelopment. |
| The scheme will decrease the value of properties in the area | 6 | Compensation can be claimed for a property that has been reduced in value caused by the physical factors of the use of a new or altered road. Compensation is available in these circumstances and details of the claims procedure will be published towards the end of the works, when the Compensation Statutory Timetable commences. |
| The scheme will cause inconvenience and disruption | 1 | There may be some disruption during construction of the scheme, but we will aim to keep this to a minimum. |
| The scheme will lead to a loss of earnings within the area | 1 | The scheme aims to increase economic growth in the port |

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| | | and surrounding area, so this is unlikely. |
| The scheme will remove the disabled and City Car Club parking bays outside Union Castle House | 1 | These bays will be relocated nearby into Queen's Terrace. |
| Will the traffic lights at Canute Road allow residents to exit and drive up Terminus Terrace or will they be limited to turning up Platform Road | 1 | It is now proposed to permit the right turn from Canute Road into Terminus Terrace. |
| There should be a filter lane out of Dock Gate 5 rather than an additional set of traffic lights | 1 | The filter lane would not allow controlled pedestrian crossings to be provided at this junction and would only operate as a single lane. The proposed junction has two left turn lanes for traffic exiting the Port. During periods when high volumes of traffic exit the Port, the signal timings can be adjusted to maximise capacity for this movement. |
| Concerned about car parking at Admiralty House | 4 | The scheme has been modified to provide an on street parking lay-by on Platform Road in front of Admiralty House, which could accommodate six spaces. Whilst resident only permits are not currently available in the city centre, the policy on this is under review. For Admiralty House residents who rent spaces from ABP in the Pan Handle Car park, ABP will offer alternative spaces in the Triangle car park further west. |
| Concerned that there may be a reduction in passing trade along Queen's Terrace | 1 | Whilst the scheme will reduce the volumes of traffic using Queen's Terrace, the proposed scheme will make Queen's Terrace a much more attractive place, which should encourage higher levels of pedestrian activity. |
| The scheme has not considered the needs or well being of residents in the area | 2 | The scheme will potentially disadvantage some residents and others will also benefit. For large scale infrastructure projects, it is usually impossible to design a scheme, which meets everybody's requirements. Compensation can be claimed for a property that has been reduced in value caused by the physical factors of the use of a new or altered road. Compensation is available in these circumstances and details of the claims procedure will be published towards the end of the works, when the Compensation Statutory Timetable commences. |
| Will adequate provision be made for cyclists as part of the scheme / More detail is needed | 5 | A shared use cycle route is provided along the whole length of the route from Town Quay to Canute Road. The existing north south route from Gate 4 via Latimer Street will also be maintained. Signal controlled crossings will be provided for cyclists at the main junctions along Platform Road. |
| Will the bus stops along Queen's Terrace be relocated elsewhere? | 1 | The eastbound bus stop on Queen's Terrace will be relocated to Platform Road. |
| More detail on traffic movements into and out of Terminus Terrace is needed | 2 | It is anticipated that northbound traffic flows will increase to some extent, as some eastbound traffic that currently uses Canute Road will divert via Terminus Terrace and Central Bridge. This part of the scheme will be subject to further consultation as part of the east west cycle route proposals in the area. As part of this work, we will estimate future traffic flows in Terminus Terrace. |
| More detail on the landscaping proposals for the car park at the end of Queen's Terrace is needed | 2 | This will be developed alongside the public realm enhancements in Queen's Terrace and a working group will be established to deal with this. |
| More detail on the hard surfacing proposals adjacent to God House Tower (an ancient monument) is needed | 1 | Appropriate materials will be used that are sympathetic to the ancient monument. The City Council is liaising closely with English Heritage about the scheme proposals. |
| More detail on access arrangements for Lower Canal Walk is needed | 1 | The current proposal is that the access into Lower Canal Walk will become left-in / left-out only. Alternative routes are available for traffic affected by the banned right turns. |
| More detail on access/parking arrangements for Queen's Terrace is needed | 2 | A working group will be established to develop the detail design of Queen's Terrace, including parking arrangements. |
| The scheme will lead to the loss of part of Vokes Memorial Gardens / Landscaping arrangements will not be adequate | 4 | The Pan Handle Car Park will be acquired to replace the section of Vokes Memorial Gardens, which will be taken by the scheme. |
| Does the landscaping have the approval of SCAPPS? | 1 | SCAPPS have been fully consulted on the Open Space proposals. The City Council are awaiting the formal response from SCAPPS, although they have indicated that in principle they are in favour of the scheme, subject to set conditions. |
| Will the proposed angled parking make up for the loss of the car park at the end of Queen's Terrace? | 1 | Yes. There will be no net loss in public car parking spaces. |
| Admiralty House is a Grade II Listed Building and the proposed scheme will encroach on the visual appeal of building | 3 | English Heritage has been consulted about the scheme proposals. The scheme will provide a park directly in front of Admiralty House, replacing the existing Pan Handle Car Park, which will improve its setting. |
| Are there any plans to block off the route along Orchard Place? | 1 | No. Orchard Place will become two way, providing local access to the area. |
| If Red Funnel is moved, will there still be a free bus? | 1 | This scheme would not result in the relocation Red Funnel. This may happen at a future date as part of the Royal Pier development. This issue will be addressed at that stage. |
| Will abnormal loads continue to enter Dock Gate 4? | 2 | Yes. |
| The scheme may affect a colony of bats at Admiralty House | 2 | A detailed survey of bats is being undertaken as part of the assessment of the scheme's impact on the natural environment. |
| Do the proposals provide a routes for cyclists trying to head east from Dock Gate 4 | 1 | Yes. A shared use route will be provided as far as the junction with Canute Road. |
| The plan is lacking vision with cycling treated almost as an afterthought. It sees the creation of a shared path split by two sets of traffic lights. | 1 | A shared use cycle route will be provided along the whole length of the scheme from Town Quay to Canute Road, where there is currently no facility. In addition, the downgrading of Queen's Terrace will make this an attractive east-west route for cyclists. The existing north south route |

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| | | from Gate 4 to Latimer Street will be maintained. |
| Suggestions | | |
| Could southbound traffic for the docks be diverted via Northam Road, Britannia Road, Marine Parade, Endle Street and Canute Road or HGVs made to use the Western Approach? (i.e. away from City Centre residential areas) | 2 | The majority of HGV traffic to / from the Port of Southampton does currently use the Western Approach. Delivery of the Platform Road scheme will make this an even more attractive option. The alternative route suggested would also pass residents. |
| Could Keep Clear markings be placed on the High Street at the junction with Winkle Street to allow easier to turn into and out of this side road? | 1 | This will be considered separately from the Platform Road scheme, but should be feasible. |
| Could Keep Clear markings be placed on Terminus Terrace at the entrance to South Western House to allow easier access into and out of this entrance? | 3 | This will be considered separately from the Platform Road scheme, but should be feasible. |
| The railway line crossing Canute Road needs to be converted to a barrier controlled level crossing due to increased usage | 3 | The City Council will be liaising with Network Rail as part of the scheme. The understanding is that Network Rail do not currently have plans to add barriers to the crossing. |
| The railway crossing needs to be sequence with the traffic lights | 1 | The City Council will liaise with Network Rail over this issue. |
| Could a roundabout be installed at the junction of Canute Road and Terminus Terrace to facilitate right hand turns from Canute Road? | 2 | <p>Consideration was given to implementing a shared space roundabout at the Canute Road / Platform Road junction at an early stage in the design. However, this was rejected as:</p> <ul style="list-style-type: none"> • It would not have provided operated as efficiently during periods of busy traffic demands; • It had the potential to block the route from Terminus Terrace to Platform Road when the level crossing in Canute Road is in operation; • Pedestrian flows aren't high enough to create the necessary inter-action with vehicles for a successful shared-space scheme <p>It is now proposed to permit the right turn from Canute Road into Terminus Terrace.</p> |
| Is there to be some form of traffic control to facilitate easier access onto Central Bridge from Saltmarsh Road for traffic travelling eastbound? | 1 | There are no current proposals to change the layout in Saltmarsh Road, although the roundabout with Central Bridge and the Itchen Bridge will be looked at as part of the proposed east west cycle route. |
| The car park at the end of Queen's Terrace is well used. If it is to be closed, provision for parking needs to be met elsewhere in the local area | 1 | The spaces in this car park will be re-provided in Queen's Terrace. There will be no net loss in public car parking spaces. |
| Could there a kerb build out at junction of French Street and Town Quay to prevent people driving up what is a one way street? | 1 | This will be considered as part of the works in Town Quay. |
| Could a filter be put on the traffic lights at Ocean Village to allow a right hand turn from Canute Road onto Royal Crescent Road | 1 | It is not possible for traffic to turn in and out of Royal Crescent Road at the same time, as the swept path of larger vehicles uses the full width of the carriageway. |
| Please retain the coach stops along Platform Road opposite the Platform Tavern | 1 | We will consider alternative locations for these coach bays, which will be advertised through the Traffic Regulation Order changes. |
| Could traffic flows be permitted to continue along Marsh Lane onto Kingsway? | 1 | There are historic proposals to remove the Threefield Lane Gyratory and make Marsh Lane a two-way through route. This will be considered as part of wider transport proposals to support the City Centre Master Plan and is not proposed for implementation as part of this scheme. |
| Please ensure that the additional footway width alongside the Old Bowling Green is carried forward | 1 | Noted. |
| The road needs to be desirable to walk along | 1 | The scheme will provide footways along both sides of Platform Road. In addition, a path will also be provided through Vokes Memorial Gardens. Queen's Terrace will become a much more attractive pedestrian route due to the significant reduction in traffic volumes. |
| The left hand turn out of Dock Gate 5 should be suitable for HGV loads | 1 | We will look at this issue as part of the detail design to ensure these vehicle movements can be accommodated. |
| Could good vehicles be prevented from accessing Bernard Street? | 1 | There are no proposals to prevent HGV access to Bernard Street. There are legitimate access requirements for HGVs in this street. |
| Could one way signs along Bernard Street be improved? | 1 | This will be considered separately from the Platform Road scheme. |
| There should be some form of new public art or display in Queen's Park for the benefit of cruise passengers | 1 | This will be considered as part of the detail design of Queen's Terrace and the eastern end of Queen's Park. |
| It would be good to see more cafes, restaurants and food retail in the area including within Queen's Park (similar to Café in the Park in East Park) | 3 | The changes in Queens' Terrace will make this a more attractive location for this type of business. |
| A "You are Here" sign displaying local walking routes should be installed in Queen's Park | 1 | As part of the detail design, consideration will be given to extending Legible City signing. |
| Please ensure proposed landscaping of the scheme is used to increase visual appeal and reduce noise pollution | 5 | These issues will be considered in the detail design. |
| Could a link road to the car park adjacent to Admiralty House be provided or the issue over access to car park across ABP land resolved? | 5 | ABP are not willing to allow access to be provided to the vacant land adjacent to Admiralty House, although they are willing to maintain parking provision for residents who currently lease a parking space in the Pan Handle Car Park, with new spaces provided in the Triangle car park to the west. The scheme has been redesigned to accommodate an on street parking lay-by on Platform Road in front of Admiralty House. Current policy means there are currently no on highway resident only permit zones in the city centre, although this is currently subject to review. |
| Terminus Terrace needs resurfacing | 1 | This will be considered at the detail design stage. |
| Why not build a tunnel along Platform Road | 1 | There is insufficient funding available to build a tunnel. |
| The abandoned partially completed buildings on the corner | 1 | This is outside the scope of the scheme. |

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| of Canute Road/Royal Crescent Road should be pulled down | | |
| Cruise passengers should be encouraged visit Southampton's local attractions and businesses | 1 | This is outside the scope of the scheme, but the improvements to Queen's Park and existing improvements to Oxford Street are creating a more attractive environment close to the part of the Port used by cruise ship passengers. |
| Could a boulevard feel be created along Platform Road? (additional landscaping etc) | 1 | The detail design of the scheme will focus on creating a boulevard feel rather than an urban motorway. Landscaping on the south side of Platform Road will include new trees to complement the existing trees on the north side in Queen's Park. |
| Could reduced rate parking be introduced for residents? | 1 | Current policy means there are currently no on highway resident only permit zones in the city centre, although this is currently subject to review. |
| Traffic flows along Canute Road could be improved by removing parking bays on this road | 1 | There is no proposal to remove parking bays in Canute Road. |
| Plans do not go far enough to help reduce congestion along Canute Road. Suggest the Platform Road are contingent on a prior agreement to adopt the changes to the Central Bridge and / or remove parking bays along Canute Road. | 1 | The proposals would provide an alternative route for eastbound traffic to bypass Canute Road when travelling to the Itchen Bridge. This should improve congestion. |
| Scheme will increase traffic along Terminus Terrace. Suggest scheme introduces TRO banning HGV's from using The Avenue / Terminus Terrace route to the Eastern Docks. | 1 | The Platform Road scheme should make it more attractive for HGVs to use the Western Approach when accessing the Port of Southampton. For contingency purposes, alternative access has been maintained to the Port via The Avenue / Terminus Terrace. It is recommended that this issue is reconsidered separately from the Platform Road scheme. |
| During construction, please ensure the cycling can safely travel in all directions from Dock Gate 4. | 1 | Noted. This will be considered when the detailed traffic management plan is developed for the implementation of the scheme. |
| Under the public realm improvements to Queens Terrace, will there be more improvements to Queens Park. | 1 | Queen's Park will be enhanced at its eastern end, where the off street car park is currently located. Unfortunately, the recent application for Heritage Lottery Funding for wider upgrades within the park, was unsuccessful, although there is some S106 funding available for improvements. |
| Under the public realm improvements to Queens Terrace, is there any plans to offer residents and businesses permit parking. | 1 | Current policy does not permit on street resident or business permits within the city centre. However, this is currently under review. |
| Extend Environmental Improvements along Queens Terrace west of Latimer Street to incorporate Havelock Chambers | 1 | This can be considered during the detailed design of Queen's Terrace. |

THE CODE OF CONDUCT FOR MEMBERS

PART 1 – Introduction and Interpretation

This code applies to you as a member of this authority when you act in your role as a member and it is your responsibility to comply with the provisions of this code.

As a member you are a representative of this authority and the public will view you as such therefore your actions impact on how the authority as a whole is viewed and your actions can have both positive and negative impacts on the authority.

This Code is based upon the “Nolan Principles – the seven principles of public life” which are set out in Appendix 1.

This Code does not cover matters in respect of which the Secretary of State under the Localism Act 2011 specifically provides that criminal sanction shall apply.

In this Code-

“meeting” means any meeting of:

- (a) the authority
- (b) the Executive of the authority
- (c) any of the authority’s or its executives committees, sub-committees, joint committees, joint sub-committees, or area committees;

Whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members

“member” includes a co-opted member (voting and non-voting) and an appointed member.

PART 2 – Scope and General Obligations

1. Scope

- (1) This Code applies to all members of Southampton City Council, including co-opted voting members,
- (2) It is your responsibility to comply with the provisions of this Code.
- (3) You must comply with this Code whenever you –
 - a. conduct the business of your authority, or
 - b. act, claim to act or give the impression you are acting as a representative of your authority or in your official capacity as a member of the authority.
- (4) Where you act as a representative of your authority-
 - a. on another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct: or
 - b. on any other body, you must, when acting for that other body, comply with your authority’s code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

2. General Obligations

- (1) When acting in your role as a member of the authority –
 - (a) **do** treat others with respect;

- (b) **do not** conduct yourself in a manner which is contrary to the Council’s duty to promote and maintain high standards of conduct of members;
- (c) **do** ensure that you are aware of and comply with the requirements which the Bribery Act 2010 places on you in your role as a Member and on the Council as a whole;
- (d) **do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is-
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; and
 - (cc) you have consulted the Monitoring Officer prior to its release.
- (e) **do not** prevent another person from gaining access to information to which that person is entitled by law;

- (2) When using or authorising the use by others of the resources of the authority-
 - (a) **do** act in accordance with the authority’s reasonable requirements including the requirements of the authority’s ITC policy and the policies listed at Appendix 2, copies of which have been provided to you and which you are deemed to have read;
 - (b) **do** make sure that such resources are not used improperly for political purposes (including party political purposes): and
 - (c) **do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

PART 3 – Disclosable Pecuniary Interests (Localism Act 2011)

3. Notification of disclosable pecuniary interests

(1) Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any ‘disclosable pecuniary interests’.

(2) A ‘disclosable pecuniary interest’ is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the description at Appendix 2.

4. Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority’s website.

5. Sensitive interests

(1) Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

6. Non participation in case of disclosable pecuniary interest

(1) If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting-

- (a) you may not participate in any discussion of the matter at the meeting.
- (b) you may not participate in any vote taken on the matter at the meeting.
- (c) if the interest is not registered, you must disclose the interest to the meeting.
- (d) if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

(2) In addition, Council Procedure Rules and Executive Procedure Rules require you to leave the room where the meeting is held while any discussion or voting takes place.

(3) Where an executive member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the executive member-

- (a) must notify the Monitoring Officer of the interest; and
- (b) must not take any steps or further steps in the matter.

7. Dispensations

The authority may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

8. Offences

(1) It is a criminal offence to-

- (a) fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election;
- (b) fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- (c) fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting;
- (d) Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest;
- (e) As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest;.
- (f) Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting;

(2) The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

PART 4 – Other Interests (Personal and Pecuniary)

9. Notification of other interests

(1) In addition to the disclosable pecuniary interests notifyable under the Localism Act 2011, you must, within 28 days of—

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the following descriptions, for inclusion in the register of interests.

(2) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;

(3) You must, within 28 days of becoming aware of any new interest or change to any interest registered under paragraph (1), or as a disclosable pecuniary interest notify the Monitoring Officer of the details of that new interest or change.

10. Disclosure of other interests

(1) Subject to sub-paragraphs (2) to (5) below, where you have a personal interest described in paragraph 9 above or in paragraph (2) below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must-

(a) disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) (A) You have a personal interest in any business of your authority where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(B) In sub-paragraph (2)(A), a relevant person is—

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in paragraph 9(2)(a)(i) or (ii).

(3) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 9(2)(a)(i) or 9(2)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(4) Where you have a personal interest but, by virtue of paragraph 12, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(5) Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

11. Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.

12. Sensitive interests

Where you consider that disclosure of the details an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

13. Non participation in case of pecuniary interest

(1) Where you have a personal interest in any business of your authority you also have a pecuniary interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business—

- (a) affects your financial position or the financial position of a person or body described in paragraph 10 ;or
- (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph.

(2) Subject to paragraph (5) and (6) below, where you have a pecuniary interest in any business of your authority—

- (a) You may not participate in any discussion of the matter at the meeting.
- (b) You may not participate in any vote taken on the matter at the meeting.
- (c) If the interest is not registered, you must disclose the interest to the meeting.
- (d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

(4) In addition Council Procedure Rules and Executive Procedure Rules require you to leave the room where the meeting is held while any discussion or voting takes place.

(5) Where you have a pecuniary interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the

same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

(6) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that relates to the functions of your authority in respect of—

- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

(7) Where, as an executive member, you may discharge a function alone, and you become aware of a pecuniary interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

14. Interests arising in relation to overview and scrutiny committees

(1) In any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

- (a) that business relates to a decision made (whether implemented or not) or action taken by the executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken,

You may only attend a meeting of the overview and scrutiny committee for the purpose of answering questions or giving evidence relating to the business, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

15. Pre-determination or bias

(1) Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as member, however do not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

(2) When making a decision, do consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

16. Compliance with Constitution, Rules, Standards and Guidance

Failure to comply with the requirements of the Council's Constitution or any Rule, Protocol, Corporate Standards or Guidance issued pursuant to the Constitution shall be deemed to be a breach of this Code. Rules, Protocols, Corporate Standards and Guidance shall include (but is not limited to) the documents listed in Appendix 3.

APPENDIX 1:

NOLAN PRINCIPLES - THE SEVEN PRINCIPLES OF PUBLIC LIFE

Selflessness Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

Integrity Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.

Honesty Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership Holders of public office should promote and support these principles by leadership and example.

APPENDIX 2:

DISCLOSABLE PECUNIARY INTERESTS UNDER THE LOCALISM ACT 2011

| <i>Interest</i> | <i>description</i> |
|---|---|
| Employment, office, trade, profession or vacation | Any employment, office, trade, profession or vocation carried on for profit or gain. |
| Sponsorship | <p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p> |
| Contracts | <p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p> |
| Land | Any beneficial interest in land which is within the area of the relevant authority. |
| Licences | Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer. |
| Corporate tenancies | <p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p> |
| Securities | <p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> |

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means the person M referred to in section 30 of the Act;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000() and other securities of any description, other than money deposited with a building society.

APPENDIX 3:

RULES, PROTOCOLS, STANDARDS AND GUIDANCE

- The Southampton City Council Constitution (all parts)
- Corporate Standards for:
 - Decision Making
 - Legality
 - Finance
 - HR
 - IT
 - Procurement
 - Property
- Obligations of Members on Outside Bodies
- Probity in Planning
- Licensing Handbook
- Guidance on Use of Resources
- Health & Safety Roles and Responsibilities for Elected Members
- Officer Member Protocol
- Anti Fraud and Anti Corruption Policy and Strategy
- Duty to Act Policy
- Code of Corporate Governance
- Equality Scheme
- Dignity at Work Policy
- Data Protection Policy
- Anti-Money Laundering Policy
- Partnership Code
- Guidance on the Use of Electronic Devices
- Code on Local Authority Publicity

Member Misconduct Complaints Procedure

Context

- 1.1 These “Arrangements” set out how you may make a complaint that an elected or co-opted member of this authority has failed to comply with the Code of Conduct for Members, and sets out how the authority will deal with allegations of a failure to comply with the Code of Conduct.
- 1.2 Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the authority or of a Committee or Sub-Committee of the authority, has failed to comply with Code of Conduct can be investigated and decisions made on such allegations.
- 1.3 Such arrangements must provide for the authority to appoint at least 1 Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a member against whom an allegation has been made.

2. The Code of Conduct

- 2.1 The Council has adopted a Code of Conduct for Members, which is available for inspection on the authority’s website and on request from Reception at the Council Offices.

3. Making a complaint

- 3.1 If you wish to make a complaint, please write to:

The Monitoring Officer
Southampton City Council
Civic Offices
Southampton
SO14 7LY

or by email to:

mark.heath@southampton.gov.uk

- 3.2 The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members’ interests and who is

responsible for administering the system in respect of complaints of member misconduct.

- 3.3 In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the complaint form, which can be downloaded from the authority's website, and is available on request from the Reception at the Civic Centre offices.
- 3.4 Please provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form. The Monitoring Officer will consider your request for confidentiality and if granted we will not disclose your name and address to the member against whom you make the complaint, without your prior consent.
- 3.5 The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.
- 3.6 The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint.
- 3.7 The Complaints Procedure Flowchart is annexed at Appendix 1 for your assistance

4. Will your complaint be investigated?

- 4.1 The Monitoring Officer will review every complaint received and, may consult with the Independent Person before taking a decision as to whether it:
 - 4.1.1 Merits no further investigation
 - 4.1.2 Merits further investigation
 - 4.1.3 Should be referred to the Governance Committee
- 4.2 This decision will normally be taken within 28 working days of receipt of your complaint. Your complaint will be considered in accordance with the Assessment Criteria annexed at Appendix 2. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision. Where the Monitoring Officer requires additional information in order to come to a decision, he/she may come

back to you for such information, and may request information from the member against whom your complaint is directed.

- 4.3 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the member or the authority make a reasonable offer of informal resolution, but you are not willing to accept the offer, the Monitoring Officer will take account of this in deciding whether the complaint merits further investigation.
- 4.4 If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police or other regulatory agencies.

5. How is the investigation conducted?

- 5.1 The Council has adopted a procedure for the investigation of misconduct complaints, which is attached as Appendix 3 to these arrangements.
- 5.2 If the Monitoring Officer decides that a complaint merits further investigation, he/she may appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator. The Investigating Officer or Monitoring Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents need to be seen, and who needs to be interviewed.
- 5.3 The Investigating Officer or Monitoring Officer will normally write to the member against whom you have complained and provide him/her with a copy of your complaint, and ask the member to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.
- 5.4 At the end of his/her investigation, the Investigating Officer or Monitoring Officer will produce a draft report ("the Investigation Report") and will send

copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

- 5.5 Having received and taken account of any comments which you may make on the draft Investigation Report, a final Investigation Report will be prepared by the Investigating Officer or Monitoring Officer as appropriate.

6. What happens if the Investigating Officer or Monitoring Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

6.1 If an Investigating Officer has been appointed the Monitoring Officer will review the Investigating Officer's report and, if he is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the member concerned notifying you that he is satisfied that no further action is required, and give you both a copy of the Investigation Final Report.

6.2 If an Investigating Officer has been appointed and if the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider his/her report.

7. What happens if the Investigating Officer or Monitoring Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

7.1 If an Investigating Officer has been appointed the Monitoring Officer will review the Investigating Officer's report and will then either send the matter for a hearing before the Governance Committee, or in consultation with the Independent Person seek an informal resolution.

7.1.1 Informal Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you as complainant and seek to agree what you may consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the authority. If the member

complies with the suggested resolution, the Monitoring Officer will report the matter to the Governance Committee for information, but will take no further action.

7.1.2 Hearing by a Sub-Committee of the Governance Committee

If the Monitoring Officer considers that informal resolution is not appropriate, or the councillor concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will refer the Investigation Report to a Sub-Committee of the Governance Committee which may conduct a hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

At the hearing, the Investigating Officer or the Monitoring Officer will present her/his report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer or Monitoring Officer may ask you as the complainant to attend and give evidence to the Sub-Committee. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Sub-Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Sub-Committee, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and dismiss the complaint. If the Sub-Committee concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Sub-Committee will then consider what action, if any, the Sub-Committee should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Sub-Committee will give the member an opportunity to make representations to the Panel and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

8. What action can the Governance Sub-Committee take where a member has failed to comply with the Code of Conduct?

8.1 The Council has delegated to the Sub-Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Sub-Committee may:-

8.1.1 Publish its findings in respect of the member's conduct;

8.1.2 Report its findings to Council for information;

8.1.3 Recommend to Council that he/she be issued with a formal censure or be reprimanded

8.1.4 Recommend to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;

8.1.5 Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;

8.1.6 Instruct the Monitoring Officer to arrange training for the member;

8.1.7 Remove from all outside appointments to which he/she has been appointed or nominated by the authority;

8.1.8 Withdraw facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or

8.1.9 Exclude the member from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

8.2 The Sub-Committee has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

9. What happens at the end of the hearing?

9.1 At the end of the hearing, the Chair will present the decision of the Governance Sub-Committee as to whether the member failed to comply with the Code of Conduct and as to any actions which the Sub-Committee resolves to take.

9.2 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Sub-Committee, and send a copy to you, to the member, and make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

10. Who are the Governance Sub-Committee?

10.1 The Governance Sub-Committee comprises a maximum of 3 elected or co-opted Members of the Council, including not more than 1 member of the authority's Executive, and with any elected members drawn from all political groups. Subject to those requirements, it is appointed on the nomination of party group leaders in proportion to the strengths of each party group on the Council.

10.2 The Independent Person is invited to attend all meetings of the Committee involving the consideration of misconduct allegations and their views are sought and taken into consideration before the Committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11. Who is the Independent Person?

11.1 The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of Council.

11.2 A person cannot be "independent" if he/she:

- a) Is, or has been within the past 5 years, a member, co-opted member or officer of the authority, save where any transitional provisions permit ; or
- b) Is a relative or close friend, of a person within paragraph a) above.

For this purpose, a "relative" means:

- i. Spouse or civil partner;
- ii. Living with the other person as husband and wife or as if they were civil partners;
- iii. Grandparent of the other person;

- iv. A lineal descendent of a grandparent of the other person;
- v. A parent, sibling or child of a person within paragraphs i) or ii); or
- vi. A spouse or civil partner of a person within paragraphs iii), iv) or v); or
- vii. Living with a person within paragraphs iii), iv) or v) as husband and wife or as if they were civil partners.

12. Revision of these arrangements

The Council may by resolution agree to amend these arrangements, and has delegated to the Chair of the Committee the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13. Appeals

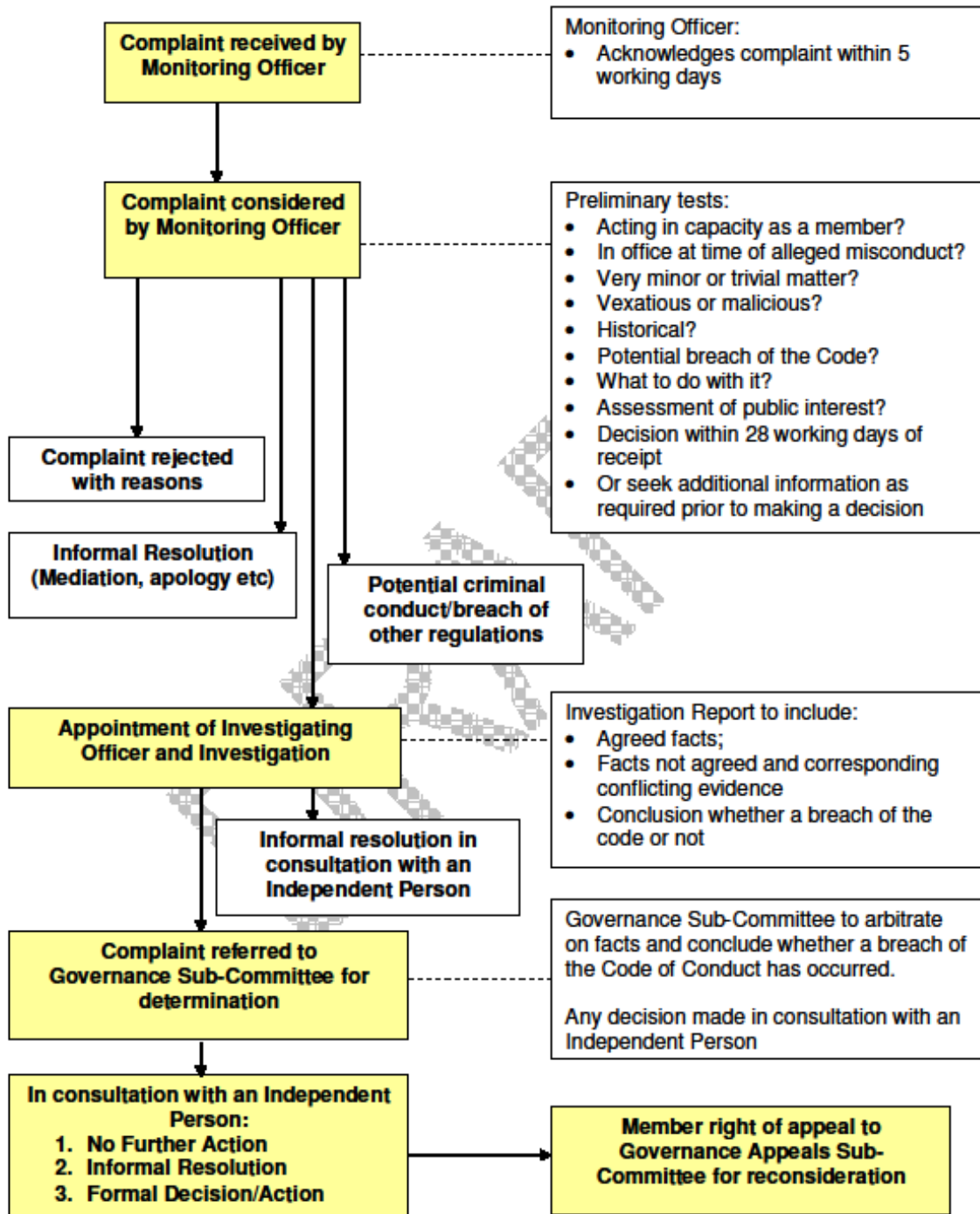
- 13.1 There is a right of appeal for the member against a decision of the Committee where it has found that a member has breached the code.
- 13.2 If a member has wishes to appeal a finding of a breach of the Code of Conduct, he/she may do this by requesting an appeal in writing to the Monitoring Officer. This request must be received by the Monitoring Officer within 28 days of the date of the formal notification of the Sub-Committee's decision under paragraph 9.2 of this procedure.
- 13.3 A request for appeal must set out the basis for the appeal by identifying the aspect(s) of the decision being challenged, and the reasons for this. Any supporting information should be provided at this time.
- 13.4 The Monitoring Officer will review the request for appeal, and arrange for the matter to be considered by an Appeals Sub-Committee of the Governance Committee.

14. What happens in the event of an appeal?

- 14.1 In the event of an appeal, a meeting of an Appeals Sub-Committee of the Governance Committee will be convened to consider the matter. This meeting should take place within 3 months of the date of receipt of the appeal.

- 14.2 At the appeals meeting, the subject member will have an opportunity to make representations to the Sub-Committee as to why he/she considers that the finding of the earlier Sub-Committee is incorrect.
- 14.3 The complainant will also be asked to attend the meeting and make representations to the Appeals Sub-Committee.
- 14.4 The Sub-Committee, with the benefit of any advice from an Independent Person, will review the earlier decision and may conclude that the member did not fail to comply with the Code of Conduct, and dismiss the complaint. If the Sub-Committee concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member that the decision of the Sub-Committee will be upheld. The Sub-Committee may also find that the earlier Sub-Committee's decision should be upheld in part, in which case will then consider what action, if any, the Appeals Sub-Committee should take as a result.

**Appendix 1
Complaints Procedure Flowchart**



Flowchart v2.1

APPENDIX 2

STANDARDS COMPLAINTS ASSESSMENT CRITERIA

Complaints which would not normally be referred for investigation

1. The complaint is not considered sufficiently serious to warrant investigation; or
2. The complaint appears to be simply motivated by malice or is “tit-for-tat”; or
3. The complaint appears to be politically motivated, vexatious or trivial; or
4. It appears that there can be no breach of the Code of Conduct; for example, that it relates to the Councillor’s private life or is about dissatisfaction with a Council decision; or
5. it is about someone who is no longer a Councillor; or
6. There is insufficient information available for a referral; or
7. The complaint has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances e.g. allegation of bullying, harassment etc; or
8. The matter occurred so long ago that it would be difficult for a fair investigation to be carried out; or
9. The same, or similar, complaint has already been investigated and there is nothing further to be gained by seeking the sanctions available to the Governance Committee; or
10. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct; or
11. Where the member complained of has apologised and/or admitted making an error and the matter would not warrant a more serious sanction.

Complaints which may be referred to the Governance Committee

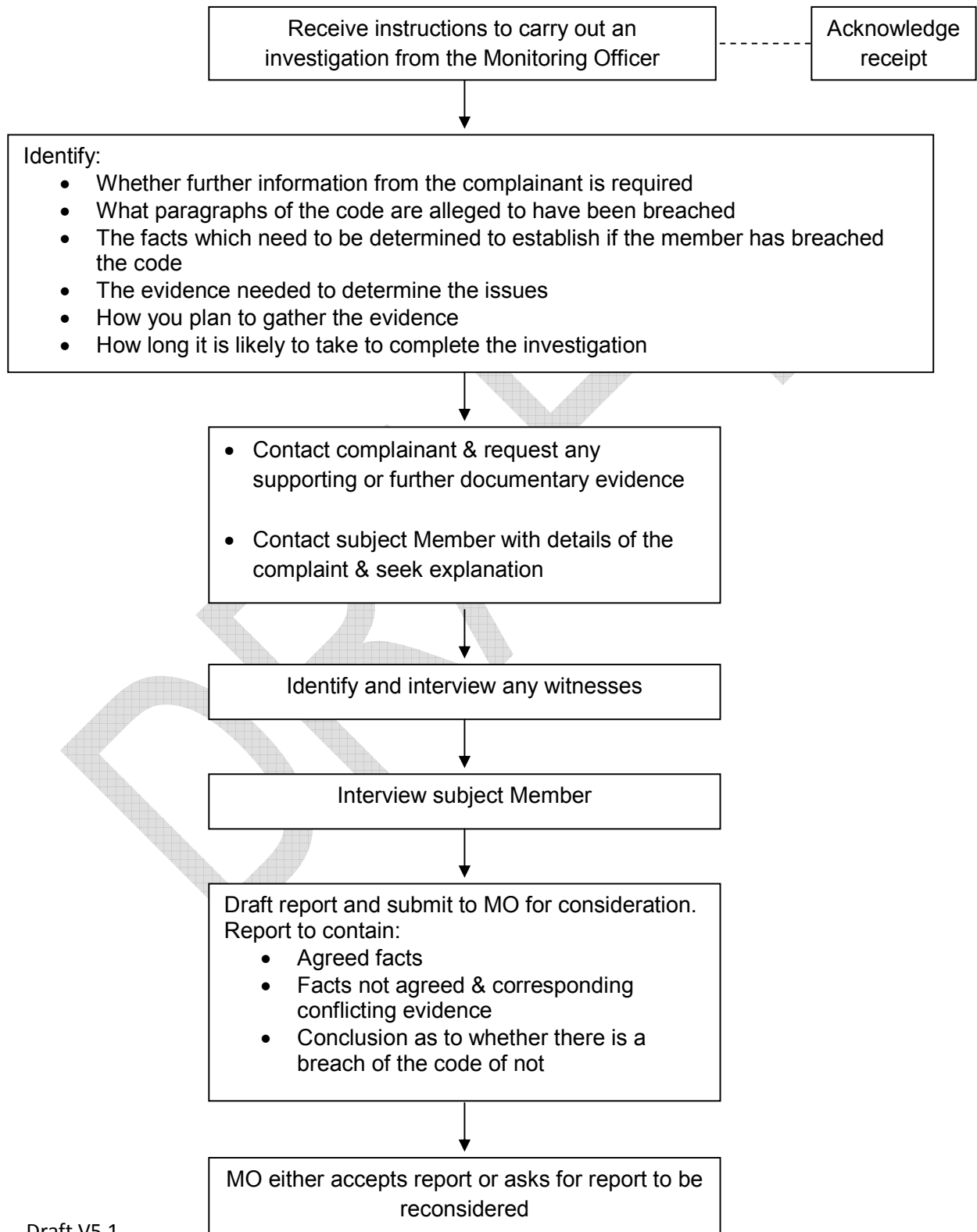
1. It is serious enough, if proven, to justify the range of actions available to the Governance Committee; or

2. There are individual acts of minor misconduct which appear to be a part of a continuing pattern of behaviour that is unreasonably disrupting the business of the Council and there is no other avenue left to deal with it other than by way of an investigation.
3. When the complaint comes from a senior officer of the Council, such as the Chief Executive or the Monitoring Officer and it would be difficult for the Monitoring Officer to investigate; or
4. The complaint is about a high profile Member such as the Leader of the Council and it would be difficult for the Monitoring Officer to investigate
5. Such other complaints as the Monitoring Officer considers it would not be appropriate for him to investigate

Whilst complainants must be confident that complaints are taken seriously and dealt with appropriately, deciding to investigate a complaint or to take further action will cost both public money and officers' and members' time. This is an important consideration where the complaint is relatively minor.

APPENDIX 3

INVESTIGATION PROCEDURE



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PART 4: RULES OF PROCEDURE

COUNCIL PROCEDURE RULES CONTENTS

1. Introduction
2. Meetings of the Council
3. Minutes
4. Appointment of Members to Committees and Sub-Committees
5. Time and place of meetings
6. Notice of and summons to meetings
7. Chair of meeting
8. Quorum
9. Duration of meeting
10. Petitions, Deputations and Questions by the Public
11. Questions by Members
12. Executive Business
13. Motions
14. Rules of debate
15. Honours
16. Previous decisions and motions
17. Voting
18. Committee Recommendations
19. Overview and Scrutiny Management Business
20. Exclusion of public
21. Members' conduct
22. Disturbance by public
23. Adjourned Meetings
24. Terms of Reference for the Council
25. Application to Committees and Sub-Committees
26. Conduct of Business and Debate at Committees or Sub-Committees
27. Rights of Members to Speak at Meetings of Committees and Sub-Committees
28. Urgent Business Sub-Committee

1. INTRODUCTION

1.1 Interpretation

- (a) Throughout these Council Procedure Rules the following words and expressions shall have the under-mentioned meanings respectively assigned to them:-

"Cabinet Member" shall mean a member of the Executive appointed by the Leader in accordance with the Council's Constitution.

"Chief Financial Officer" shall mean the officer holding the post of Chief Financial Officer of the City Council who is also designated as the "Chief Financial Officer" responsible for the purposes of Section 151 Local Government Act 1972, Section 73 Local Government Act, 1985, and Section 112 Local Government Act 1988 for monitoring the Council's financial affairs.

"Clear Day" in relation to a meeting excludes the day on which the summons or agenda for a meeting was published, the day on which the meeting was or is to be held and in this context "Day" shall mean a day other than a Saturday or a Sunday, or a day which is a public or Bank Holiday.

"Committee" shall mean a Committee of the Council.

"Constitution" shall mean the Council's Constitution as approved by the Council in accordance with the 2000 Act.

"Council" shall mean Southampton City Council acting through the Full Council, save where applied to a Committee or Sub-Committee where it shall mean that Committee or Sub-Committee.

"Executive" shall mean the Executive of the Council as set out in the Constitution and defined by the 2000 Act.

"Head of Paid Service" shall mean the officer holding the post of Chief Executive in the City Council who is also designated as the Head of Paid Service by virtue of Section 4 Local Government and Housing Act 1989.

"Leader" shall mean the Leader of the Council, elected by the Council in accordance with the Constitution and the 2000 Act.

"Mayor" shall mean the Mayor of the Council or the Person Presiding.

"Meeting" shall mean a meeting of the Full Council or in relation to a Committee or Sub-Committee, a meeting of that body.

"Member" shall mean in relation to a meeting of the Council, a Councillor, and in relation to a Committee or Sub-Committee shall mean a member of that Committee or Sub-Committee, whether a Councillor or a person who is not a Councillor but who is appointed to be a member of the Committee or Sub-Committee under Section 102 of the 1972 Act.

"Motion" includes a recommendation contained in any report concerning an item of business for a meeting and a new motion.

"Panel" is the description and label applied to a regulatory Committee or Sub-Committee of the Council.

"Person Presiding" shall mean the person appointed or entitled to preside at any meeting including the Chair or Vice-Chair where either presides.

"Protocol" means a protocol approved by the Senior Manager: Legal, HR and Democratic Services under these Council Procedure Rules.

"Proposition" shall include "Motion".

"Rule" shall mean a Council Procedure Rule.

"Special Procedure" means a procedure approved by the Senior Manager: Legal, HR and Democratic Services under these Council Procedure Rules.

"Specialist Committee" means a Committee or Sub-Committee to which a Special Procedure applies.

"Summons" shall mean the summons for a meeting, or in relation to a Council Procedure Rule applied to a Committee or Sub-Committee, shall mean the agenda for the meeting.

"Sub-Committee" shall mean a Sub-Committee of a Committee of the Council.

"Terms of Reference" shall mean the terms of reference of the Committees, and Sub-Committees as varied from time to time.

"Urgent" means that the matter giving rise to the urgency must be unforeseeable (in an objective sense) and is not attributable to a failing on the part of the Council (and similar expressions shall be construed accordingly).

"Vice-Chair" shall mean the Vice-Chair of a Committee or Sub-Committee, and shall encompass the term "Person Presiding" where the Vice-Chair does not preside.

"Voting Member" means either a Councillor or other person appointed as a member of a Committee or Sub-Committee under Section 102 of the 1972 Act who is entitled by law to vote at a meeting of the Committee or Sub-Committee.

"1972 Act" shall mean the Local Government Act 1972.

"1989 Act" shall mean the Local Government and Housing Act 1989.

"2000 Act" shall mean the Local Government Act 2000.

- (b) Unless the context otherwise requires, the singular includes the plural and the plural the singular.
- (c) Any reference in a Council Procedure Rule to a numbered or lettered paragraph is, unless the context otherwise requires, a reference to the paragraph of that Council Procedure Rule.

1.2. Council Procedure Rules

- a. Subject to paragraphs (b), (c) and (h), only the Council may vary, revoke, add to or suspend these Council Procedure Rules.

- b. This Council Procedure Rule and Council Procedure Rule 2.1 (The Annual Meeting), 3 (Minutes), 6 (Notice and Summons to Meetings) and 17 (Voting), are not capable of being suspended.
 - c. Any of the other Council Procedure Rules may be suspended by the Council provided that:
 - i. a motion is given with due notice; or
 - ii. notice of intention to move such suspension is embodied within a minute or report referred to in the Summons.
 - d. No Council Procedure Rule shall be suspended, revoked or varied by the Council without the consent of the majority of Members present and voting, and there shall be no speeches other than by the mover of the motion whose speech shall be confined to the reasons for moving the suspension of the Council Procedure Rule(s) in question, and no discussion on a motion to suspend a Council Procedure Rule.
 - e. A printed copy of these Council Procedure Rules shall be given by the Senior Manager: Legal, HR and Democratic Services to every Member upon acceptance of office.
 - f. Any proposal to permanently alter these Council Procedure Rules, other than a motion to implement a recommendation of the Standards and Governance Committee, shall be in the form of a motion instructing the Standards and Governance Committee to report upon such proposals. Any such motion upon being seconded shall be put to the vote without discussion. The Standards and Governance Committee shall report to the next ordinary Council meeting upon any matter referred to it under this Council Procedure Rule.
 - g. These Council Procedure Rules embody the requirements of the mandatory Standing Orders, as provided for by the Local Government Act 1972, Local Government and Housing Act 1989 and the Local Government Act 2000, together with secondary legislation, where appropriate. These Council Procedure Rules, therefore, constitute the Council's statutory procedural standing orders, and should be interpreted accordingly.
 - h. Subject to Council Procedure Rule 26(2), a Special Procedure or Protocol may vary, revoke, add to or suspend these Council Procedure Rules.
 - i. Where any step or action under these Council Procedure Rules is prescribed to be performed by a designated officer, that officer may nominate or authorise another officer in his/her place.
- 1.3 Save as in respect of any notice that has to be signed to be valid (Council Procedure Rule 13.1(a) and 13.1(d)) any other notice may be given by email to the address as prescribed by the Senior Manager: Legal, HR and Democratic Services as designated for the receipt of such communications.

1.4 **Mayor's Decision Final**

The Mayor's ruling on any point of order, interpretation of these Council Procedure Rules, matters arising during the debate or with regard to the admissibility of an explanation, or otherwise, including any logistical arrangements for any meetings, shall be final and not open to discussion. The Mayor may, from time to time, issue guidance as to how s/he will discharge his/her responsibility in chairing Full Council.

2. **MEETINGS OF THE COUNCIL**

2.1 **The Annual Meeting**

a. Timing and business

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- i. elect a person to preside if the Mayor is not present;
- ii. elect the Mayor;
- iii. elect the Sheriff;
- iv. approve the minutes of the last meeting;
- v. receive any announcements or reports from the Head of the Paid Service, Monitoring Officer, Chief Financial Officer or Mayor;
- vi. elect the Leader;
- vii. appoint the Overview and Scrutiny Management Committee, the Standards and Governance Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions (as set out in Part 3, Table 1 of this Constitution);
- viii. agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Table 3 of this Constitution);
- ix. approve a programme of ordinary meetings of the Council for the year; and
- x. consider any business set out in the notice convening the meeting.

b. Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the council meeting will:

- i. decide which committees to establish for the municipal year;
- ii. decide the size and terms of reference for those committees;
- iii. decide the allocation of seats and substitutes to political groups in accordance with the political balance rules;
- iv. receive nominations of Councillors to serve on each committee and

- outside body; and
- v. appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.
- c. Sub-Committees may be appointed by a special meeting of Committees held immediately following their appointment during the proceedings of annual, Council, subject to the powers of Committees to appoint Sub-Committees, Members to those Sub-Committees and Chairs and Vice-Chairs.

2.2 Ordinary Meetings

- a. Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:
 - i. elect a person to preside if the Mayor and Sheriff are not present;
 - ii. approve the minutes of the last meeting;
 - iii. matters arising from the minutes of the last meeting;
 - iv. receive any declarations of interest from Members;
 - v. receive any announcements or reports from the Mayor, Leader, the Head of Paid Service, Monitoring Officer or Chief Financial Officer;
 - vi. receive deputations, petitions and requests from and provide answer to the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the Council;
 - vii. deal with any business from the last Council meeting;
 - viii. receive reports from the Executive and receive questions and answers on any of those reports;
 - ix. consider motions;
 - x. receive questions on notice to any chair or the Mayor;
 - xi. consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's Budget and Policy Framework;
 - xii. receive reports about and receive questions and answers on the business of joint arrangements and external organisations; and
 - xiii. receive reports from Overview and Scrutiny and receive questions and answers on any of those reports.
- b. The order of business in this Council Procedure Rule may only be varied by:
 - i. direction of the Mayor, made with the unanimous consent of the Members present; or
 - ii. a resolution of the Council, moved, seconded and put without comment but not so as to preclude the consideration of any business required by law or to override the provisions of Council Procedure Rule 3.

However, the content of the Summons may be differentiated and subject to any legal requirements, the order and nature of business may vary from meeting to meeting.

c. Matters brought forward by the Mayor

The Mayor may bring forward without notice at any meeting any business judged by the Mayor to be sufficiently urgent to warrant so doing and such business shall have precedence over any notice of motion on the summons. The special circumstances which warrant inclusion of an item without notice shall be specified in the minutes.

2.3 **Extraordinary Meetings**

a. Calling extraordinary meetings

Those listed below may request the Senior Manager: Legal, HR and Democratic Services to call Council meetings in addition to ordinary meetings:

- i. the Council by resolution;
- ii. the Mayor of the Council;
- iii. The Leader;
- iv. the Chief Executive;
- v. the Monitoring Officer;
- vi. the Chief Financial Officer; and
- vii. any five Members of the Council if they have signed a requisition presented to the Mayor and s/he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

b. Business

The Senior Manager: Legal, HR and Democratic Services shall, in calling an Extraordinary Meeting of the Council, restrict the business on the summons to that required by law, any matter or matters that the Chief Executive, Monitoring Officer or Chief Financial Officer wish to raise and the business for which the Extraordinary Meeting has been called.

c. Timing and Logistics of Extraordinary Meetings

The Senior Manager: Legal, HR and Democratic Services shall determine the time and day of any Extraordinary Meeting in accordance with the Constitution and following consultation with the group leaders, but shall endeavour to arrange any such meeting to be held, where possible, at 6:00 pm on a Wednesday.

- d. The Mayor shall, following consultation with the Group Leaders, subject to any legal obligations and provided that the Senior Manager: Legal, HR and Democratic Services is satisfied as to its legality, be entitled to vary any process or procedure at Full Council and/or introduce new procedures or processes for the purpose of experimenting or trialing new initiatives.

2.4 Budget Meeting

The Budget Meeting, which shall commence at 2:00 pm, shall transact such business as:

- a. in the opinion of the Chief Financial Officer, is necessary to enable the Council to comply with its legal obligations in terms of setting a budget and other legal matters associated with the determination of the Council Tax, etc;
- b. is necessary to approve, review, refresh or otherwise consider in the opinion of the Chief Executive, the Medium Term Plan; and
- c. any other business which the Chief Executive, Chief Financial Officer or Monitoring Officer consider should be placed before Members.

3. MINUTES

- 3.1 Minutes of every meeting of the Council, of any Committee or of any Sub-Committee shall be submitted to, and signed at that meeting or at the next following meeting of the body concerned.
- 3.2 The Mayor shall put the question that the minutes submitted to the meeting be approved as a correct record of that meeting, or of a specified former meeting, as the case may be.
- 3.3 Any question on their accuracy shall be raised by motion, and shall be duly seconded. If no such question is raised, or if it is raised, then as soon as it has been dealt with, the Mayor shall sign the minutes ("the Approved Minutes").
- 3.4 The Mayor shall ask if there are any matters arising upon the Approved Minutes, pursuant to which any member may ask as to the current position or progress made on any item contained in the Approved Minutes. The Mayor shall avoid any debate or discussion that could be construed as attempting to change or vary a previous decision and shall not allow any debate or discussion to transgress the statutory rule that only business specified in the Council Summons may be disposed of at a Council meeting. Information provided under this Rule shall not be minuted.
- 3.5 Where in relation to any meeting of the Council the next such meeting is a meeting called under Paragraph 3 (extraordinary meetings) of Schedule 12 to the 1972 Act, the next following meeting of the Council (being a meeting called otherwise than under that Paragraph of the 1972 Act) shall be treated as a suitable meeting for the purposes of Paragraphs 41(1) and (2) (signing of minutes) of that Schedule.

4. APPOINTMENT OF MEMBERS TO COMMITTEES AND SUB-COMMITTEES

4.1 Allocation

The Council will allocate seats on the Committees and Sub-Committees of the Council in accordance with the 1989 Act and secondary legislation.

4.2 Appointment of Members to Seats

The Senior Manager: Legal, HR and Democratic Services shall be the Proper Officer for the purposes of the 1989 Act and associated secondary legislation in respect of appointing members to seats on behalf of political groups in accordance with the wishes of political groups as prescribed by the law.

4.3 Replacement Members on Committees and Sub-Committees

In the event that a member of a Committee or Sub-Committee resigns from that Committee or Sub-Committee, the Senior Manager: Legal, HR and Democratic Services shall be the Proper Officer for the purposes of the 1989 Act and secondary legislation for the purposes of appointing a replacement member, in accordance with the wishes of the political group to whom that seat has been allocated.

4.4 Procedure

The Senior Manager: Legal, HR and Democratic Services shall, following consultation with the Group Leaders, issue such procedures, protocols and other guidance associated with this Council Procedure Rule as s/he deems necessary.

5. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Senior Manager: Legal, HR and Democratic Services and notified in the summons.

6. NOTICE OF AND SUMMONS TO MEETINGS

The Senior Manager: Legal, HR and Democratic Services will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five Clear Days before a meeting, the Senior Manager: Legal, HR and Democratic Services will send a summons signed by him or her by post to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

7. CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to committee and sub-committee meetings, references to the Mayor also include the Chair of committees and sub-committees.

8. QUORUM

The quorum of a meeting will be one third of the whole number of Members. During any meeting, the Mayor shall conduct a count if any Member present so requests or if the Mayor so determines of his/her own volition. If the Mayor counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If s/he does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. DURATION OF MEETING

9.1 Interruption of the meeting

- a. At a time when a period of not less than four hours excluding adjournments has elapsed since the commencement of a meeting of the Council a Member of the Council may move, without comment, that the meeting shall end at a time to be specified in the motion;
- b. The Mayor may refuse to accept the motion and must do so if a similar motion has been rejected earlier in the same meeting;
- c. If the motion is accepted, it shall be seconded and put without comment;

9.2 Motions and recommendations not dealt with

If the motion is passed, when the time specified arrives, if there are other motions or recommendations on the agenda that have not been dealt with, they are deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote(s) will be taken in the usual way.

9.3 Recorded vote

If a recorded vote is called for during this process it will be taken immediately.

9.4 Motions which may be moved

During the process set out in Rules 9.1 – 9.3, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report.

9.5 Close of the meeting

When all motions and recommendations have been dealt with, the Mayor will declare the meeting closed.

9.6 Presumption in favour of meetings ending by 6:30 pm

There is a presumption in favour of all meetings of the Council, Committees and Sub-Committees finishing by 6:30 pm. When a meeting reaches that time, any member of the Council, Committee or Sub-Committee may move, without comment, that the meeting shall end. If the motion is accepted and seconded, it shall be put without comment and if passed, if there are any other motions or recommendations on the agenda that have not been dealt with, the Mayor or person presiding may determine either to deal with them in accordance with this Council Procedure Rule, or to defer remaining business to the next meeting, but in doing so shall take particular account of any advice from the Chief Executive, Chief Financial Officer and/or Monitoring Officer as to any business that, in their view, the Council or the meeting of the Council should determine at that meeting. In the event of a motion being put to the meeting under this Council Procedure Rule, it will be necessary for two thirds of the members present and voting at the meeting to support a proposal that the meeting should carry on for the meeting to proceed beyond 6:30 pm.

10. PETITIONS, DEPUTATIONS AND QUESTIONS BY THE PUBLIC

10.1 Petitions

Petitions shall be managed in accordance with the Petition Scheme set out in Part 11 of this Constitution save as provided elsewhere within the Constitution or as provided by law. At a meeting of the Council any Member or member of the public may present a petition which is submitted in accordance with the Council's scheme for handling petitions as annexed to Part 11 of this Constitution.

10.2 Action

- a. Petitions containing 1500 signatures or more (a qualifying petition) will require a debate at a Council meeting;
- b. Petitions with less than 1500 signatories (non-qualifying) shall be presented to the Council meeting and be received without discussion and shall be included on the agenda for the next available meeting of the Cabinet. The Member of the Council or member of the public presenting the petition shall be invited to attend any meeting to which it is referred; and shall be informed subsequently of any action taken or proposed in accordance with the requirements of the Council's Petitions Scheme;
- c. Petitions containing a minimum of 750 signatures but less than 1500 signatures and requesting a senior officer to give evidence will be referred to a public meeting of the Overview and Scrutiny Committee in the first instance;
- d. Petitions with more than 50 signatories will be treated as a petition that requires a response in accordance with the Council's Scheme for Handling Petitions; and
- e. The Council will take a more flexible approach on a case by case basis in responding to Petitions with less than 50 signatories.

10.3 Presentation

The presentation of non qualifying petitions shall be confined to reading out, or summarising the petition and indicating the number and description of the signatories. Petitions shall be presented in the order in which notice of them is received by the Mayor.

10.4 Debate on Petitions

A qualifying petition will require a debate at full council, except where the petition is asking for a senior officer to give evidence. The length of debate shall be at the discretion of the Mayor and in accordance with the Council's procedure rules, after which a vote will be put.

10.5 Response to Petitions

The Council will decide how to respond to the petition and shall decide either :

- a. To take the action the petition requests;
- b. Not to take the action the petition requests for reasons stated in the debate;
- c. To commission further investigation into the matter prior to consideration at a future meeting of the Council, which may include holding an inquiry or public meeting, commissioning research or reference to a particular committee or body for their views;

- d. To refer the petition to Cabinet or the relevant Cabinet Member meeting where the matter relates to an executive function, in which case the Council may make recommendations to the relevant executive decision.

10.6 Officer Evidence

The senior officers to be called to give evidence at a public meeting under section 16 Local Democracy, Economic Development and Construction Act 2009 and pursuant to the Council's scheme for handling petitions are:

- The Chief Executive
- Directors

10.7 Deputations

- a. Persons wishing to make a deputation to the Council shall give at least seven Clear Days notice in writing to the Senior Manager: Legal, HR and Democratic Services explaining the subject of the deputation, unless in the opinion of the Mayor the matter is one of significance and urgency, such that it would not have been possible for the above timetable to be complied with. In such circumstances the Mayor may, at his or her sole discretion, either permit the deputation to be heard or alternatively ask Council by vote without discussion to determine whether it wishes the deputation to be heard. All requests shall be referred to the Mayor for consideration. The Mayor shall have the discretion to reject or refuse any request, or may determine that such a request should be redirected to the Executive, a committee or sub-committee of the Council or, by agreement, a third party (eg a partner). *Petitions presented as part of or with a deputation will be dealt with in accordance with the provisions of the Council's Constitution and Scheme for Handling Petitions.*
- b. A deputation to be received by the Council shall be read by the Senior Manager: Legal, HR and Democratic Services or other officer, and immediately after having done so, any proposal to receive the person or persons or the deputation shall be formally moved and seconded without discussion and shall be put to the vote. If the motion is carried, the person or persons shall be conducted into the meeting and shall present their deputation.
- c. A deputation may comprise between one and three persons all of whom may address the Council. The deputation shall not exceed seven minutes in duration, such time to include any time taken by the deputation to read any petition or other document.

If in the view of the Mayor the deputation is duplicatory or overlaps with other deputation(s) to be considered at the same meeting, the Mayor may move that the deputations be consolidated and the time limit for the deputation varied accordingly.
- d. Subject to this Council Procedure Rule, the Senior Manager: Legal, HR and Democratic Services shall deal with requests for deputations in accordance with the following:

i. **Where the issue is the subject of a recommendation or notice of motion to the next meeting of the Council**

The request shall be placed on the agenda for that Council meeting and the Council shall be asked whether it is willing to receive the deputation.

When a deputation has been received by the Council, there shall be no discussion on the points raised and the matter shall stand deferred until the relevant recommendation or notice of motion is presented to the Council.

ii. **Where the issue is the subject of a previous deputation or a resolution of the Council within the previous six months and is not covered by (a) above**

The deputation shall not be entertained by the Council, when the Council has resolved upon the issue or considered a previous deputation within the previous six months.

iii. **Where the issue is not before the Council and has not been resolved upon in the previous six months**

The request shall be placed on the agenda for that Council meeting and the Council shall be asked if it is willing to receive the deputation.

When a deputation has been received by the Council, the Mayor shall refer the matter to the Leader or appropriate Cabinet Member for a response. In the absolute discretion of the Mayor, Members may thereafter be permitted to comment or ask questions in relation to the Leader or Cabinet Member's response. Where the Mayor permits such questions or responses to be raised, the Mayor shall allow the Leader or appropriate Cabinet Member a right of reply at the end of the debate on the deputation.

iv. **Where**

- a. the issue is within the terms of reference of a Specialist Committee; or
- b. the issue is or relates to matters of a quasi-judicial nature; or
- c. where the issue is defamatory, frivolous or offensive; or
- d. where the issue refers to legal proceedings being taken or being anticipated by or against the Council;
- e. where the issue relates to the provision of personal (eg a care package) services; or
- f. where the depute has a commercial or financial interest in the issue

the deputation shall not be entertained and the depute shall be advised accordingly by the Senior Manager: Legal, HR and Democratic Services.

10.8 Questions

a. General

Members of the public (who are not Councillors or Officers) may ask questions of the Mayor, Chairs of Committees and Members of the Executive at ordinary meetings of the Council.

b. Order of questions

Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions.

c. Notice of questions

A question may only be asked if notice has been given by delivering it in writing to the Senior Manager: Legal, HR and Democratic Services no later than midday seven Clear Days before the day of the meeting. Each question must give the name and address of the questioner and must name the Member of the Executive to whom it is to be put.

d. Number of questions

At any one meeting no person may submit more than three (3) questions and no more than three (3) such questions may be asked on behalf of one organisation.

e. Scope of questions

The Senior Manager: Legal, HR and Democratic Services may reject a question if it:

- i. is within the terms of reference of a Specialist Committee; or
- ii. is or relates to matters of a quasi-judicial nature; or
- iii. is defamatory, frivolous or offensive; or
- iv. refers to legal proceedings being taken or being anticipated by or against the Council; or
- v. is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- vi. requires the disclosure of confidential or exempt information; or
- vii. relates to the provision of personal (e.g. a care package) services; or
- viii. where the questioner has a commercial or financial interest in the issue

If rejected, the questioner shall be advised accordingly by the Senior Manager: Legal, HR and Democratic Services.

f. Record of questions

The Senior Manager: Legal, HR and Democratic Services will enter each question in a book open to public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions to be asked will be circulated to all Members and will be made available to the public attending the meeting.

g. Asking the question at the meeting

The Mayor will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

h. Supplemental question

A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Rule 10.4.

i. Written answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer.

j. Reference of question to the Executive or a committee

Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Executive or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

10.9 Representations on an Item of Business

At the sole discretion of the Mayor, members of the public may be invited to address the Council, a Committee or Sub-Committee on any report in which they have a genuine or relevant interest. This includes (but is not limited to) the presentation of petitions by the public.

10.10 Application and Variation of this Council Procedure Rule

The Senior Manager: Legal, HR and Democratic Services, may, at his/her discretion, in exceptional circumstances, vary the procedure set out in this Council Procedure Rule and a Special Procedure or Protocol may regulate whether and the manner in which representations by Members, officers of the Council or other organisations and individuals may be made.

11. QUESTIONS BY MEMBERS

11.1 On reports of the business of the Executive

Subject to Rule 11.4, a Member of the Council may ask the Leader or Cabinet Member any question on notice during the Report of the Executive when that item of business is under consideration by the Council.

11.2 Questions to the Mayor or Chairs

Subject to Rule 11.4, a Member of the Council may ask:

- i. the Mayor;
- ii. the Chair of any committee or sub-committee

a question on any matter related to their role, responsibilities and/or office.

11.3 Questions on notice at committees and sub-committees

Subject to Rule 11.4, a Member of a committee or sub-committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties or which affect the area and which falls within the terms of reference of that committee or sub-committee.

11.4 Notice of questions

A Member may only ask a question under Rule 11.1, 11.2 or 11.3 if:

- a. the question is given in writing to the Senior Manager: Legal, HR and Democratic Services by 12:00 noon on the Thursday of the week preceding the Council meeting (of if the Council meeting is held on a day other than a Wednesday, by 12:00 noon three Clear Days before the meeting). The Senior Manager: Legal, HR and Democratic Services will acknowledge receipt of such questions; or
- b. if the question relates to urgent matters, they have the consent of the Mayor and the content of the question is given to the Senior Manager: Legal, HR and Democratic Services prior to the commencement of the meeting.

11.5 Form of Response

An answer may take the form of:

- a. a direct oral answer;
- b. where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c. where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

11.6 Transferring the Response

Every question shall be put and answered without discussion, but the person to whom a question has been put may ask another Member to respond or may decline to answer.

11.7 Supplementary question

Any Member, following a question asked under Rules 11.1, 11.2 or 11.3 may ask one or more supplementary questions without notice to the Member to whom the first question was asked at the discretion of the Mayor and subject to Rule 12. The supplementary questions must arise directly out of the original question or the reply.

11.8 Written Answers

On request from the Member asking a question, a brief summary of key points in an oral answer shall be provided within 10 working days.

11.9 Record of Questions and Answers on Notice at Full Council

Questions asked on Notice at Full Council under Rule 11.1 or 11.2 will be recorded in the minutes, as will any answer. For the avoidance of doubt, neither supplementary questions nor answers shall be recorded. Where a verbal answer is given to a question asked under Rule 11.1 or 11.2, the precise wording of the answer to be included in the minutes shall be agreed with the Member giving the response.

12. EXECUTIVE BUSINESS

12.1 The Leader shall prepare a Report of the Business of the Executive for each ordinary meeting of the Council. In presenting the report, the Executive shall have 15 minutes to make any statements that they wish, either relating to the report before Council or in relation to any other item, topic or subject that they feel should be drawn to the attention of Council.

12.2 Following the presentation of the Report of the Business of the Executive, any member may ask a question of the Leader or a Cabinet Member arising from either the written report or a verbal statement made by a member of the Executive provided that the question is not one which is to be put under Council Procedure Rule 12.3. This item of business shall not last longer than 15 minutes unless in the view of the Mayor, or on a motion moved by a Member, seconded and approved by Council, it is deemed appropriate to extend the time. In this event, the Mayor shall specify the duration of any extension.”

12.3 Following the presentation of the report and questions arising on that, the Mayor shall, subject to Rule 12.6, call Members to ask questions for which due notice has been given of the Leader or a Cabinet Member submitted pursuant to Rule 11.1.

12.4 Where possible, the answer to the question shall be made available in writing to Members and the public prior to the meeting and, in that case, the Executive Member shall not read the answer out in full.

12.5 Following any question asked pursuant to Rule 12.3, subject to Rule 12.6, any Member may ask one or more supplementary questions provided the supplementary question arises directly out of the original question or reply.

12.6 The Mayor, in his/her absolute discretion, shall determine the order of speaking, the order in which questions are put, and shall endeavour to ensure the widest possible debate between the Executive and the Council on issues relating to the business of the Executive. The Mayor may also determine that a question should not be put, or does not warrant or justify a supplementary.

12.7 The Mayor, in his/her absolute discretion, may allow a Member to ask a question not on notice if in the opinion of the Mayor the matter is one which should be raised, whether it has been referred to by the Executive in their report or not.

12.8 At the end of the debate on Executive business, the Leader shall be afforded a further five minutes to reply, which time s/he may share with the other Members of the Executive in whole or in part at his/her absolute discretion.

12.9 This item of business shall not last longer than two hours unless in the view of the Mayor, or on a motion moved by a Member, seconded and approved by Council, it is

deemed appropriate to extend the time. In this event, the Mayor shall specify the duration of any extension.

12.10 Any question properly submitted under Rule 12.3 but which is not reached in the timeframe allotted for this item of business shall receive a written response from the Executive.

12.11 Members shall ensure that questions and answers are concise, relevant and to the point.

13. MOTIONS

13.1. Motions on Notice

a. Notice

Except for motions which can be moved without notice under Rule 13.2, written notice of every motion, signed by at least one (1) Member, must be delivered to the Senior Manager: Legal, HR and Democratic Services not later than 10:00 am on the Monday in the week preceding the next meeting of the Council (or if the Council meeting is held on a day other than a Wednesday, by 10:00 am six Clear Days before the meeting). These will be entered in a book open to public inspection.

b. Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

c. Scope

Motions must be about matters for which the Council has a responsibility or which affect the City of Southampton.

d. Notice of Motion to Amend

Members shall use their best endeavours to ensure that notices of motion to amend shall be in writing, signed by the Member giving the notice, and delivered not later than 12:00 pm (noon) on the day before the day of the meeting to the Senior Manager: Legal, HR and Democratic Services.

e. If notice is given of any Motion that the Senior Manager: Legal, HR and Democratic Services considers proposes action which is ultra vires, unconstitutional or otherwise illegal, said motion shall not be printed in the Council Summons. If the Senior Manager: Legal, HR and Democratic Services considers that a motion is otherwise out of order, such Motion shall be submitted forthwith to the Mayor. The Mayor shall, in his/her absolute discretion, have the right to either rule the Motion out of order or place it on the Council Summons if, in his/her opinion, it is one that ought properly to be considered by the Members of the Council with a view to determining its validity. In the event of a Motion being rejected, the Senior Manager: Legal, HR and Democratic Services shall so inform the Member giving notice as soon as reasonably practicable.

13.2 **Motions without Notice**

a. **The following motions may be moved without notice:**

- i. to appoint a Chair of the meeting at which the motion is moved;
- ii. in relation to the accuracy of the minutes;
- iii. to change the order of business in the agenda;
- iv. to refer something to an appropriate body or individual;
- v. to appoint a committee or Member arising from an item on the summons for the meeting;
- vi. to receive reports or adoption of recommendations of committees or Officer and any resolutions following from them;
- vii. to withdraw a motion;
- viii. subject to Rule 13.1(d), to amend a motion;
- ix. to proceed to the next business;
- x. that the question be now put;
- xi. to adjourn a debate;
- xii. to adjourn a meeting;
- xiii. any matter arising under Rule 9;
- xiv. to suspend a particular Rule;
- xv. to exclude the public and press in accordance with the Access to Information Rules;
- xvi. to not hear further a Member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4;
- xvii. to give the consent of the Council where its consent is required by this Constitution; and
- xviii. in any other circumstances where the Mayor considers it appropriate.

14. **RULES OF DEBATE**

14.1 **No speeches until motion seconded**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

14.2 **Right to require motion in writing**

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

14.3 **Secunder's speech**

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

14.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. Without the consent of the Mayor, save where otherwise specified, the maximum length of speeches shall be as follows:

| | |
|--|-----------|
| Movers of motions | 7 minutes |
| Movers of amendments | 7 minutes |
| The Leader or appropriate Cabinet Member | 7 minutes |
| All other speakers | 4 minutes |
| All rights of reply | 4 minutes |

14.5 When a Member may speak again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- a. to speak once on an amendment moved by another Member;
- b. to move a further amendment if the motion has been amended since s/he last spoke;
- c. if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which s/he spoke was carried);
- d. in exercise of a right of reply;
- e. on a point of order; and
- f. by way of personal explanation.

14.6 Amendments to Motions

- a. An amendment to a motion must be relevant to the motion and will either be:
 - i. to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - ii. to leave out words;
 - iii. to leave out words and insert or add others; or
 - iv. to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- b. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- c. If an amendment is not carried, other amendments to the original motion may be moved.
- d. If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

- e. After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

14.7 **Alteration of motion**

- a. A Member may alter a motion of which s/he has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- b. A Member may alter a motion which s/he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- c. Only alterations which could be made as an amendment may be made.

14.8 **Withdrawal of motion**

A Member may withdraw a motion which s/he has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

14.9 **Right of Reply**

- a. The mover of a motion has a right to reply which shall be heard prior to any vote.
- b. If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- c. The mover of the amendment has no right of reply to the debate on his or her amendment.

14.10 **Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

- a. to withdraw a motion;
- b. to amend a motion;
- c. to proceed to the next business;
- d. that the question be now put;
- e. to adjourn a debate;
- f. to adjourn a meeting;
- g. any matter arising under Rule 9;
- h. to exclude the public and press in accordance with the Access to Information Rules; and
- i. to not hear further a Member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4.

14.11 Closure motions

- a. A Member may move, without comment, the following motions at the end of a speech of another Member:
 - i. to proceed to the next business;
 - ii. that the question be now put;
 - ii. to adjourn a debate; or
 - iv. to adjourn a meeting.
- b. If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, s/he will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- c. If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, s/he will put the procedural motion to the vote.
- d. If it is passed s/he will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- e. If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, s/he will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

14.12 Point of order

A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which s/he considers it has been broken. The ruling of the Mayor on the matter will be final.

14.13 Point of Information

A Member, whether or not he or she has spoken on the question under discussion, may rise whilst another Member is speaking, in order to provide information of assistance to the Council on the subject matter of that other Member's speech and shall, upon rising, say "Point of Information please, Mr/Madam Mayor". It shall then be for the Member who is speaking to decide whether or not to give way to the Member wishing to provide information.

If it appears to the Mayor that the Member who is addressing the Council does not intend to give way, the Mayor shall have absolute discretion as to who speaks and in what order.

14.14 Personal explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood or which contained a reference to that Member in the course of a speech by another Member in the present debate. The ruling of the Mayor on the admissibility and timing of a personal explanation will be final.

14.15 **Inappropriate or Excessive Interventions**

Any use of Rules 14.12, 14.13, 14.14 which the Mayor shall judge to be excessive shall be deemed to be a breach of order under Rule 21.

14.16 **Disclosure of Interests and Participation**

Where a member has a disclosable pecuniary interest under the Localism Act 2011 or a personal and pecuniary interest under Part 4 of the Code of Conduct for Members in any matter being discussed, then the member must declare that interest and withdraw from the room where the meeting is being held immediately after making representations, answering questions or giving evidence unless a dispensation to remain has been obtained from the Council's Governance Committee..

15. HONOURS

- 15.1 Where there is any proposal, howsoever it arises, to grant the status of Honorary Alderman or Freeman of the City to any citizen or group of citizens, it is a requirement of the person proposing that such an honour is conferred that the proposal shall be referred, without any further consideration, in confidence, to the Senior Manager: Legal, HR and Democratic Services. There shall be no public statement whatsoever by the proposer as to this matter at this stage. The Senior Manager: Legal, HR and Democratic Services shall determine whether and if such a proposal is to be taken forward to Standards and Governance Committee, in consultation with the Group Leaders.
- 15.2 The Senior Manager: Legal, HR and Democratic Services shall, following consultation with the Group Leaders, operate a process and bring forward nominators for the Council to bestow recognition on citizens or groups of citizens for service and the City.

16. PREVIOUS DECISIONS AND MOTIONS

16.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least one third of the Members of the Council.

16.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least one third Members of the Council. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

17. VOTING

17.1 Majority

Unless the law or this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

17.2 Mayor's casting vote

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

17.3 Show of hands

Unless a vote is demanded under Rule 17.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

17.4 Recorded vote

If 10 Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

17.5 Right to require individual vote to be recorded

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

18. COMMITTEE RECOMMENDATIONS

Upon a motion for the determination of minutes of a Committee containing recommendations of that Committee to Council, the Mayor will ask the Chair and Vice-Chair or such other members as appropriate to move and second the minute. If the Chair wishes to move an amendment it should be moved at this time otherwise it is taken that the Chair has reserved his/her introductory speech. The Mayor shall put that minute to the meeting following which it shall be open for general discussion.

If there is more than one minute of a Committee containing recommendations of that Committee to Council, it shall be dealt with once the first minute has been disposed of.

19. OVERVIEW AND SCRUTINY BUSINESS

19.1 The Chair of the Overview and Scrutiny Management Committee or another Member in his/her place, may move a motion relating to the business of Overview and Scrutiny and/or of the findings of a Panel, or a matter that Overview and Scrutiny consider should be debated by Full Council.

19.2 For the avoidance of doubt, the Council does not have the legal power to overrule, vary or change an Executive decision, save as provided in the Constitution.

19.3 The normal rules of debate for motions shall apply to this item of business.

19.4 This item of business shall not last longer than one hour unless in the view of the Mayor, or on a motion moved by a Member, seconded and approved by Council, it is

deemed appropriate to extend the time. In this event, the Mayor shall specify the duration of any extension.

20. EXCLUSION OF PUBLIC

20.1 Members of the public and press may only be excluded either in accordance with the law, the Access to Information Rules in Part 4 of this Constitution or Rule 22 (Disturbance by Public).

21. MEMBERS' CONDUCT

21.1 Standing to speak

When a Member speaks at full Council they must stand (if they are able to) and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order, information or personal explanation.

21.2 Mayor standing

When the Mayor stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

21.3 Member not to be heard further

If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

21.4 Member to leave the meeting

If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

21.5 General disturbance

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as s/he thinks necessary.

22. DISTURBANCE BY PUBLIC

22.1 Removal of Member of the public

If a Member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal.

22.2 Clearance of part of room

If there is a general disturbance in any part of the room open to the public, the Mayor may call for that part to be cleared.

23. ADJOURNED MEETINGS

When a meeting is adjourned to a future day, notice of the adjourned meeting shall be sent to each Member specifying the business to be transacted thereat, but it shall not be necessary to send with any such notice a second print of any Committee minutes or reports referred to therein. Only new business of an urgent nature may be introduced at an adjourned meeting.

24. TERMS OF REFERENCE FOR THE COUNCIL

The Council may discuss any matter relevant to it, including its Constitution, election, powers and duties, and the City of Southampton.

25. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

25.1 All of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Executive. Only Rules 1, 5–9, 11–14 (but not 12), 16–18, 20-28 (but not Rule 21.1 in so far as it relates to standing) apply to meetings of committees and sub-committees subject to:

- a. in relation to Rules 5 and 6, the Senior Manager: Legal, HR and Democratic Services shall determine the time and place and be responsible for issuing Committee and Sub-Committee summonses and agendas; and
- b. in relation to Rule 17.4, the number of Members present at a meeting requisite to call a recorded vote, shall be three (3) or one third of the full membership of the Committee or Sub-Committee, whichever is greater.

25.2 Whenever a casual vacancy arises in relation to a person appointed other than a Member to a Committee or Sub-Committee, the Senior Manager: Legal, HR and Democratic Services shall make that appointment.

25.3 Special Meetings of Committees and Sub-Committees

- a. The Chair of a Committee or Sub-Committee may call a special meeting of that Committee or Sub-Committee at any time.
- b. If
 - i. a requisition for a special meeting of a Committee or Sub-Committee, signed by at least three, or one-third of the total number of the voting Members of a Committee or Sub-Committee, whichever is the greater, has been presented to the person appointed to preside at their meetings, and
 - ii. either s/he has refused to call a meeting or, without him/her so refusing, no special meeting has been called within five Clear Days of the presentation of the requisition.

then any three, or one-third of the number of the members of the Committee or Sub-Committee, whichever is the greater, may forthwith call a special meeting of the Committee or Sub-Committee.

- c. If a meeting of a Committee or Sub-Committee is requisitioned under this Council Procedure Rule, the person doing so shall forthwith give notice in writing that they have done so to the Senior Manager: Legal, HR and

Democratic Services, specifying the business proposed to be transacted. The Senior Manager: Legal, HR and Democratic Services shall forthwith give notice to all Members of the Committee or Sub-Committee and all persons entitled to receive the papers.

- d. Any requisition under this Council Procedure Rule may be presented by being left with the Senior Manager: Legal, HR and Democratic Services.

26. CONDUCT OF BUSINESS & DEBATE AT COMMITTEES OR SUB-COMMITTEES

26.1 Terms of Reference

Subject to and in accordance with the provisions of these Council Procedure Rules, and to any directions of the Council, the terms of reference of the various Committees and Sub-Committees shall be as set out in Part 3 of this Constitution.

26.2 Special Procedures and Protocols

- a. Any Committee or Sub-Committee shall follow a Special Procedure or Protocol, where one exists, for the transaction of the whole or part their business which has been approved by the Senior Manager: Legal, HR and Democratic Services.
- b. The Senior Manager: Legal, HR and Democratic Services may direct that a Special Procedure or Protocol shall apply to the transaction of the whole or part of business at other Committees or Sub-Committees or in respect of other functions or activities of the Council in order to comply with the Human Rights Act 1998 or any rule of law or to avoid maladministration by the Council or for the efficient despatch of business.
- c. Subject always to any legal requirements, a Special Procedure or Protocol may -
 - i. vary, revoke or add to or suspend any of these Council Procedure Rules in respect of the rules and procedures to be followed by such Committees and Sub-Committees; and
 - ii. allow the Chair to waive or vary a Special Procedure or Protocol in exceptional circumstances where to do so would be in the interests of fairness or natural justice.

26.3 Committee Business Restricted to Agenda Items

Except by reason of urgent circumstances, of which the Chair of the Committee or Sub-Committee shall be judge, no business shall be transacted at any meeting of a Committee or Sub-Committee except such as is set out on the agenda which shall be available to the public five clear days before the meeting concerned or at such time as the meeting is convened, if convened at shorter notice.

26.4 Reports to Contain Recommendations

Subject to any Special Procedure or Protocol, all reports relating to items of business on the agenda shall contain a recommendation or recommendations that shall be the original motion for determination by the meeting, and which shall be open to amendment.

26.5 Matters on the agenda raised by Members

Any Member requiring a report on a matter within the terms of reference of a Committee or Sub-Committee to be included on the agenda of that Committee or Sub-Committee must advise the Senior Manager: Legal, HR and Democratic Services in writing twelve Clear Days prior to the meeting of this request.

- 26.6 Any Member wishing to urgently raise a matter in the Committee or Sub-Committee after the agenda has been published may do so on giving to the Senior Manager: Legal, HR and Democratic Services reasonable notice in writing stating the reason

for urgency. Such matter may only be discussed if the Chair of the Committee or Sub-Committee considers the nature of the business of sufficient urgency to warrant inclusion at the meeting.

27. RIGHTS OF MEMBERS TO SPEAK AT MEETINGS OF COMMITTEES AND SUB-COMMITTEES

27.1 Save where the law or this Constitution provides to the contrary:

- a. the Mayor and Sheriff of the Council, the Leader or any Cabinet Member may speak (but may not vote) at a meeting of a Committee or Sub-Committee of which they are not Voting Members.
- b. the Chair and Vice-Chair of a Committee, may speak at a meeting of any Sub-Committee appointed by that Committee, but may not vote unless appointed as a Voting Member.
- c. a Member of the Council who is not otherwise entitled to speak at a Committee or Sub-Committee shall be entitled to do so (but not to vote) at a meeting of the Committee or Sub-Committee:
 - i. during the consideration of any motion of which notice has been given which s/he has moved or seconded at a meeting of the Council and which has been referred to that Committee or Sub-Committee; or
 - ii. with the prior agreement of the Chair; or
 - iii. during the consideration of any matter which affects his/her ward differently from other wards.
- d. This Council Procedure Rule shall apply equally to meetings or parts of meetings of Committees and Sub-Committees to which the press and public are not admitted under the access to information provisions of the 1972 Act.
- e. A Special Procedure may exclude Rule 27.1(a) above and regulate the manner in which Rules 27.1(b) and (c) are exercised.

28. URGENT BUSINESS SUB COMMITTEE

28.1 The Chair and Vice-Chair of each Committee and Sub-Committee of the Council and a representative of the Opposition Party(s) for each Committee or Sub-Committee shall constitute a Sub-Committee with power to deal with any urgent business arising at any time which cannot await the next scheduled meeting of the Committee or Sub-Committee. The quorum for such a meeting shall be two. The reason for urgency shall be included on the agenda, in the report and in the Minutes of the meeting.

28.2 Where an Urgent Business Sub-Committee involves more than one Committee or Sub-Committee then the Chairs and Vice-Chairs of those Committees or Sub-Committees together with one representative from each of the Opposition Parties for each parent Committee or Sub-Committee shall constitute the Urgent Business Joint Meeting.

28.3 Any Chair or Vice-Chair may nominate a Member of the Committee or Sub-Committee of which they are the Chair and Vice-Chair to act for the purposes of (1) or (2) above whenever they are absent or otherwise unable to act.

28.4 Every Urgent Business Sub-Committee shall, when acting in pursuance of Rule 28.1 or 28.2 above, do so subject to the provisions of these Council Procedure Rules and

the respective terms of reference of the Committee or Sub-Committee concerned, and in accordance with the appropriate Committee's general policies.

- 28.5 Every decision of an Urgent Business Sub-Committee acting in pursuance of Rule 28.1 or 28.2 above shall be reported to the next following meeting of the Committee or Sub-Committee if time permits or direct to Council.
- 28.6 An Agenda shall be published 5 clear days before the date set for the Urgent Business Sub-Committee's meeting or (if the meeting is called on less than 5 clear days notice) at the time the meeting is convened. Copies of the agenda shall be made available to the Leaders of the Political Group(s) or their nominated representatives and to the public at the time the agenda is published.
- 28.7 The public shall have access to an Urgent Business Sub-Committee meeting but may be excluded by resolution if the urgent business relates to confidential or 'exempt' information as defined in Local Government Act 1972 as amended. The public will be automatically excluded if the business of the meeting is 'confidential' as defined by the Act.

Note: Urgent Business Sub-Committees shall only be called where it is impracticable to either (1) add the report to the agenda of a scheduled Committee or Sub-Committee meeting as a "late urgent item" or (2) to call a Special Meeting of the Committee or Sub-Committee in question.

- 28.8 In the case of any business which is included in the meeting of the Committee, Sub-Committee or Urgent Business Sub-Committee by reason of its urgency there shall be within the Minutes of such meeting a note specifying the special circumstances which warranted that the item be included.
- 28.9 For the avoidance of doubt, no business other than urgent business shall be conducted at an Urgent Business Sub-Committee.

Executive Procedure Rules

1. HOW DOES THE EXECUTIVE OPERATE?

1.1 Who may make Executive decisions?

The arrangements for the discharge of Executive functions may be set out in the Executive arrangements adopted by the Council. If they are not set out there, then the Leader may decide how and by who they are to be exercised. In either case, the arrangements or the Leader may provide for Executive functions to be discharged by:

- a. the Executive as a whole (the Cabinet);
- b. a committee of the Executive;
- c. an individual Member of the Executive;
- d. an officer;
- e. an area committee;
- f. joint arrangements; or
- g. another local authority.

1.2 Delegation by the Leader

At the annual meeting of the Council, the Leader will present to the Council a written scheme of delegations made by him/her for inclusion in the Council's Constitution. The document presented by the Leader will contain the following information about Executive functions in relation to the coming year:

- a. the names of the people appointed to the Executive by the Leader;
- b. the extent of any authority delegated to Members individually, including details of the limitation on their authority;
- c. the terms of reference and constitution of such Executive committees as the Leader appoints and the names of Cabinet Members appointed to them;
- d. the nature and extent of any delegation of Executive functions to area committees, any other authority or any joint arrangements and the names of those Cabinet Members appointed to any joint committee for the coming year; and
- e. the nature and extent of any delegation to Officer with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

1.3 Sub-delegation of Executive functions

- a. Where the Executive, a committee of the Executive or an individual Cabinet Member is responsible for an Executive function, they may delegate further to an area committee, joint arrangements or an officer.
- b. Unless the Council directs otherwise, if the Leader delegates functions to the Executive, then the Executive may delegate further to a committee of the Executive or to an officer.

- c. Unless the Leader directs otherwise, a committee of the Executive to whom functions have been delegated by the Leader may delegate further to an officer.
- d. Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.4 The Executive's Scheme of Delegation

- a. Subject to (b) below the Executive's Scheme of Delegation will be reported to Council and may only be amended in accordance with the Constitution. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.
- b. The Leader may amend the scheme of delegation relating to Executive functions at any time during the year. To do so, the Leader must give written notice to the Senior Manager: Legal, HR and Democratic Services and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Executive as a whole. The Senior Manager: Legal, HR and Democratic Services will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- c. Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when s/he has served it on its chair.

1.5 Conflicts of Interest

- a. Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- b. If every Member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

— If the exercise of an Executive function has been delegated to a committee of the Executive, an individual Member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

c.

d. Where a member has a disclosable pecuniary interest under the Localism Act 2011 or a personal and pecuniary interest under Part 4 of the Code of Council's Conduct for Members in any matter being discussed, then the member must declare that interest and withdraw from the room where the meeting is being held immediately after making representations, answering questions or giving evidence unless a dispensation to remain has been obtained from the Council's Governance Committee.

e. Where, as a Member of the Executive, you may discharge a function alone, and you become aware of a disclosable pecuniary interest under the Localism Act 2011 or a personal and pecuniary interest under part 4 of the Council's Code of Conduct for Members in a matter being dealt with, or to be dealt with, by you, you must notify the Monitoring Officer of the interest and must not

take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

1.6 Cabinet meetings – when and where?

The Cabinet will meet every two weeks or at such other occasions as determined by the Leader. The time of Cabinet Meetings shall be as advised by the Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.

1.7 Public or private meetings of the Cabinet?

The Access to Information Rules in Part 4 of this Constitution set out the minimum legal requirements covering public and private meetings. Alternative additional arrangements may be put in place as determined by the Leader in the interests of openness, accountability and transparency.

1.8 Quorum

The quorum for a Cabinet meeting, or a committee of it, shall be one quarter of the total number of Members of the Cabinet (including the Leader) or three including the Leader, whichever is the larger.

1.9 How are decisions to be taken by the Cabinet?

- a. Executive decisions which have been delegated to the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- b. Where Executive decisions are delegated to a committee of the Executive, the rules applying to Executive decisions taken by them shall be the same as those applying to those taken by the Executive as a whole.

2. HOW ARE CABINET MEETINGS CONDUCTED?

2.1 Who presides?

If the Leader is present, s/he will preside at any meeting of the Cabinet. If the Leader is not present, s/he will appoint another person to do so. If no appointment has been made, the meeting will elect a Chair for that meeting.

2.2 Who may attend?

These details are set out in the Access to Information Rules in Part 4 of this Constitution.

2.3 What business?

At each meeting of the Cabinet the following business shall, subject to the remaining provisions of this Article, be conducted:

- a. consideration of the record of decision and record of the last meeting;
- b. declarations of interest, if any;
- c. a statement from the Leader, if any;
- d. matters referred to the Cabinet (whether by an overview and scrutiny committee or by the Council) for reconsideration in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- e. consideration of reports from overview and scrutiny committees;
- f. matters set out in the agenda for the meeting, and which shall indicate which are Key Decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution; and
- g. matters for public consultation.

2.4 Consultation

All reports to the Cabinet from any Cabinet Member or an officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with stakeholders and relevant overview and scrutiny committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Who can put items on the Cabinet agenda?

The Leader will decide upon the schedule for the meetings of the Cabinet. S/he may put on the agenda of any Cabinet meeting any matter which s/he wishes, whether or not authority has been delegated to the Cabinet, a committee of it or any Member or officer in respect of that matter. The Senior Manager: Legal, HR and Democratic Services will comply with the Leader's requests in this respect.

In addition:

- a. Any Member of the Cabinet may require the Senior Manager: Legal, HR and Democratic Services to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If s/he receives such a request the Monitoring Officer Senior Manager: Legal, HR and Democratic Services will comply.
- b. The Senior Manager: Legal, HR and Democratic Services will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where a relevant overview and scrutiny committee or the full Council have resolved that an item be considered by the Cabinet. However, there may only be up to three such items on any one agenda. In the event that there are more than three, any items not considered shall be rolled over to the next meeting.
- c. The Head of Paid Service, Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Senior Manager: Legal, HR and Democratic Services to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Financial Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

2.6 Form of Agenda

Whilst the Leader shall decide the general form and content of the agenda for Cabinet Meetings, the Head of Paid Service, Chief Financial Officer and Monitoring Officer shall all have the right to have matters or items considered which they consider are necessary and/or appropriate for the Council and/or Executive and in addition the Monitoring Officer Senior Manager: Legal, HR and Democratic Services or his/her nominee may prescribe certain matters that, as a matter of procedure, must appear on the agenda.

3. Without prejudice to the Overview and Scrutiny Procedure Rules in so far as they relate to Call-In, no Executive decision (which is a Relevant Decision as defined in the Overview and Scrutiny Procedure Rules) shall be implemented until 5 Clear Days after the date of publication of the decision. This is without prejudice to the procedures for urgent decisions as set out in the Overview and Scrutiny Procedure Rules and Access to Information Procedure Rules.
4. The Executive Procedure Rules are the responsibility of the Leader and may be amended by the leader following consultation with the Senior Manager: Legal, HR and Democratic Services Monitoring Officer in accordance with these Executive Procedure Rules.

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TERMS OF REFERENCE FOR GOVERNANCE COMMITTEE (FROM 1ST JULY 2012)

GENERAL

- a. This Committee is a committee of the Council appointed by the Council under the Local Government Act 1972
- b. Certain functions are delegated by this Committee to Officers. Full details may be found in Part 3 of the Council's Constitution
- c. Where a function or matter within the Committee's competence has been delegated to an officer, the Committee may exercise that function/matter concurrently with the officer to whom it has been delegated.
- d. The exercise of any function or matter within the Committee's competence is always subject to any relevant requirement of the Council's Constitution including any Special Procedure and Protocol drawn up and approved by the Head of Legal, HR and Democratic Services in pursuance of Council Procedure Rule 26.2.

TERMS OF REFERENCE

Standards, ethics and probity

1. To lead on the Council's duties under Chapter 7 Localism Act 2011 and to design, implement, monitor, approve and review the standards of ethics and probity of the Council, both for Councillors and employees. The Committee's powers shall include responding to consultation documents and the promulgation of Codes of Conduct but the adoption and revisions to the local Members Code of Conduct shall be reserved to the Council.
2. To promote a culture of openness, ready accountability and probity in order to ensure the highest standards of conduct of Councillors and employees.
3. To lead on all aspects of Corporate Governance by promoting the values of putting people first, valuing public service and creating a norm of the highest standards of personal conduct.
4. To oversee and manage programmes of guidance, advice and training on ethics, standards and probity for Councillors and employees and on the Members Code of Conduct.
5. To be responsible for the Council's register of Members' interests and to receive reports from the Monitoring Officer and Head of Legal, HR and Democratic Services on the operation of the register from time to time.
6. To be responsible for written guidance and advice on the operation of the system of declarations of Members' Interests and to receive reports from the Monitoring Officer on the operation of the system of declarations from time to time.
7. To establish, monitor, approve and issue advice and guidance to Councillors on a system of dispensations to speak on, or participate in, matters in which they have interests and give dispensation in appropriate cases to councillors and co-opted members, including church and parent governor representatives, arising from

requests relating to interests set out in the Code of Conduct for Members and / or section 33 of the Localism Act 2011..

8. To exercise the functions of the Council in relation to the ethical framework, corporate governance and standards of conduct of Joint Committees and other bodies.
9. To establish a Standards Sub-Committee to investigate and determine appropriate action in respect of alleged breaches of the Members Code of Conduct.
10. To support the Monitoring Officer and Chief Financial Officer in their statutory roles and the issuing of guidance on them from time to time.
11. To receive regular reports on the performance of the Corporate Complaints process, Local Government Ombudsman referrals, Annual Governance Statement and Code of Corporate Governance and to recommend revisions to related policies and procedures as appropriate.

Audit role

12. To provide independent assurance on the adequacy of the risk management framework and the internal control and reporting environment, including (but not limited to) the reliability of the financial reporting process and the annual governance statement.
13. To be satisfied and provide assurance that appropriate action is being taken on risk and internal control related issues identified by the internal and external auditors and other review and inspection bodies.
14. To receive, and make recommendations on, such reports as are required in relation to all audit matters including the Annual Audit Plan.
15. The Committee shall specifically have responsibility for oversight of and provision of assurance on the following functions:
 - ensuring that Council assets are safeguarded;
 - maintaining proper accounting records;
 - ensuring the independence, objectivity and effectiveness of internal and external audit;
 - the arrangements made for cooperation between internal and external audit and other review bodies;
 - considering the reports of internal and external audit and other review and inspection bodies;
 - the scope and effectiveness of the internal control systems established by management to identify, assess, manage and monitor financial and non-financial risks (including measures to protect against, detect and respond to fraud).

APPENDIX 1

Southampton City Council

Local Government (Miscellaneous Provisions) Act 1982, section 2 and schedule 3

Consultation regarding the adoption of provisions controlling sexual entertainment venues

Southampton City Council intends to consider whether or not it should adopt the amended provisions of schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 insofar as they relate to the licensing of sexual entertainment venues.

The legislation defines a sexual entertainment venue as being:

“Any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer”.

“Relevant entertainment” is any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

The following are *not* sexual entertainment venues for the purposes of the legislation:

- (a) sex cinemas and sex shops;
- (b) premises at which the provision of relevant entertainment has not taken place:
 - on more than eleven occasions in the past 12 months; and
 - on such occasions has not lasted for more than 24 hours; and
 - on such occasions has not begun within the period of one month beginning with the end of any previous occasion

Anyone who wishes to comment on whether the Council should adopt the provisions should put their comments in writing, before 20th December 2011, giving their name and address, to:

licensing.policy@southampton.gov.uk

or by post to:

The Licensing Team
Southampton City Council
PO Box 1344
Southampton
SO15 1WQ

Please note that all comments will be treated as being in the public domain and may be published as part of the decision making process.

For further information please see www.southampton.gov.uk/consultations

Dated 22nd November 2011

Richard Ivory
Acting Head of Legal, HR and Democratic Services

APPENDIX 1

Responses to Consultation:

From Mr. Glenn Nicie, For Your Eyes Only Ltd.

Southampton City Council

Consultation Response

Adoption of the Provisions controlling Sexual Entertainment Venues (SEVs)

For Your Eyes Only Limited t/a

For Your Eyes Only
135-136 High Street
Southampton
SO14 2BR (FYEO)

Consultees are asked to comment on whether the Council should adopt the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1982 so that it can control the licensing of SEVs.

As original founders and prominent members of the Lap Dancing Association, FYEO continue to maintain that such licensing is not necessary. It has demonstrated over the many years that it has held a Licence in Southampton (firstly under the Licensing Act 1964 and the Local Government (Miscellaneous Provisions) Act 1982 and now under the Licensing Act 2003) that properly controlled entertainment of this nature does not cause anti-social issues to those living or working in the area. This is confirmed in its other long standing operations in major towns and cities across Great Britain. If issues of crime and disorder, public nuisance, public safety or harm to children were caused by any such establishment, the Licensing Act 2003 provides adequate sanctions and controls. FYEO is proud to say that it has never been the subject of a refusal to renew under the former legislation, or review under the Licensing Act 2003, in respect of any of its sites.

FYEO is sensitive, however, to the views of some residents, especially in areas of high residential development, that an SEV may be inappropriate in such an area, and accepts that the Council is likely to be similarly sensitive if genuine views of this nature are aired by its residents.

As a responsible operator, it has no fear of the controls that can be exercised on SEV licensing (eg, the conditions that can be imposed) and indeed has worked with many of its Council partners in both formulation of policy and standard conditions.

It wishes to stress at this juncture, however, that its existing business at 135-136 High Street is wholly dependent on being able to continue the entertainment offered currently, which is, under the proposed adoptive legislation, now described as relevant entertainment. It will not be a viable business without that entertainment, although it is licensed to operate as a late night venue and an alternative operator may care to trade in this manner. FYEO believe that this would not be beneficial to the city.

APPENDIX 1

FYEO urges the Council, in the event that it adopts the provisions, not to pre-determine any policy which may prevent an existing properly run SEV operation, such as that of For Your Eyes Only, from continuing to offer SEV entertainment. The Company; those who work for it and the performers whose livelihood may depend on it, would, amongst other things, find its/their human rights violated in such circumstances.

In the event that the Council adopts this legislation, and then considers also adopting a policy in that respect, FYEO ask for the opportunity to respond to consultation in that respect.

30.11.11

From Dr. Paul Buxton:

From: Paul Buxton [REDACTED]@[REDACTED].org.uk]
Sent: 05 December 2011 11:01
To: Licensing Policy
Subject: Schedule 3 Licencing provisions

I support Southampton City Council adopting these provisions - that would enable residents to raise problems relating to licencing of sexual enyertainment venues.

PK Buxton

Dr P K Buxton

[REDACTED]
Southampton
SO32 [REDACTED]

From Clem and Elaine Mason

From: Clem & Elaine Mason [REDACTED]@[REDACTED].net]
Sent: 08 December 2011 12:23
To: Licensing Policy
Subject: Sexual Entertainment Venues

I consider that the Council SHOULD have the power to dedal with such liceneces in this locality.

C M Mason
[REDACTED]
Southampton
SO15 [REDACTED]

APPENDIX 1

From Councillor Carol Cunio

From: Cunio, Carol (Cllr)
Sent: 19 December 2011 17:21
To: Burke, John
Subject: Sexual entertainment

Hi - cannot find the email you sent with links for the consultation re above. My main concern is that the venues are not in places where family entertainment is being held and I consider men leaving such places to be a danger to younger people in the area. C

From Mr. Chris Knight, Nightlife Clubs Ltd.

Southampton City Council

Consultation Response

Adoption of the Provisions controlling Sexual Entertainment Venues (SEVs)

Chris Knight
Nightlife Clubs Limited
Unit 25
Mitchells Point
Ensign Way
Southampton
SO31 4RF

Consultees are asked to comment on whether the Council should adopt the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1982 so that it can control the licensing of SEVs. I have entered into a contract to purchase Original Sin which is one of the 3 Lap Dancing clubs operating in Southampton. This purchase should conclude by the middle of January 2012. As such I thought it prudent to offer my response to this consultation.

As Vice Chairman of the Lap Dancing Association and being heavily involved with the Home Office during the formulation of this legislation, I would maintain that such licensing is not necessary. It has demonstrated that under the Licensing Act 2003 properly controlled entertainment of this nature does not cause anti-social issues to those living or working in the area. If issues of crime and disorder, public nuisance, public safety or harm to children were caused by any such establishment, the Licensing Act 2003 provides adequate sanctions and controls. As you are aware for the last 13 years I have worked for the largest Table Dancing chain in the UK, FYEO. I am happy to state that during my time with FYEO none of its venues were ever the subject of a refusal to renew under the former legislation, or review under the Licensing Act 2003, in respect of any of its sites.

APPENDIX 1

Of course I am sensitive to the views of some residents, especially in areas of high residential development, that an SEV may be inappropriate in such an area, and accepts that the Council is likely to be similarly sensitive if genuine views of this nature are aired by its residents.

As a responsible operator, I have no fear of the controls that can be exercised on SEV licensing (eg, the conditions that can be imposed) and while with FYEO I worked with many of its Council partners in both the formulation of policy and standard conditions.

I would like to stress at this juncture that the existing business (currently trading as Original Sin) at Unit 2, Leisure World, is to offer Table Dancing and my sole purpose for purchasing it is to continue to run this sort of establishment. It will not be a viable business without that entertainment, although it is licensed to operate as a late night venue and an alternative operator may care to trade in this manner. I believe that this would not be beneficial to the city.

I would urge the Council, in the event that it adopts the provisions, not to pre-determine any policy which may prevent an existing SEV operation from continuing to offer SEV entertainment. The Company; those who work for it and the performers whose livelihood may depend on it, would, amongst other things, find its/their human rights violated in such circumstances.

In the event that the Council adopts this legislation, and then considers also adopting a policy in that respect, I would ask for the opportunity to respond to consultation in that respect.

20.12.11

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Appendix 1 – Updates to the Chipperfield Scheme

The following table sets out the proposed changes to the Chipperfield Scheme (which has not been updated since 1930). Some changes can be addressed under the Charities Act 2011 s 280 – others need to be agreed with the external adviser. All s 280 changes will need to be agreed with the National Adviser and formal written consent given by the National Adviser

| Area | Existing | Proposed change | Authority | Note | Involvement of National Adviser |
|------------------------------|---|---|---|--|--|
| Title Clause 1 | Chipperfield Art Gallery and School of Art | Chipperfield Bequest (Art Gallery) | s.280 | | Yes |
| Governance | No direction on splitting role of councillors when they act as trustees within scheme | Address need for clear distinction between councillors as councillors and as trustees- procedures need to be put in place to manage conflict of interest between council's corporate objectives and that of charity trustee | SCC but liaise with Charity Commission (CC) | Options for preferred governance model to be considered by trustees | National Advisor would like to be kept updated |
| Admin provisions Clause 5 | Scheme precludes charging | Ability to charge for access to exhibitions including those including Chipperfield works | s.280 | Chipperfield had thought the bequest would cover expenses such as repair, maintenance and insurance but is not sufficient. | No |
| 3 rd party rights | Scheme appointed Director of National Gallery as external adviser | SCC seek to appoint Tate as national adviser – this can only be amended with written consent of Director of National Gallery | NG formal consent and then s.280 | CC would remove NG after receipt of formal consent and appoint the Tate instead | Yes |

| | | | | | |
|--------------------------------------|---|--|---------------------|---|---|
| Display of works Clauses 7, 10(i) | NG – approval for selection of works for display and approval for removing works from display | Remove this role completely or advise Tate rather than seek approval | Consent under s.280 | | Tate could agree this charge to scheme. This is theoretical and not a procedure followed now |
| Acquisition by all means 10 (ii) | No work to be acquired by purchase, exchange, loan or to be lent without NG advice | -Continue to proceed with advise of Tate for acquisitions but not loans -temporary loans to gallery– remove need for Tate advice -temporary loans out – no advice needed for loans to other galleries for exhibition -loans out on art lease – either no advice from Tate required or notify Tate of works available for this scheme on an annual basis | Consent under s.280 | | Yes. Could be a two tier system higher tier for purchase and lower tier for other means of acquisition. Loans out situation (for non accredited galleries) and procedure for art lease. |
| Payment of adviser 10 (iii) | £50 to pay NG p.a. if needed | Generally no payment but in exceptional cases (perhaps where Tate itself needed to incur costs) do so but with Trustees prior approval for the sum required | Consent under s.280 | Up to say £1000 – thereafter with consent of trustees | Tate suggest travel expenses and other out of pocket expenses could be picked up by trust funds. Continue payment (to a higher thresh hold) for additional external advice. |

| | | | | | |
|---|---|--|---------------------|--|--|
| Managing the collection – acquisition and disposal 9(a) | NG – national adviser advice to purchase and otherwise acquire work and legacies to augment the charity | Tate – same role, but in relation to acquisition discuss with Tate the degree to which they wish to be involved i.e. just new contemporary work or all works offered to the collection | Consent under s.280 | | A core role - Again a 2 tier approach higher tier all acquisitions by purchase and lower tier acquisition through non purchase |
| 9(b) sell or exchange works | National adviser gives expert advice re same | Tate - same | Consent under s.280 | | No policy decision i.e. to sell but advise on selection |
| Seek other expert opinion 9(c) | External advice re queries re exhibition, preservation, restoration taken as report to trustees | Same but ability to pay for same from Trust funds | Consent under s.280 | | No |
| Potential Disputes Clauses 10 | The scheme directs advice of national adviser be sought | No direction currently on where that advice is offered but where trustees may not wish to follow it | | | Tate all policy decisions are trustees of Chipperfield; Tate interested to see model; Tate’s main role around acquisitions |

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TERMS OF REFERENCE FOR CHIPPERFIELD ADVISORY COMMITTEE

GENERAL

- a. This Committee is an advisory committee to the Council appointed by the Council under s102(4) of the Local Government Act 1972.
- b. The Committee comprises 5 members, appointed by Council for a period of 4 years. Additionally, the National Advisor to the Gallery may attend Committee meetings in an ex-officio capacity at his/her discretion.
- c. The Committee shall meet in May and October of every year and on any further occasion as may be necessary to carry out the business of the Committee.
- d. Where a function or matter within the Committee's competence has been delegated to an officer, the Committee may exercise that function/matter concurrently with the officer to whom it has been delegated.
- e. The exercise of any function or matter within the Committee's competence is always subject to any relevant requirement of the Council's Constitution including any Special Procedure and Protocol drawn up and approved by the Head of Legal, HR and Democratic Services in pursuance of Council Procedure Rules.

TERMS OF REFERENCE

1. To identify, manage and resolve any conflicts of interest (or perceived conflicts of interest) occurring as a result of the Council's dual role as a corporate body and Trustee to the Chipperfield Bequest, with recommendations to Council as to an appropriate course of action in the circumstances.
2. Conflicts of interest are matters including but not limited to:
 - a. determining which of those items acquired since the gallery was established belong to the Charity or to the Council corporately;
 - b. determining whether any particular potential acquisition should be acquired by the Council or the Charity assuming that the Council is sometimes interested in making acquisitions of its own, rather than merely as trustee;
 - c. the apportionment of expenses of running, insuring and repairing the Art Gallery between the Council and the Charity (if not entirely funded by the Council);
 - d. the use of any admission fees charged for access to special exhibitions;
 - e. the ownership and exploitation of any intellectual property rights arising out of any publications associated with the Art Gallery or its collection;
 - f. questions as to whether the Charity should (for example) seek a scheme removing its existing obligations.
3. To conduct any investigation or enquiry necessary in furtherance of its functions under these Terms of Reference, and make recommendations to Council as to an appropriate course of action in the circumstances.

4. To take advice from council officers as necessary and have recourse to any Council facilities or resources necessary for the performance of its duties, other than in cases where a conflict of interest or other reason exists that renders use of such resources inappropriate whereupon the Committee will be entitled to seek its own independent advice.
5. To recommend the expenditure of Trust funds in relation to the acquisition of works of art, in consultation with the National Advisor.
6. To provide reports to Council (as Trustees) as necessary and at least annually in relation to the use of the Trust's collection, patronage, use of works loaned to other organisations, details of purchases made, and work of the academy.
7. To have sight of the Trust's accounts at least annually and make any recommendations deemed appropriate to Council.
8. To consider and recommend to Council an Arts and Heritage Collections Policy in relation to acquisitions on its renewal every 3 years.
9. To contribute where necessary to the accreditation of venues process.

DRAFT

SOUTHAMPTON CITY COUNCIL
CHIPPERFIELD TRUST ADVISORY COMMITTEE
CONFLICTS OF INTEREST POLICY

1. Aims and objectives

- 1.1 This Policy applies to all members of the Chipperfield Trust Advisory Committee.
- 1.2 The aim of this Policy is to assist the Committee to act with integrity and openness, with a view to identifying situations where their duties to the charities administered by the Committee, might be in conflict with their duties to Council, the Cabinet or other bodies.
- 1.3 This Policy is intended to assist the Committee in identifying conflicts, to avoid conflicts arising at all and where conflicts do arise, this Policy is intended to assist the Committee to manage those conflicts in order to avoid perceived and actual problems occurring.
- 1.4 This Policy supplements the guidance and advice set out in the Council's ethical governance framework and Constitution.

2. Responsibilities

- 2.1 The guiding principle for Committee members is that their primary duty is to act in the best interests of the charities administered by the Committee and those who are beneficiaries of those charities, when they make and implement decisions. That duty takes priority over any duty that might be owed to Council, the Cabinet or other bodies.
- 2.2 Committee members must exercise reasonable care in the manner in which they make decisions. Members must make decisions independently of any influence from Council, the Cabinet or other bodies. Members must ensure that decisions are made to further the purpose of the charities and those who are beneficiaries of those charities and not to further other purposes.
- 2.3 Committee members are not charity trustees and do not have the responsibilities and liabilities of a trustee. This does not mean that they do not owe duties to the charities administered by the Committee.
- 2.4 It is the personal responsibility of each individual Committee member (under guidance of the Monitoring Officer if necessary), to determine whether they feel a matter represents a potential or actual conflict of interest or the perception of such a conflict and should therefore be declared.

3. Identifying conflicts

- 3.1 Committee members must be alert to the possibility that conflicts of interest may arise. When they carry out the business of the Committee, Committee members must avoid conflicts of interest as far as possible.

The Charity Commission's guidance¹ notes that 'the issue is not the integrity of the trustee concerned, but the management of any potential to profit from a person's position as trustee, or for a trustee to be influenced by conflicting loyalties. Even the appearance of a conflict of interest can damage the charity's reputation, so conflicts need to be managed carefully'.

- 3.2 A conflict of interest arises in any situation where duties are owed by Committee members to a body other than the charities administered by the Committee, if those duties clash with the duties owed to one or more of the charities. If it is not possible to do both at the same time, there is a conflict of interest.
- 3.3 Where specific decisions have to be made, a decision might be advantageous to Council, the Cabinet or to another body, but may not be the best decision to make for a charity that is administered by the Committee. In that situation, there may be a conflict of interest specific to that decision.
- 3.4 Where a Committee member has already participated in the business of Council, the Cabinet or some other body that is likely to affect a charity administered by the Committee, that member is likely to have a conflict of interest, if that business has subsequently to be considered by the Committee.
- 3.5 Relevant interests may be financial or non-financial; direct or indirect.

Direct financial benefits or interests include for example employment by the charity of a Committee member as a consultant or advisor, or a company of which a Committee member is a director or shareholder may be considered for a contract by the charity. Other matters of financial interest include the sale of land or the use of a Committee member's property by the charity, or granting of loans by a Committee member to the charity. Such financial benefits require authorisation, usually by the Commission.

- 3.6 Indirect financial interests may arise where potential financial benefits accrue to a close member of a Committee member's family, or even a friend, business partner or colleague, where their finances are interdependent (e.g. joint bank accounts, mortgages or property held in joint names, one party financially dependent on the other, employer/employee/contractual relationship) or where it could otherwise be perceived that such benefits could lead to a conflict of interest, i.e. by influencing the Committee member's decision other than in the best interest of the charity.
- 3.7 Non financial interests, direct or indirect, may arise where a Committee member is also a user of the charity's services, particularly if the Committee member is benefiting from those services in a manner which is exceptional.
- 3.8 Conflict of loyalty interests may arise where an association of a Committee member or of a relative or friend with another body or organisation etc may be perceived as influencing the member in making decisions which may not be in the best interest of the charity.

¹ A Guide to Conflicts of Interests for Charities

- 3.9 If a Committee member is unsure whether they are or might find themselves in a position of conflict, that member must err on the side of caution by making the situation known to the Committee as a whole and if necessary, seek the advice of the Monitoring Officer.

4. Avoiding conflicts

- 4.1 In conducting the business of some other body, Committee members must consider whether participating in that business might prevent them from participating in any aspect of the business of the Committee.
- 4.2 If it is likely that by participating in the business of Council, the Cabinet or another body, a conflict of interest might arise in future with the business of the Committee, a member of the Committee should not participate in the business of Council, the Cabinet or other body. Instead, Committee members should give priority to the business of the Committee.

5. Managing conflicts

- 5.1 Where a conflict of interest or a potential conflict of interest is identified, it must be recorded in the minutes of the Committee and the Committee's Register of Interests and reported to the Governance Standards Committee in accordance with the Council's constitutional arrangements. Keeping a record of the business of Council, the Cabinet and other bodies that is likely to affect the business of the Committee will help members to recognise when they should not participate in decisions.
- 5.2 If a conflict of interest has arisen, the Committee member concerned must not participate in the discussions or decisions of the Committee that are affected by that conflict. That member should not influence the views of any other Committee member. If the member is able to contribute to the discussion and/or provide information that might be relevant to the discussion or the decision, the Committee may, on a simple majority vote, recorded in the minutes, ask the member to contribute to the discussion and/or provide the information. The member should not contribute to the discussion and/or provide the information without the prior agreement of the Committee.
- 5.3 Where a general duty to Council, the Cabinet or another body conflicts with a duty to a charity administered by the Committee, the member concerned should have regard only to the duty owed to the charity. The member concerned should have no regard to the duty owed to Council, the Cabinet or that other body.
- 5.4 Where there is a likelihood of a conflict or where a conflict has been identified, the Committee should consider whether any other Committee members might be in positions of conflict.

6. Seeking advice

- 6.1 The Committee should bear in mind that in any case of doubt, advice is available from the Monitoring Officer and that it is preferable to seek advice at an early stage, before any decision is made.

7. Recruitment of Members

- 7.1 Applicants must not within the period of five years, have been a councillor, co-opted member or employee of Southampton City Council or be a relative or close friend² of an elected councillor, employee or co-opted member of the Council.
- 7.2 Applicants must demonstrate a commitment to good governance and sound financial management and act solely in the best interests of the charities administered by the Committee and work with and alongside elected Councillors in managing the charities, for the people of Southampton.
- 7.3 Unless a member resigns or becomes disqualified in accordance with the Council's Standing Orders, the term of office for members appointed to the Chipperfield Trust Advisory Committee, will not exceed a period of 4 years.

² A closer relationship is implied than mere acquaintance (Standards for England Case Review 2007 (Paragraph 8))

Agenda Item 19

Appendix D
Appendix 4

I feel strongly that the proposed Committee should have a wider remit than just addressing 'conflict of interest' situations, but should be an advisory body with regard to all aspects the Chipperfield Bequest (and perhaps in due course the Gallery as a whole), with powers to make binding decisions in the case of 'conflict of interest' situations as per Kidd/Dartford (and in particular any de-accessioning issues). This is implicit in the list of matters for the Committee to consider recommended by counsel, but should be extended to include insurance of the collection, charging, re-investment should any assets be disposed of, fund-raising & sponsorship..... The responsibility should be to safeguard the whole collection, not just contemporary British art.

I feel the process for selection of the members should be more fully spelt out and transparent. It must be clear that consultation is widespread in the arts community, and that selection is absolutely secure against any possibility of 'packing' by e.g. a political party to secure a desired outcome on any issue. I would suggest the following should have a guaranteed place (with rights to nominate a substitute where necessary): Tate Gallery, John Hansard Gallery, Southampton Solent University (successor to the Millais; Fine Art degrees); University of Southampton/Winchester School of Art; Schools & Colleges; ?FOSMAG; ?Aspace. There should be powers of co-option. The Curator and Head of Leisure/Senior Arts Officer should be in attendance.

Why would councillor members – say Cabinet Member plus one per Group – be 'conflicted' and thus debarred from speaking/voting in Council if they if were entitled to attendance but not to vote or speak on issues of conflict of interest as determined by the independent majority?

The Constitution, Terms of Reference of the Committee etc. must explicitly be in conformity with the Charity Commission letter which I passed to you, a Conflict of Interest Policy on the Dartford Model, and relevant policies of the Museums and Galleries Association.

I think it would be worth considering having a place on the Chipperfield Committee for a former Gallery curator (there are several around, in particular Geoffrey Worsdale who is now Director of the Baltic in Gateshead). We also need to clarify the roles and representation of the Museums and Libraries Association (not Museums and Galleries Association as in my previous email) and Arts Council England.

Also, sight of the Chipperfield accounts should be added to the list of functions/responsibilities in view of the Charity Commission's concerns about their past form (as in the letter I passed to you).

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SOUTHAMPTON CITY COUNCIL

**OVERVIEW & SCRUTINY
ANNUAL REPORT 2011/12**



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Chair's Introduction



Councillor Stephen Barnes-Andrews Chair of Overview & Scrutiny Management Committee - 2011/12

2011/12 saw the scrutiny function actively engaged in challenging and influencing decisions taken across the city.

Whilst undertaking the Council's statutory health scrutiny role the Health Overview and Scrutiny Panel (HOSP) worked closely with health service providers scrutinising the significant changes taking place to health services at a local and national level.

The HOSP continues to scrutinise the major changes to the health infrastructure in Southampton, such as the creation of the Clinical Commissioning Group and the Health and Well-Being Board, seeking to ensure that the interests of patients and residents are at the forefront of decision making. In addition the HOSP played a key role in supporting the campaign to maintain children's congenital cardiac services at Southampton General Hospital. A decision on this is expected shortly. The HOSP also worked closely with LINK and health partners to ensure Specialist Neurological Rehabilitation is delivered from an appropriate setting in Southampton.

In 2011/2012 the Overview and Scrutiny Management Committee (OSMC), whilst holding the Executive to account, conducted an inquiry into the subject of 'The Big Society' in the City. There has been no use of the councillor Call for Action procedure this year.

However, OSMC called in two Executive decisions. First was the Council Change Programme. OSMC made the clear recommendation that it should be subject to political control and accountability. This was accepted by the Cabinet. Secondly, the proposed sale of Romanse and CCTV was called in because of the insufficient depth of information made available to OSMC, and rejection of any in-house options. This was subsequently rejected by the Cabinet.

We received the annual report on Keeping Children Safe and noted the hard work that had been undertaken in this area in the previous twelve months. However, we noted with regret the high turn over amongst social workers.

I hope that in 2012/2013 OSMC will be in a position to hold the decision makers to account for policy decisions rather spending their time gathering information. Greater clarity around the forward plan will assist in this.

I would like to thank Councillor R. Smith for attending OSMC and discussing the budget, also for his co-operation throughout the year. I would like to thank Councillor A. Vinson for his support, valuable hard work and advice as Vice-Chair, and Councillor V. Capozzoli for his work as Chair of the HOSP. Thanks also go to all members of Overview and Scrutiny Management Committee and the HOSP for their useful contributions. Grateful thanks to Mark Pirnie and Dorota Goble for their support during the year and particularly on 'The Big Society Inquiry', and to Caronwen Rees for her support to the HOSP.

The Purpose and Functions of Overview & Scrutiny

Decision making context

The **Full Council** of 48 Councillors approves the policy framework which sets out the key policies and programmes for the main services provided by the Council. In February each year Council meets to set the Council Tax for the following year.

The **Executive** (Cabinet and individual Cabinet Members) make decisions relating to services provided by the Council, except for those matters which are reserved for decision by the full Council, planning and licensing matters which are dealt with by specialist regulatory panels. The Executive is made up of a Leader, elected by Council, and his or her appointed Cabinet Members.

The **Scrutiny** function helps to inform the decision making process and improve the way the Council works. They assess what impact the Executive's policies and plans will have on the City and its residents.

Scrutiny is a process for:

- Holding the Executive, chief officers and senior members of staff to account for the discharge of its functions by examining, challenging and, if necessary requesting changes to Executive Decisions made but not yet implemented
- Scrutinising and reviewing policies and practices within a cross-service remit, assisting in the development of such policies and practices and scrutinising policy outcomes – e.g. the implementation of strategic priorities
- Reviewing decisions and policies made by the Executive and considering whether they are right for the City
- Assessing the Council's performance against its planned targets and monitoring critical success factors
- Reviewing the work of other partnerships and public sector organisations in the City, particularly the Safe City Partnership and health agencies
- Championing issues of local concern to residents and contribute to the policy development and service improvement.

Overview & Scrutiny Management Committee

The Overview and Scrutiny Management Committee is a parent committee that manages the overview and scrutiny process and meets on a monthly basis. The membership for Overview and Scrutiny Management Committee is appointed for the municipal year at the Annual Council meeting in May.

For 2012/13 there are a number of Scrutiny Panels that support the work of the Executive and the Council as a whole. These Panels predominantly carry out an annual work programme of Scrutiny Inquiries approved by the Overview and Scrutiny Management Committee. These arrangements allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These Inquiries lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery.

In addition the Health Overview and Scrutiny Panel undertakes the important statutory scrutiny of the operation of health agencies in Southampton.

The Overview and Scrutiny Management Committee also monitors the decisions of the Executive and can 'Call-In' a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate.

Councillor Call for Action

Enables all Councillors to refer single ward issues, or 'Local Government matters', to Overview and Scrutiny Committees.

2012/13 Scrutiny Panels

- Health Overview and Scrutiny Panel
- Scrutiny Panel A
- Scrutiny Panel B

Overview and Scrutiny Management Committee

Councillor Stephen Barnes-Andrews
Chair of Overview and Scrutiny Management Committee

2011/12 proved to be a busy year for the Overview and Scrutiny Management Committee (OSMC). In addition to the Committee's role of holding the Executive to account the OSMC also undertook the statutory scrutiny of the community safety partnership and conducted an inquiry into 'The Big Society'.

Holding the Executive to account

To inform the decision making process the Executive were, at the monthly meetings of the OSMC, scrutinised over a number of key decisions, and policy areas during 2011/12. These included the following:

- Provider Services in Adult Social Care
- Grants to voluntary organisations
- 2012/13 Budget
- Safeguarding children and young people
- HMO levels in the City
- *The Council's Change Programme
- *Outsourcing of ROMANSE and CCTV

*These final two items resulted in Executive decisions being Called-In by the OSMC, as outlined in the report's introduction.

In addition the Committee scrutinised on a quarterly basis the Council's performance enabling trends to be identified and examined with the appropriate Cabinet Member. The OSMC also challenged the progress made by the Executive, and appropriate partner organisations, in implementing recommendations generated by the completed Scrutiny Inquiries.

Scrutiny of the Southampton Safe City Partnership



In March 2012 the OSMC scrutinised the performance of the Safe City Partnership through the discussion of the Strategic Assessment. This document provides detailed intelligence on crime reduction and community safety in the city. This discussion enabled the Committee to influence the strategic direction of travel and the priorities in the Safe City Partnership Plan, due for approval on 17th July 2012.

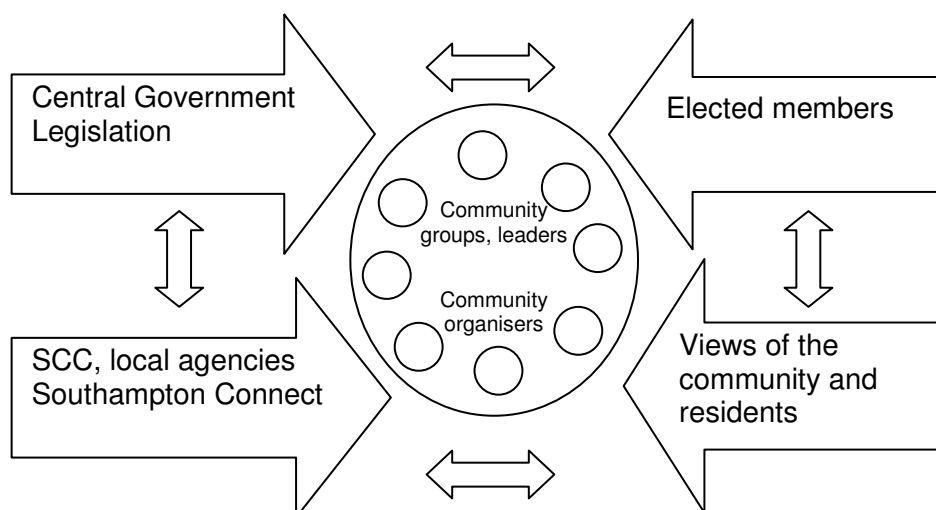
The Big Society Inquiry

From September 2011 to April 2012 the OSMC undertook an inquiry into the Coalition Government's flagship initiative, the Big Society. The purpose of the Inquiry was to clarify what the Big Society is and what it means to Southampton, to establish the Council's future role, functions and resourcing for the development of the Big Society across the City.

OSMC received evidence from a variety of organisations and individuals from across Southampton as well as national advisors and examples of best practice.

Evidence gathered throughout the Inquiry led the Committee to conclude that:

- The City has a strong history of community activity and there is real potential to build a more empowered and socially active Southampton through a cultural shift and greater focus, coordination and joined up working.
- There is much that the Council can do to support this step change through opening up public services, particularly through simplifying the procurement process and changing the way services are delivered; within its community leadership role as an enabler and facilitator and stepping in with targeted help to build capacity and support communities to help themselves where it is needed, especially in the less affluent areas of the City.
- This cannot be achieved in isolation; partnership work and the collective role of Southampton Connect are vital to ensure the best way forward for a strong City with empowered communities and individuals. The building blocks to achieve this are well underway.
- Finally, it was recognised that this cultural change will not happen overnight and given limited resources a blanket approach cannot be taken. It is suggested that, where practical, small measured trials of proposed actions are undertaken, and once lessons are learnt through this pilot approach, steps can be taken to adapt and roll out successful initiatives, based on achievable outcomes and the needs of a particular community or locality.



The integration and collaboration needed to deliver the Big Society

The final report contained 11 recommendations under the headings of opening up public services; empowering communities; and social action. Recommendations included the following:

- Simplify the council's procurement processes
- Work with universities to develop street captains in areas with a high student population of students
- Harness the learning and experiences of the Community Organisers and identify how existing community resources can be directed so that shared community posts or community organisers are operating within the least affluent areas in the City.

The Executive have received the final report of the OSMC and are in the process of responding to the reports recommendations.

Overview & Scrutiny Management Committee Membership – 2011/12:

Councillor Stephen Barnes-Andrews (Chair)

Councillor Adrian Vinson (Vice-Chair)

Councillor Beryl Harris

Councillor Les Harris

Councillor Raymond Mead

Councillor Keith Morrell

Councillor Anthony Kolker

Councillor Matthew Stevens

Councillor Dr Richard Williams

Councillor Ben Walker

Appointed Members:

Mrs Urzula Topp, Church Representative

John Bettridge, Parent Governor Representative

Mr Tony Blackshaw, Church Representative

Health Overview and Scrutiny Panel



Councillor Vincenzo Capozzoli
Chair of Health Overview and Scrutiny Panel – 2011/12

Panel Members

| | |
|---------------------------------------|--------------------------|
| Councillor Brian Parnell (Vice-Chair) | Councillor Asa Thorpe |
| Councillor Maureen Turner | Councillor Warwick Payne |
| Councillor Neil Fitzgerald | Councillor Edward Daunt |

In 2011/12 the Health Overview and Scrutiny Panel undertook the statutory health scrutiny function. It was another busy year as the changes to NHS services continued apace both locally and nationally. We have continued to work closely with local health services including Southampton Clinical Commissioning Group (CCG) and the Southampton Hampshire Isle of Wight and Portsmouth (SHIP) PCT Cluster, University Hospital Southampton NHS Foundation Trust, Southern Health NHS Foundation Trust and Solent NHS Trust, as well as the Southampton Link and neighbouring Health Overview and Scrutiny Committees' (HOSC's) in scrutinising these changes. We also worked closely with the Executive and officers of the Council in relation to Adult Social Care.

The Panel held 7 meetings during this period. Key highlights for the year included:

The changing health landscape

The Panel scrutinised several of the changes taking place locally including those resulting from the Health and Social Care Act 2012. As well as continuing to work with the CCG as it develops the Panel considered several developments including:

- **Solent's NHS Trust status:** The Panel scrutinised and supported Solent's application for NHS Trust status and continues to work with them as they progress towards Foundation Trust status.
- **University Hospital Southampton NHS Foundation Trust:** The Panel scrutinised and supported Southampton University Hospitals who achieved Foundation Trust status during the year.
- **SHIP PCT Cluster:** The establishment of the SHIP PCT cluster was scrutinised by the Panel who raised issues about the terms of reference and the impact on local joint working.

The Panel also scrutinised the development of the Southampton Health and Well-Being Board and are continuing to scrutinise the development of Healthwatch.

Vascular Services Review

The Panel scrutinised the review of vascular services in the South Central region. There has been close joint working with both LINK and the Hampshire HOSC on this issue as well as regular engagement with both the commissioners and providers. The Panel are continuing to scrutinise this issue and are keen to see a sustainable solution agreed.



Specialist Neurological Rehabilitation Services

Following on from the work undertaken last year on this issue, the Panel continued to work with Southampton LINK to ensure neuro rehabilitation services are delivered in an appropriate setting. Together they undertook visits to the old, current and potential delivery sites and provided recommendations to the PCT and well as discussing the issues with commissioners at the Panel meeting. The Panel are pleased that this issue has now been resolved and the service is now fully delivered from the Western Hospital.

Adult Mental Health Services

The Panel have worked closely with Southern Health Foundation Trust throughout the year regarding the changes made to Adult Mental Health Services in the area, including the change of use of 10 beds at Antelope House to accommodate patients from Abbott's Lodge.



Antelope House Adult Mental Health Unit

A Joint Hampshire and Southampton HOSCs meeting was arranged to consider the concerning Care Quality Commission inspection report on Antelope House and resulting action plan produce by Southern Health as the facility serves both authorities. The meeting was useful and the Panel are pleased that changes have taken place at the facility and it passed the follow-up inspection.

The bed changes have now taken place with no issues reported.

Getting Involved

How can I get involved?

There are a number of ways in which the public and interested organisations can get involved.

- **Attend a meeting of the Overview and Scrutiny Management Committee or a Scrutiny Panel**

Overview & Scrutiny Management Committee and Scrutiny Panel meetings are held in public and anyone is welcome to attend to listen to proceedings. Meetings are currently usually held in the Civic Centre. Only on rare occasions, when certain types of confidential information is being discussed, are members of the public not allowed to attend.

- Raise issues with your Councillor and request Overview & Scrutiny to consider as part of **Councillor Call for Action**
- Give your feedback to inquiry meetings as part of evidence gathering.

Details of forthcoming meetings, agendas, reports and minutes can be obtained from the City Council's website at www.southampton.gov.uk.

Providing Written Evidence

Scrutiny inquiries can consider written evidence and members of the public, community groups, or other key stakeholders can write in to bring evidence to the attention of Inquiry Panel members. Inevitably, scrutiny inquiries have only a limited amount of time, so they are not able to hear oral testimony from all interested people.

Written evidence provides an alternative way to receive evidence from key stakeholders—policy makers, service providers, service users and community groups. Written evidence may put forward a particular perspective of the issue being considered, or may highlight evidence to help the investigation. It can also put forward questions for witnesses, which may be taken up by members of the Panel during the discussion.

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