

## **SCRUTINY MANAGEMENT PANEL**

MINUTES OF THE MEETING of the Scrutiny Management Panel held on 25 July 2014 at 3.00 pm in Conference Room A, second floor, Civic Offices.

(NB These minutes should be read in conjunction with the agenda for the meeting which can be viewed at [www.portsmouth.gov.uk](http://www.portsmouth.gov.uk).)

### **Present**

Councillor Simon Boshier (chairing this meeting)  
Councillor Michael Andrewes  
Councillor Alicia Denny  
Councillor John Ferrett  
Councillor Hannah Hockaday  
Councillor Darren Sanders  
Councillor Matthew Winnington  
Councillor Ben Dowling (deputising for  
Councillor Phil Smith)

### **Officers**

Michael Lawther, City Solicitor & Monitoring Officer  
Rachael Dalby, Head of Health, Community Safety &  
Licensing  
Alan Cufley, Head of Corporate Assets, Business &  
Standards  
Mike Stoneman, Strategic Commissioning Manager  
Simon Moon, Head of Traffic & Environment  
Paul Fielding, Assistant Head of Service -  
Environment & Recreation  
Stewart Agland, Local Democracy Manager

Councillor Rob New attended as lead Cabinet Member for the call-in.

### **16 Apologies for Absence**

Apologies for absence were received from Councillor Alistair Thompson. Councillor Simon Boshier, vice-chair of the Scrutiny Management Panel chaired the meeting today. Apologies were received also from Councillor Phil Smith and Councillor Ben Dowling attended as his standing deputy.

### **17 Declarations of Members' Interests**

Councillor Michael Andrewes declared that although he had expressed a view in the past, he is open minded about this matter.

### **18 Minutes of the Meeting held on 4 July 2014**

**RESOLVED that the minutes of the meeting held on 4 July 2014 be confirmed and signed by the chair as a correct record.**

## **19 Call-in of Decision on "Street Scene Enforcement" taken by Cabinet at its Meeting on 26 June 2014**

Councillor Simon Boshier introduced the item and referred to the call-in process.

The City Solicitor outlined the options open to members. He said that the call-in had been made on the grounds that the call-in members believed the decision may have been taken without adequate information. The City Solicitor explained that the decision today is for the panel to determine whether or not the Cabinet decision had been taken without adequate information and it was not to consider the decision itself.

Deputations were made in favour of referring the matter back to Cabinet by Councillors Lee Hunt and Lynne Stagg.

Deputations were made against referring the decision back to Cabinet by Councillors Steve Hastings and Luke Stubbs. The chair said that 21 written representations had been received on this issue and had been circulated to panel members. The written representations were about the need to do something about the issues of dog fouling and litter.

The lead call-in member, Councillor Darren Sanders introduced the reasons for the call-in which were that the decision not to proceed with the 3GS contract had been based on inadequate information. He queried the dispute over the contract start date. He said that had the contract with 3GS gone ahead, this would not be a replacement service but would work alongside existing enforcement teams. He said that a report had not been done with regard to potential court case costs. For these reasons, he felt the decision should be referred back to Cabinet for reconsideration.

The chair then invited members of the panel to put questions to the call-in member.

During discussion the following points were clarified:

- Councillor Sanders confirmed that there was no formal consultation by the previous administration although he said it was clear that people wanted a crackdown on dog fouling and litter.
- Councillor Sanders confirmed that in some urban areas for example in Swansea, the council had made a profit after entering into a contract with 3GS.
- Councillor Sanders confirmed that the previous administration had not carried out formal consultation but had doorstep conversations, emails and informal surveys and the level of response was such that the previous administration felt a pilot scheme would be sensible to introduce.
- Councillor Sanders said that the call-in had been based on inadequate financial information being available to Cabinet at the time of its decision.
- Councillor Sanders said that the timing of the previous administration's Cabinet decision shortly before the election was because stage 1 of the shared services scheme was due to finish around the same time as

the pilot in order to maximise flexibility.

The chair then invited Councillor Rob New as lead Cabinet Member to respond. Councillor New said that he had received a series of briefings from Simon Moon, Head of Transport & Environment and these had included the Head of Community Safety, Rachael Dalby. He said that when Cabinet had received further information about the proposed scheme, they had become concerned for a number of reasons including that all the professionals involved seemed to have warned against this scheme. He said that there seemed to be too many unknown factors and was concerned at the lack of proper consultation. He said that Havant Borough Council had introduced a similar scheme albeit with a different provider but he felt it was sensible to wait until their scheme had been piloted and use the outcome of their experiences as part of a potential solution for Portsmouth City Council.

In response to questions Councillor New confirmed:

- That other authorities using the same company could not necessarily be used as a direct comparison with Portsmouth as different service level agreements were in place. It was difficult to ascertain exactly what these were owing to issues of confidentiality.
- The scheme being piloted by Havant Borough Council was not with 3GS.
- Councillor New said that his understanding was that the nature of contracts with companies such as 3GS was that for every fixed penalty given, the provider would get a specific amount regardless of whether it was challenged or not. Any challenge would have to be dealt with by the city council and the city council would have to pay the costs involved. Although there would be economies of scale, in terms of prosecutions, the council could find itself having to bear costs. The only costs borne by the provider would be for any incorrectly issued tickets.
- The current administration had not carried out consultation because they were not going to proceed with the scheme at this stage.
- Councillor New confirmed that he would be happy to meet with the opposition in order to discuss ways of dealing with the street enforcement issue as there were many other things that could be done. He said that dog fouling was a small part of a bigger picture and that the problem needs to be dealt with on a cross-party basis going forward. He said the current administration would carry out consultation and would involve the other groups. He confirmed that the pilot scheme in Havant finishes in approximately three months' time and that the findings would be shared with the Head of Community Safety.
- Councillor New said that he did not think the Cabinet decision had been based on information that was speculative but felt that the matter should be considered again in order to provide time for a proper evaluation.
- Councillor New said that he felt that results obtained by neighbouring authorities would be more relevant to Portsmouth than those obtained for example from Leeds or Swansea. Portsmouth had more shared services with Havant.
- Councillor New confirmed that once the Havant pilot scheme had

concluded, he intended that the matter would be aired in public.

The Head of Transport & Environment confirmed that the previous administration had asked for a report to be prepared in mid-March for a Cabinet meeting on 7 April 2014.

Councillor Sanders as lead call-in member did not wish to make a further response and so summed up his case saying that in his view inadequate financial information had been before Cabinet and that the estimated costs were not backed up by any authorities run by 3GS. He said that comparisons with Havant were not perhaps the most relevant as Portsmouth was much more densely populated than Havant and had more in common with other urban authorities. He said there was a need to introduce a pilot scheme in Portsmouth and any shared services work could dovetail into this. He felt that financial information from 3GS should have been before Cabinet.

In summary he said that the matter should be referred to Cabinet for reconsideration.

Councillor Rob New as lead Cabinet Member summed up saying that he believed that Cabinet did have adequate information before it in order to take the decision it had and that the matter should not be referred back.

During further debate the following points were made:

- The debate today had often compared schemes not being run by 3GS and therefore comparisons were not being properly made.
- A comment was made that it was the previous administration that seemed to have taken a decision without adequate information. The report that had gone to Cabinet in April 2014 had been rushed and there was no consultation carried out at that time. The senior police officers had not been consulted. Some members therefore felt that the current administration's Cabinet decision should be upheld.
- Litter and dog mess was a major problem in Portsmouth and Southsea. It was clear from the written representations that people feel that nothing is being done about this problem.

Councillor Boshier acting as chair said that the reason for the call-in was that it had been based on inadequate information being before Cabinet at the time it made its decision.

Upon being put to the vote the proposition put by Councillor Sanders to refer the decision back to Cabinet was lost.

**RESOLVED that the Panel considered the evidence and decided not to refer back to Cabinet its decision taken on 26 June 2014.**

## **20 Work Programme 2014/15 - Education, Children and Young People's Scrutiny Panel**

**RESOLVED that the Scrutiny Management Panel agreed the following topics in the Education, Children and Young People's Scrutiny Panel's preferred priority order**

- (1) Pupil Premium
- (2) The provision of special educational needs in the city
- (3) School induction days for pupils.

## 21 Update report on Economic Development, Culture and Leisure Scrutiny Panel

The Head of Corporate Assets, Business & Standards, Alan Cufley advised that although the response report on pathways into work for young people had been prepared in time for the last Cabinet meeting, advice was received that some wording needed to be amended in the covering report which caused the delay. However the report could now come forward to the next available cabinet meeting which was being arranged for 14 August. He apologised to Councillor Winnington, the chair of the Economic Development, Culture & Leisure Scrutiny Panel and said that Stephen Kitchman had now finalised the report concerned.

Councillor Winnington said he thought it disgraceful that the scrutiny report had been signed off on 1 April but had not been proceeded with in time for the Cabinet meeting that had met in July. He said that it was particularly disappointing as there was a need for some of the recommendations to be implemented in time for the new school year.

Mr Cufley said that Mike Stoneman had assured him that all the recommendations in the report were in hand ready for action once Cabinet had agreed them at its next meeting.

Councillor Winnington said he wanted it to be noted that in future officers should prepare comments on completed scrutiny reports in a timely manner as soon as they were given the opportunity to do so.

**RESOLVED that Scrutiny Management Panel expects that signed off scrutiny reports and the corresponding response report should be taken to the earliest possible Cabinet meeting for consideration.**

## 22 Date of Next Meeting

The next scheduled meeting of the panel is on Friday 10 October 2014 at 2.30 pm.

The meeting concluded at 5.45 pm.

Chair