

NOTICE OF MEETING

SCRUTINY MANAGEMENT PANEL

THURSDAY 15TH OCTOBER 2009 AT 9.30AM

EXECUTIVE MEETING ROOM, 3RD FLOOR, THE GUILDHALL, PORTSMOUTH

Enquiries to Anthony Quinn on 023 92 834002 or Anthony.Quinn@portsmouthcc.gov.uk

Membership

Councillor Cheryl Buggy
Councillor David Fuller
Councillor Terry Henderson
Councillor Malcolm Hey
Councillor Frank Jonas

Councillor Jim Patey
Councillor Paula Riches
Councillor Caroline Scott
Councillor Les Stevens

Standing Deputies

Councillor Mike Blake
Councillor Jim Fleming
Councillor Andy Fraser
Councillor Richard Jensen

Councillor David Horne
Councillor Mike Park
Councillor Darron Phillips

(NB This Agenda should be retained for future reference with the Minutes of this meeting.)

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

AGENDA

1. **Apologies for Absence.**
2. **Declaration of Members' interests in accordance.**
3. ... **Minutes of Last Meeting.**

A copy of the Scrutiny Management Panel meeting held on 3 September 2009 is attached.

RECOMMENDED that the minutes of the Scrutiny Management Panel meeting held on 3 September 2009 be confirmed as a correct record.

4. Exclusion of Press and Public.

RECOMMENDED that the public be excluded from the meeting during the following items of business because it is likely that if members of the public were present there would be disclosure to them of “exempt information” within Paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972.

The following report is considered exempt business for the following reasons:

Exempt information is defined in section 100I and, by reference, Schedule 12A of the Local Government Act 1972 (“the 1972 Act”). To be exempt, information must fall within one of the categories listed in paragraphs 1 to 7 of Schedule 12A, must not fall within one of the excluded categories in paragraphs 8 and 9 and the public interest in maintaining the exemption must outweigh the public interest in disclosing the information.

The report contains some information relating to the financial or business affairs of particular companies. The information also relates to commercial transactions between companies and the authority.

As although there is a public interest favouring public access to local authority meetings, given the financial and commercially sensitive information contained in the report the public interest in maintaining the exemption on the information outweighs the public interest in disclosing it.

(NB Members are reminded of Standing Order 22, which imposes restrictions on the disclosure of exempt information. If they so wish, Members are invited to return their exempt documentation to the Committee Administrator at the conclusion of the meeting for shredding).

5. Portsmouth Outdoor Centre – Call-in of a decision taken by the Cabinet at its meeting on 18 September 2009.

These decisions are Key Decisions for the purposes of the Forward Plan as defined in Article 13 of the Constitution but were not included in the Forward Plan for September 2009 published by the City Council on 14 August 2009. Article 13 defines a Key decision as an Executive decision which is likely to:

Result in the Council incurring expenditure or the making of savings which are significant having regard to the local authority's budget for the service or function to which the decision relates, or be significant in terms of its effects on communities living or working in an area comprising 2 or more wards in the City's administrative area.

The Chief Executive and the Chair of the City Council's Scrutiny Management Panel have been notified of the intention to make the decisions, in accordance with the City Council's Constitution (General Exceptions, Section 15 and Special Urgency, Section 16). As the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates, this decision will not be subject to call-in.

Councillors Donna Jones, Frank Jonas, Alistair Thompson, Steve Wemyss and Jim Fleming have asked that the decisions taken by the Cabinet on 18 September 2009 to deal with this matter in exempt session be called in for scrutiny.

The reasons for the call-on are that the item was not included in the Forward Plan, it should not have been considered as urgent business and It was felt that the decision to not apply the call-in provision should not have been dealt with in exempt session and that items 3 and 4 could have been dealt with in open session with an exempt appendix to the report, as it was felt that this prevented every councillor from being made aware of these items.

If having considered the decision the Scrutiny Management Panel is still concerned about it then the Panel may refer the matter, to Cabinet setting out in writing the nature of its concerns or refer the matter to full Council.

A draft copy of the record of decisions for the Cabinet meeting held on 18 September is attached. These do not include the revised open report, but members of the Scrutiny Management Panel have received the full, exempt report.

5. Date of Next Meeting.

The Scrutiny Management Panel is next due to meet on 26th November 2009 at 3pm in the Executive Meeting Room, 3rd Floor, The Guildhall, Portsmouth.