

SCRUTINY MANAGEMENT PANEL

MINUTES OF THE MEETING of the Scrutiny Management Panel held on Friday 27 November 2009 at 9.30 am in the Executive Meeting Room, Floor 3, The Guildhall, Portsmouth.

(NB: These minutes should be read in conjunction with the agenda for the meeting).

Present

Councillors Les Stevens (Chair)

Cheryl Buggy

Jim Patey

Terry Henderson

Andy Fraser (Deputising for David Fuller)

Mike Blake (from 9.45 - Deputising for Malcolm Hey)

Gerald Vernon-Jackson (Leader of the Council)

Members who invoked call-in procedures

Steve Wemyss (till 9.55 hrs)

Officers

Michael Lawther, City Solicitor & Monitoring Officer

Stewart Agland, Local Democracy Manager

Stephen Baily, Head of Cultural Services

Mike Arthur, Interim Head of Asset Management

Bill Murphy, Highways Manager

Mike Allgrove, Planning & Transport Policy Manager

34 Apologies for Absence (AI 1)

Apologies for absence were received from Councillors David Fuller, Frank Jonas, Paula Riches, Malcolm Hey, Caroline Scott and Lee Hunt

35 Declarations of interest (AI 2)

Councillor Gerald Vernon-Jackson declared a personal, non-prejudicial interest as he was the executive member who made the decision in respect of the item that is subject of call-in (AI4).

36 Minutes from the Meeting of 15 October 2009 (AI3)

The panel

RESOLVED that the minutes of the Scrutiny Management Panel meeting held on 15 October 2009 be confirmed as a correct record.

Clarification was sought from the City Solicitor regarding the resolution of minute 32 and when the Monitoring Officers report will be submitted to Standards Committee. This was confirmed as the Standards Committee meeting in January 2010.

37 Deputations from the Public under Standing Order No 24

One deputation was heard from Mr Mark Austin in relation to

- The call-in of the New Southsea Library, Cultural Centre and Contact Centre proposal

38 New Southsea Library, Cultural Centre and Contact Centre – Call-in of decision taken by Cabinet at its meeting on 9th November 2009 (AI 4)

Councillor Wemyss was invited to address the panel as the lead member who invoked the call-in process and outlined his reasons for doing so.

Councillor Wemyss stated that the reasons to call-in the decision taken on 9 November 2009 in relation to the proposed New Southsea Library, Cultural Centre and Contact Centre were twofold;

1. That Mr Austin had been denied the opportunity to speak in relation to this matter at the Cabinet meeting and that this was contrary to the City's own plans for Southsea and
2. That he was concerned regarding potential adverse impact on the retail offer in Southsea due to his opinion that the increase of bars and restaurants' has had in diminishing the retail offer in Southsea

Councillor Wemyss sought to establish

- What potential existed within Southsea for a Library without using the proposed site?
- Whether there was any exploration of existing sites?
- That the proposed size of the new library was three times the size of most local libraries and would cost a lot of money to run
- Why Southsea had been chosen as an option when there were other vacant Woolworths stores in North End and Cosham
- That the options needed to be explored properly

In response to the points raised, the Leader of the Council advised the panel that;

- It has been a long-term written aspiration to move the library to Southsea and has been part of the Library Plan for some time
- The opportunity to utilise the vacant Woolworths store was considered in conjunction with other alternatives
- The City Centre Manager is enthusiastic about the prospect of the proposed new library
- The premises have been vacant for the past 12 months
- The proposed activities within the new library would be good
- There could be opportunities for other offers, the short-term, long-term and freehold leaseholders have all gone into administration
- The size of the store has been prohibitive in the use by other retailers
- The proposed library will offer a range of information and services including, exhibition space, visitor attractions as well as being able to re-locate some civic offices staff
- Should the opportunity arise to acquire the property, due to being a capital venture, this would be decided by Full Council
- The authorities interest in this venture may flush out other retail bidders with the net result being benefit for Southsea in any event

In response to questions the Leader of the Council stated;

- The authority knew of other organisations interest in the former Woolworths store but not the value of them as these issues would be business confidential between those organisations and the agent dealing with the vacant property
- As part of their decision making process, the authority knew of the existence of the other offers for these premises and have made it clear in the report that went to Cabinet that they will stand aside should a retail offer come in for the premises
- Mr Austin was asked to retake his seat during his deputation to Cabinet as he was unwilling to modify his deputation which was deemed to include allegations that were factually untrue
- The Executive were confident that due process had been followed when determining the proposal at Cabinet on 9th November in respect of the Southsea Library, Cultural Centre and Contact Centre

The panel then heard from the Interim Head of Asset Management and the Head of Cultural Services. The panel were given the following outline of the rationale behind the proposal that was agreed by Cabinet on 9th November;

- The process for a new library has been ongoing since 2006
- The Library Service sought to relocate to an area with a higher footfall
- The Library Service have looked at many potential sites over the past three years in conjunction with Asset Management
- The former Woolworths store was identified in early August as a potential site for a new library as it had been empty for a while

- Initial enquiries were made with the Administrators
- It took two months before AMS could gain access to the property to be able to determine the size and suitability
- Culture & Leisure produced a brief regarding how the library might look
- AMS produced costings
- Head Lease negotiations have been ongoing since early October
- A report was taken to informal cabinet then on to formal Cabinet on 9th November

The panel also heard that the library service had a highly committed hard working team that were achieving good results working with families and children and that this proposed library would enhance the good work already taking place.

The panel sought clarity around the call-in procedures and the distinction between members of the public making deputations and officers and elected members called to give evidence to the panel.

The City Solicitor confirmed that a member of public attending to make a deputation is invited to rejoin the public gallery following their deputation and takes no further part in the meeting. Conversely, an elected member who attends at the behest of the panel to explain their actions in their capacity as a Cabinet member may not be able to participate in all areas. However, they may be required to answer questions to enable the panel to make a decision on the legality of the decision taken by the Executive. The Leader or Executive members are summoned by the panel, as are the officers who wrote and are responsible for the report.

The City Solicitor advised the panel that he would circulate a note with future papers outlining the roles and responsibilities of the panel in relation to call-in procedures to assist the panel in any future deliberations.

The panel also sought clarification on the designation of the premises and whether this would be subject to planning permission. The City Solicitor resolved to inform the panel later that day of the answer to the planning query.

The panel then voted on the following recommendation;

“Do we need to send this decision back to Cabinet for reconsideration?”

Two members voted in favour of the recommendation with three members voting against it.

The proposal to refer the original decision back to Cabinet was unsuccessful.

RESOLVED that the Cabinet decision taken on 9th November 2009 in relation to the proposed New Library, Cultural Centre and Contact Centre in Southsea is upheld and will not be referred back to Cabinet for reconsideration.

39 Work Programmes (AI 5)

The Housing & Social Care Scrutiny (H&SC) panel requested at the meeting on 3 September 2009 that the topic, "Fraud in the Housing Service" be removed from their work programme. The Scrutiny Management Panel was not minded to do this until the H&SC could satisfy them why they wanted to have this topic removed.

The H&SC scrutiny panel clarified that their interpretation of, "Fraud in the Housing Service" related to the investigation of Housing Benefit Fraud. The H&SC panel have since received a report and update from the Head of Revenues & Benefits relating to the investigation of Housing Benefit Fraud and are satisfied that this topic does not require any further scrutiny at this time and request that it is removed from their current work programme.

RESOLVED that Fraud in the Housing Service be removed from the work programme for Housing & Social Care Scrutiny Panel

The Traffic, Environment & Community Safety (TECS) scrutiny panel have just completed the remaining items on their work programme and have suggested the following topics for inclusion on their work programme in order of priority

1. Trading Standards
2. Pest Control
3. Extension of the Neighbourhood Watch Scheme in Portsmouth
4. Flood Risk

The Chair of TECS feels that scrutiny of the Flood risk is too technical and specialist an area for scrutiny to look.

RESOLVED that the Traffic Environment & Community Safety scrutiny work programme includes the four topics listed in the above order of priority

40 Update on previous reviews (AI 6)

The panel requested at a previous meeting that officers attend to provide a verbal update on the status of the scrutiny review into the Adequacy of Sewerage & Water Supply in the City. The Highways Manager and Planning & Transport Policy Manager attended to provide a verbal update to the panel.

The panel heard that

- An application for funding had been submitted to the Department of the Environment, Food & Rural Affairs (DEFRA) and the Environment Agency (EA) to help finance a flood defences scheme
- A proposal was going through the approval stage at present
- An intended investment of £100m was being implemented over the coming years
- This would be a phased development
- The level of defence against flooding was being examined
- Work is ongoing with Southern Water to separate water from a combined source

41 Update on current scrutiny reviews (AI7)

[TAKE IN REPORT]

The panel were given an update on the status of all current scrutiny reviews.

42 Date of next meeting (AI8)

The next meeting is scheduled to be held on Thursday 18 February 2010 at 9.30 am in the Executive Meeting Room, third floor of the Guildhall.