

## SCRUTINY MANAGEMENT PANEL

Minutes of the special meeting of the Scrutiny Management Panel held on Wednesday, 15 September 2021 at 10.00 am at the Guildhall, Portsmouth

### Present

Councillor Simon Boshier (in the Chair)

Councillors Stuart Brown  
George Fielding  
Jo Hooper  
Scott Payter-Harris  
Linda Symes

On behalf of the Call-in Councillors: Councillor Daniel Wemyss

Lead Cabinet Member: Councillor Gerald Vernon-Jackson

#### **5. Apologies for Absence (AI 1)**

Apologies were received from Cllr Graham Heaney, Cllr Leo Madden and Cllr Rob Wood.

Cllr Ian Holder was present as standing deputy for Cllr Rob Wood.

#### **6. Declarations of Members' Interests (AI 2)**

There were no declarations of interest.

#### **7. Call in of decision taken by Cabinet on 22 June 2021 in respect of item 10 on that agenda : Appointments to Outside Organisations (AI 3)**

The Chair explained that five members of the Council, Matthew Atkins, Ryan Brent, Hannah Hockaday, Lee Mason and Daniel Wemyss had asked for the decision taken by Cabinet on 22 June 2021 in respect of Appointments to Outside Bodies be called in for scrutiny on the basis that they believe that the decision may have been taken based may have been taken without adequate information (of which the nature had been identified).

The Call-in process had been ruled valid by the City Solicitor.

The Chair advised that if the panel was satisfied that the decision had not been taken without adequate information being supplied to enable the Cabinet to reach its decision, then no further action was required.

If the panel was not satisfied on these grounds, it could refer the matter back to the Cabinet for reconsideration, setting out in writing the nature of its concerns that are to be addressed in conjunction with the original matter.

The Chair further explained that the procedure to be followed at the meeting had been included Appendix 3 to the agenda.

The Chair advised that no written deputations had been received.

Councillor Wemyss, a signatory to the Call-in, outlined the reasons for the Call-in (set out in full on the Call-in form at Appendix 4).

The Call-in Councillors believed that the decisions made by Cabinet in respect of certain appointments to outside bodies were defective in two regards:

1. They were in breach of the Appointments to Outside Bodies and organisations, Charities etc - Political Proportionality Protocol which is Part 4E of the Constitution of Portsmouth City Council; and
2. The Cabinet failed to consider the Appointments to Outside Bodies and organisations, Charities etc - Political Proportionality Protocol which is Part 4E of the Constitution of Portsmouth City Council when making the decision.

In respect of Point 1, the decisions to appoint Steve Pitt and Terry Hall to the Portsmouth Naval Base Property Trust and the decision to appoint Councillors Hugh Mason and Rob Wood to the King's Theatre Trust Ltd were in breach of rules 6 and 7 of the Protocol. The appointments were in breach of point 7 in that the appointments should be in accordance with proportionality rules where two or more appointments are to be made. They were also in breach of the implication of rule 6 that appointments should be Portsmouth City Councillors.

The appointments of former Councillors David Fuller to the Fratton Community Association and Matthew Winnington to the Eastney Area Community Association were in breach of rule 4 of the Protocol that appointments to local associations should be ward Councillors.

In respect of Point 2, the decision of the Cabinet was made without adequate information because the Cabinet failed to consider the Appointments to Outside Bodies and organisations, Charities etc - Political Proportionality Protocol when making their decisions. This remained a core policy of the Council and should have been considered when making the decisions which it governs.

He believed that the appointments were wrong and awarded those who had served the current administration with positions of influence. In respect of the Portsmouth Naval Base Property Trust these appointments were remunerated. Where money was involved, he believed that the public had a right to know why a democratically elected councillor had not been appointed.

No members of the panel had questions for Cllr Wemyss.

The Leader of the Council, Councillor Gerald Vernon-Jackson gave his response and confirmed that whilst he was happy for the matter to be reconsidered by Cabinet, he did not accept the reasons for the Call-in.

He stated that the process in making the appointments had mirrored the precedent followed in previous years by the previous administration. He confirmed that a Milton councillor would be appointed to the Eastney Community Centre, as this was within the Milton Ward.

He closed by explaining that the individuals selected had been appointed because they were believed to be the best able to fulfil the roles.

In response to questions from the panel Cllr Vernon-Jackson confirmed that:

- He didn't believe that Part 4E of the Council's Constitution had ever been attached to the Outside Bodies report;
- He believed that the inclusion of this document would be beneficial for future Outside Body appointment reports; and
- He would welcome feedback from those appointed to Outside Bodies, but he couldn't recall this having been undertaken under the previous administration; and
- Confirmed that two former councillors had been appointed to the Eastney Area Community Association and Fratton Community Association rather than one of the six ward councillors had been in part due to a lack of nominations from ward members. Traditionally an Eastney & Craneswater councillor had been appointed to the Eastney Area Community Association, but he was happy for a Milton Councillor to be appointed.

In response to the replies from the Leader the Chairman confirmed that he had previously produced reports when he had sat on an Outside Body.

There being no further questions, Cllr Wemyss summed up the case on behalf of the Call-in councillors. In doing so he reiterated the view that the reasons for call-in should be upheld and that the matter referred back to Cabinet for re consideration.

The Lead Cabinet Member summed up his response to the call-in stating that he was happy for Cabinet to reconsider the matter and that the protocol appended to future reports would be useful.

During debate the panel recognised that the Leader was happy for the matter to be reconsidered by Cabinet and believed that this would be the appropriate resolution.

it was  
proposed by Councillor Payter-Harris  
and seconded by Councillor Symes

that the reasons for the Call-in are upheld by the Scrutiny Management Panel and it therefore refers the matter back to Cabinet for reconsideration.

On being put to the vote this was CARRIED.

**RESOLVED that the Panel having considered the evidence decided that the reasons for the Call-in are upheld by the Scrutiny Management Panel and it therefore refers the matter back to Cabinet for reconsideration.**

The meeting concluded at 10.21 am.

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Councillor Simon Boshier  
Chair