



Minutes of the Scrutiny Board

*Minutes of a special meeting held on 6 July 2012
at the Civic Offices, Fareham*

PRESENT:

Councillor D C S Swanbrow
(Chairman)

Councillor N R Gregory
(Vice-Chairman)

Councillors: Mrs S M Bayford (deputising for Mrs M E Ellerton), Miss S M Bell, J V Bryant, J S Forrest, Miss T Harper, Mrs K Mandry and P W Whittle, JP.

Also Present: Councillor R H Price, JP.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Mrs M E Ellerton.

2. CHAIRMAN'S ANNOUNCEMENTS

The Chairman confirmed that this special Scrutiny Board had been convened to consider the Executive's decision made on 18 June to offer a lease for the management of the new Portchester Community Centre. The decision had not yet been implemented because it had been called-in by 3 non-Executive members, as per the Council's Constitutional arrangements.

The Chairman explained how the meeting would proceed and that it would essentially be held in two parts: a section of the meeting would be held in public to deal with issues that could be discussed in public session and then would follow a part of the meeting where the press and public would be excluded in order to deal with matters of a confidential nature.

The Chairman confirmed that for each of the public and private sessions, Councillor Price, as the representative of the call-in, would be called upon to present the reasons he had given for the call-in. The Executive Leader would then be invited to answer questions put to him by the Scrutiny Board on the decision made by the Executive. The Executive Member responsible for Leisure

& Community who was also the Chairman of the Portchester Community Centre Task and Finish Panel would then be requested to explain how the Portchester Community Centre Task & Finish Panel reached their recommendation and to answer questions put to her by the Scrutiny Board. This would then be followed by any specific questions to officers.

At this point, the Chairman invited the Solicitor to the Council to address the Scrutiny Board on some legal points and moved that the meeting temporarily go into private session to allow this to happen.

RESOLVED that in accordance with the Local Government Act 1972 the public and Press be excluded from this section of the meeting on the grounds that the matters to be dealt with involve the likely disclosure of exempt information, as defined in Paragraph 1 and 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Private Session

The Solicitor to the Council addressed the Scrutiny Board.

At this point, the meeting moved back into **Public Session**.

3. DECLARATIONS OF INTEREST AND DISCLOSURES OF ADVICE OR DIRECTIONS

In accordance with Standing Orders and the Council's Code of Conduct, Councillor Miss S M Bell declared a Personal Interest for item 5 as she was a Council appointed representative on Portchester Community Association's Management Committee and a member of the Portchester Task and Finish Panel.

Councillor R H Price, JP also declared a Personal Interest for Item 5 - see minute 5 below.

4. DEPUTATIONS

The Scrutiny Board received a deputation from Sarah Moss in relation to item 5 - Call-in of Executive Decision 2012/13-31: Offer of Lease for the New Portchester Community Centre and she was thanked accordingly (see minute 5 below).

5. CALL-IN OF EXECUTIVE DECISION 2012/13-31: OFFER OF LEASE FOR THE NEW PORTCHESTER COMMUNITY CENTRE

The Board considered a report by the Director of Regulatory and Democratic Services which outlined the reasons given for the call-in of the Executive Decision (copy of report [sb-120706-r05-gwh](#) circulated with agenda). The report highlighted that a number of the reasons given for the call-in were matters for consideration in public, whilst others were confidential items. A number of appendices were attached to the report to further assist the Scrutiny Board in its review of the decision, all of which contained exempt information as defined in Paragraph 3 of part 1 of Schedule 12A of the Local Government Act 1972.

At the invitation of the Chairman, Councillor R H Price, JP, the representative of the call-in, was invited to present the publicly available reasons he had given for the call-in.

Councillor R H Price, JP declared a Personal Interest for item 5 as he was a member of the Portchester Task and Finish Panel, a Council appointed representative on Portchester Community Association's Management Committee and a Hampshire County Council appointed member of the Portchester Community School Management Committee.

At the invitation of the Chairman, the Executive Leader Councillor S D T Woodward was called upon to advise the Scrutiny Board of the elements taken into account by the Executive before making its decision. The Executive Leader then answered questions put to him on the matters for discussion in public by members of the Scrutiny Board.

At the invitation of the Chairman, the Executive Member Councillor C L A Hockley was called upon to advise the Scrutiny Board of the process undertaken by the Portchester Community Centre Task & Finish Panel before making its recommendation to the Executive. The Executive Member then answered questions put to her on the matters for discussion in public by members of the Scrutiny Board.

Officers were also asked questions by the Scrutiny Board on points of clarification.

At this point, the Chairman moved that as the matters for public session had been dealt with, the meeting temporarily go into private session to allow the confidential items to be discussed.

RESOLVED that in accordance with the Local Government Act 1972 the public and Press be excluded from this section of the meeting on the grounds that the matters to be dealt with involve the likely disclosure of exempt information, as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Private Session

At the invitation of the Chairman, Councillor R H Price, JP, the representative of the call-in, was invited to present the confidential items he had given as reasons for the call-in.

At the invitation of the Chairman, the Executive Leader Councillor S D T Woodward was recalled to advise the Scrutiny Board of the answers to the confidential points raised in the letter of call-in. The Executive Leader then answered questions put to him on the confidential items by members of the Scrutiny Board.

The Executive Leader was thanked for his answers and was advised that he was no longer required at the meeting.

At the invitation of the Chairman, the Executive Member Councillor C L A Hockley was recalled to advise the Scrutiny Board of the answers to the confidential points raised in the letter of call-in. The Executive Member then answered questions put to her on the confidential items by members of the Scrutiny Board.

The Executive Member was thanked for her answers and was advised that she was no longer required at the meeting.

The Director of Community and Streetscene then answered questions put to him on the confidential items by members of the Scrutiny Board. He provided members of the Scrutiny Board with documents which provided answers to some of the questions raised. Members of the Scrutiny Board considered each of the confidential call-in reasons in turn and debated whether or not they had been answered.

At this point, the meeting moved back into **Public Session**.

The Chairman confirmed that having considered all the reasons given for the call-in, the Scrutiny Board now had to consider its options as set out in the report, that being either:

- (a) to accept the decision made by the Executive, in which case the decision can be implemented; or
- (b) to request that the Executive reconsiders the decision, giving reasons for such a request.

A motion was proposed and seconded to request that the Executive reconsider their decision and specifically to:

- 1) reconsider the financial evaluations of the two parties (specifically with reference to reasons 1 and 5 of the call-in); and
- 2) reconsider the evaluation of the scoring against the agreed criteria.

Upon being put to the vote, the motion was declared NOT CARRIED (2 members voting for and 7 against).

A motion was then proposed and seconded to accept the decision made by the Executive and to allow the decision to be implemented which when being put to the vote was declared CARRIED (7 members voting for and 2 against).

RESOLVED that the Scrutiny Board accept the decision made by the Executive and to allow the decision to be implemented to offer a lease for the management of the new Portchester Community Centre.

(The meeting started at 5:00pm
and ended at 9:09pm).