

ITEM NO. 07

DECISION-MAKER: CABINET

SUBJECT: MATTER REFERRED BY THE COUNCIL OR BY THE OVERVIEW AND SCRUTINY COMMITTEE FOR RECONSIDERATION

DATE OF DECISION: 15 MARCH 2010

REPORT OF: CHAIR OF OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

AUTHOR: Name: Suki Sitaram Tel: 023 8083 2060
E-mail: Suki.sitaram@southampton.gov.uk

STATEMENT OF CONFIDENTIALITY

None

SUMMARY

The Overview and Scrutiny Management Committee called in the CAB 09/10 1800 decision relating to the: "Selection of Partners for Sport and Recreation Partnership." The Call-in was heard at the Overview and Scrutiny Management Committee meeting on the 3rd March 2010. The Cabinet is requested to reconsider the called-in decision in light of the recommendations made by the Overview and Scrutiny Management Committee following its consideration of these matters.

RECOMMENDATIONS:

- (i) That during the fine tuning process, the Cabinet Member for Leisure, Heritage and Culture considers mechanisms to ensure that the Preferred Bidder delivers commitments detailed in the contract.
- (ii) The Cabinet Member for Leisure, Heritage and Culture requires the Preferred Bidder to produce a plan which clearly explains how the usage will be increased and groups from which the proposed users will come from.
- (iii) The Cabinet Member for Leisure, Heritage and Culture ensures that a break clause is placed in the contract to allow a re-evaluation of its success and for either party to withdraw.
- (iv) The Cabinet Member for Leisure, Heritage and Culture to request the Preferred Bidder to produce an alternative strategy to demonstrate the viability of the contract in case the NNDR loophole is closed by the government.
- (v) The Cabinet Member for Leisure, Heritage and Culture involves Trade Unions at all stages of the negotiations.
- (vi) The Cabinet Member for Leisure, Heritage and Culture ensures that performance is monitored and published on a regular basis as part of the council's standard performance reporting mechanisms.

REASONS FOR REPORT RECOMMENDATIONS

1. To comply with the Call-in procedure rules set out in Part 4 of the Council's Constitution.

CONSULTATION

2. Not applicable

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. None.

DETAIL

4. A Call-In notice signed by the Chair of the Overview and Scrutiny Management Committee was received in accordance with Paragraph 12 of the Overview and Scrutiny Procedure Rules of Part 4 of the Council's Constitution. The Call-In related to the Cabinet's decision about the Selection of Partners for Sport and Recreation Partnership. The reasons cited by the Chair of the Overview and Scrutiny Management Committee for this Call-In are related to a lack of public consultation, failure to demonstrate value for money, failure to take into account staff views and failure to consider other alternatives e.g. trusts or mutuals.
5. The Overview and Scrutiny Management Committee discussed the Call-in report at its meeting on 3rd March 2010. Details of the Call-in notice and the Scrutiny report are attached as Appendix 1.
6. Members of the Overview and Scrutiny Management Committee explored a number of issues with the Cabinet Member for Leisure, Heritage and Culture including the relationship between the council, Active Nation and DC Leisure and how this partnership will work in practice, the repairs and maintenance programme, proposed participation and income levels, performance monitoring and objections to the proposal before the decision was made.
7. The Committee raised the issue of consultation about this decision with the Cabinet Member for Leisure, Heritage and Culture. There had been feedback at a residents' meeting about lack of information about the proposal. The Committee acknowledged that the legal requirements for consultation had been fulfilled. However, in the context of this consultation process and others that had taken pace in the last year, the Committee requested the Cabinet Member to reflect, with his Cabinet colleagues, the current consultation approach and agree a more robust process which enables involvement of relevant people at an earlier stage. The Cabinet Member explained that he was committed to reaching people and would be happy to consider suggestions on this matter.
8. In the light of the discussion at the meeting the Overview and Scrutiny Management Committee therefore agreed the following recommendations concerning the Selection of Partners for Sport and Recreation Partnership:
 - That during the fine tuning process, the Cabinet Member for Leisure, Heritage and Culture considers mechanisms to ensure that the Preferred Bidder delivers commitments detailed in the contract.

- The Cabinet Member for Leisure, Heritage and Culture requires the Preferred Bidder to produce a plan which clearly explains how the usage will be increased and groups from which the proposed users will come from.
- The Cabinet Member for Leisure, Heritage and Culture ensures that a break clause is placed in the contract to allow a re-evaluation of its success and for either party to withdraw.
- The Cabinet Member for Leisure, Heritage and Culture to request the Preferred Bidder to produce an alternative strategy to demonstrate the viability of the contract in case the NNDR loophole is closed by the government
- The Cabinet Member for Leisure, Heritage and Culture involves Trade Unions at all stages of the negotiations
- The Cabinet Member for Leisure, Heritage and Culture ensures that performance is monitored and published on a regular basis as part of the council's standard performance reporting mechanisms.

9. The Cabinet is requested to reconsider the called-in decision in light of the recommendations made by the Overview and Scrutiny Management Committee following its consideration of these matters.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

10. As detailed in the Cabinet report dated 15th February 2010 appended to this report.

Revenue

11. As detailed in the Cabinet report dated 15th February 2010 appended to this report.

Property

12. As detailed in the Cabinet report dated 15th February 2010 appended to this report.

Other

13. As detailed in the Cabinet report dated 15th February 2010 appended to this report.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

14. As detailed in the Cabinet report dated 15th February 2010 appended to this report.

Other Legal Implications:

15. As detailed in the Cabinet report dated 15th February 2010 appended to this report.

POLICY FRAMEWORK IMPLICATIONS

16. As detailed in the Cabinet report dated 15th February 2010 appended to this report.

SUPPORTING DOCUMENTATION

Appendices

1.	Covering Report to Overview and Scrutiny Management Committee about the Cabinet decision made on 15 th February 2010 re the "Selection of Partners for Sport and Recreation Partnership."
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Documents In Members' Rooms

1.	None
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Background Documents

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
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Background documents available for inspection at: N/A

KEY DECISION Yes

WARDS/COMMUNITIES AFFECTED:	ALL
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