

HAVANT BOROUGH COUNCIL
PUBLIC SERVICE PLAZA
CIVIC CENTRE ROAD
HAVANT
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Havant
BOROUGH COUNCIL

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COUNCIL AGENDA

Membership: Councillor Turner (Mayor)

Councillors Mrs Blackett, Briggs, Branson, Brown, Buckley, Cheshire, Cousins, Edwards, Fairhurst, Francis, Gibb-Gray, Guest, Hart, Heard, Keast, Kerrin, Lenaghan, Mackey, Perry, Pierce Jones, Ponsonby (Deputy Mayor), Sceal, Shimbart, Mrs Shimbart, Smith D, Smith K, Tarrant, Wade, Weeks, Wilson, Bains, Cresswell, Hughes, Patrick, Pike, Rees and Satchwell

Meeting: Council

Date: Wednesday 9 December 2015

Time: 5.00 pm

Venue: Hurstwood Room, Public Service Plaza, Civic Centre Road,
Havant, Hampshire PO9 2AX

The business to be transacted is set out below:

Nick Leach
Monitoring Officer

1 December 2015

Contact Officer: Penny Milne (023) 92446234
Email: penny.milne@havant.gov.uk

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PART 1 (Items open for public attendance)

1 Apologies for Absence

To receive and record any apologies for absence.

2 Declarations of Interests

To receive any declarations of interests from Members.

3 Minutes

1 - 4

To confirm the minutes of the last meeting held on 14 October 2015.

4 Matters Arising

5 Mayor's Report

5 - 6

6 Public Questions Under Standing Order 13.4(f)

To receive questions from, and provide answers to, the public, provided they have been submitted in accordance with the requirements of Standing Order 13.4(f).

7 Cabinet/Board/Committee Recommendations

To consider the following recommended minutes from the Cabinet and any of the Boards or Committees (electronic links to committee reports are included).

- (A) Recommendation from the Cabinet meeting held on 18 November 2015 relating to the Council Tax Support Scheme 2016-17 (minute 201/11/2015 refers):

<http://havant.moderngov.co.uk/documents/g9609/Public%20reports%20pack%2018th-Nov-2015%2014.00%20Cabinet.pdf?T=10>

RECOMMENDED to full Council that the following be approved:

- (1) that the 2015/16 Council Tax Support Scheme is retained for 2016/17 but with the following amendments:
 - (i) the Allowances and Premiums used in determining entitlement or working age claims are changed as set out in paragraph 5.3 of the Cabinet report; and
 - (ii) the Non-Dependant deductions used in determining entitlement for working age claims are changed as set out in paragraph 5.4 of the Cabinet report;
- (2) that the necessary amendments are made to the Council Tax Support Scheme document and that it is then published in accordance with Local Government Finance Act 1992 Section 13A(2).

- (B) Recommendation from the Licensing Committee held on 16 September 2015 relating to proposed charges for Private Hire Vehicle Operator Licensing (minute 19/09/2015 refers):

<http://havant.moderngov.co.uk/documents/s13444/Charges%20for%20Private%20Hire%20Vehicle%20Operator%20Licensing.pdf>

RECOMMENDED to full Council that, there having been no representations in response to the consultation, the new charges be approved for implementation.

- (C) Recommendation from the Licensing Committee held on 16 September 2015 relating to the charges for Taxi and Private Hire Licensing (minute 20/09/2015 refers):

<http://havant.moderngov.co.uk/documents/s13445/Charges%20for%20Taxi%20and%20Private%20Hire%20Licensing.pdf>

RECOMMENDED to full Council that, there having been no representations received in response to the consultation, the new charges be approved and implemented for the financial year commencing 1 April 2016.

- (D) To consider any recommendations to full Council arising from the meeting of the Governance and Audit Committee held on 2 December 2015.

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| 8 | Leader's Report | 7 - 8 |
| 9 | Cabinet Lead Reports | 9 - 30 |
| 10 | Cabinet Leads and Chairmen's Question Time | |
| | (i) the Leader and Cabinet Leads to answer questions on matters within their respective reports. | |
| | (ii) Chairmen to answer questions on minutes since the last Council meeting | |
| 11 | Questions Under Standing Order 23 | |
| | To receive questions from Councillors in accordance with the requirements of Standing Order 23.4(a). | |
| 12 | Urgent Questions Under Standing Order 23 | |
| | To receive any urgent questions from Councillors submitted in accordance with the requirements of Standing Order 23.4(b). | |
| 13 | Notices of Motion | |
| | To receive the following Notices of Motion submitted in accordance with Standing Order 14.1: | |
| | (A) Motion proposed by Councillor Leah Turner and seconded Councillor Mike Fairhurst: | |
| | "On the occasion of the 70 th anniversary of the end of the Second World War, and subject to listed building consent, this Council agrees to add to the Council's war memorial the | |

names of those members of the Armed Services from the Borough of Havant who died in the service of this nation from 1945 to 2015.”

(B) **Motion proposed by Councillor Terry Hart and seconded by Councillor Beryl Francis:**

In the light of the; APSE Deconstruction Report, Version 2 received by the Section 151 Officer from UNISON Regional Organiser; that this Council refer the ‘5 Council’s Joint Procurement’ back to the Cabinet for further clarification to Scrutiny and Council on how procedures, consultation, decisions and action by all councils involved in the joint procurement. In particular legality of decisions, transparency and recording lawfully for public access has been made.

That the following key issues be addressed within that clarification:

1. Firstly, key or delegated decisions do not appear to have been taken or recorded lawfully. We understand that a project board has been formed and that this may contain both members and officers. We understand that this board cannot lawfully exercise delegated powers or make collective decisions.
 - i) Confirm on what basis this board was formed and;
 - ii) what decisions this board has taken;
 - iii) Where these decisions are minuted and published and the legal basis for delegation of functions to this board?;
 - iv) Can you also confirm when the key or delegated decisions were recorded and what status in law these have?
2. We understand that an inter-authority agreement has been made by the Council.
 - i) Can you confirm when the Cabinet agreed to this and;
 - ii) Where the decision is minuted?
 - iii) Also what liabilities the Council has committed to?
3. There appears to be a conflict of opinion in relation to the inter authority agreement. It is not clear whether each client would be responsible for delivering its own obligations (as stated within the consultants’ report) or whether at the end of the procurement process the authorities will jointly enter into the contracts with the successful supplier (as stated within the OJEU notice).

Can you clarify this point and confirm whether the authorities will enter into contracts on a purely joint basis or whether they will administer their own elements of the contracts?

4. We understand that some level of consultation took place from 9 February 2015 to 9 March 2015 and a report was published on 23 March 2015. Please can you confirm how and when the Council has administered a public consultation on the proposals?
5. If the consultation period that I have stated within point 4 is correct, the decision to go to tender had already been made in December 2014 and the OJEU notice was then published on 16 March 2015.
 - i) Can you therefore state who considered the results of the consultation and;
 - ii) if they were elected members, when they considered the results?
 - iii) Also what measures to ensure the concerns raised were addressed and;
 - iv) who took the decision to proceed with the formal procurement process?
6. For the purpose of deciding how to fulfil the Best Value duty an authority must consult:
 - a) representatives of persons liable to pay any tax, precept or levy to or in respect of the authority;
 - b) representatives of persons liable to pay non-domestic rates in respect of any area within which the authority carries out functions;
 - c) representatives of persons who use or are likely to use services provided by the authority, and;
 - d) representatives of persons appearing to the authority to have an interest in any area within which the authority carries out functions

Can you confirm how the above duties have been fulfilled?

7. The Public Services (Social Value) Act 2012 requires the authority to consider:
 - a) how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area, and
 - b) how, in conducting the process of procurement, it might act with a view to securing that improvement

The above considerations should have occurred before the commencement of procurement. Can you provide evidence that the Council has complied with this?

8. Can you confirm that the Council has met its obligation under the Equalities Act 2010, to 'have due regard' to the duties with regard to people with protected characteristics?
9. We understand that the Risk Assessment produced by Mendip District Council contains the same data as Havant

Borough Council. Please can you confirm which Council produced the Risk Assessment and how it was undertaken?

Review the business case for jointly procuring services and the minutes of project board.

14 Calendar of Meetings 2016-17 31 - 32

The Council is requested to approve the draft Calendar of Meetings for 2016-17.

15 Acceptance of Minutes 33 - 66

To receive the following minutes of Committees held since the last meeting of the Council:

Governance and Audit Committee – 23 September 2015
Joint West of Waterlooville Major Development Area Planning Committee – 15 October 2015
Development Management Committee – 15 October 2015
Joint Human Resources Committee – 21 October 2015
Scrutiny Board – 10 November 2015
Cabinet – 18 November 2015

PART 2 (Confidential items - closed to the public)

None.

GENERAL INFORMATION

IF YOU WOULD LIKE A VERSION OF THIS AGENDA, OR ANY OF ITS REPORTS, IN LARGE PRINT, BRAILLE, AUDIO OR IN ANOTHER LANGUAGE PLEASE CONTACT DEMOCRATIC SERVICES ON 023 9244 6231

Internet

This agenda and its accompanying reports can also be found on the Havant Borough Council website: www.havant.gov.uk

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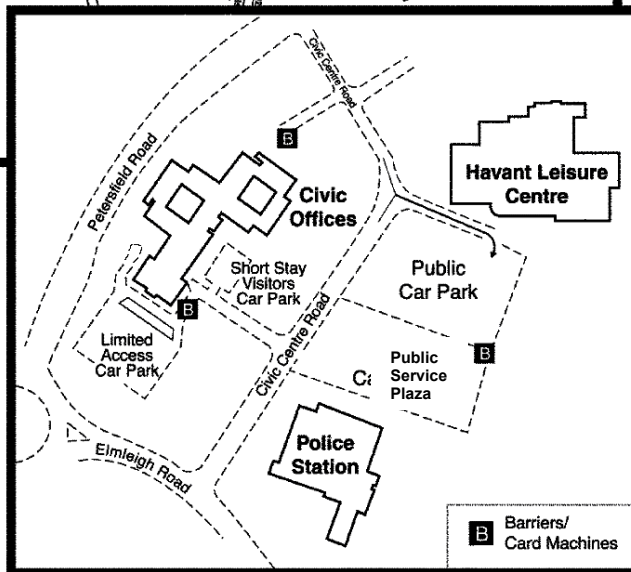
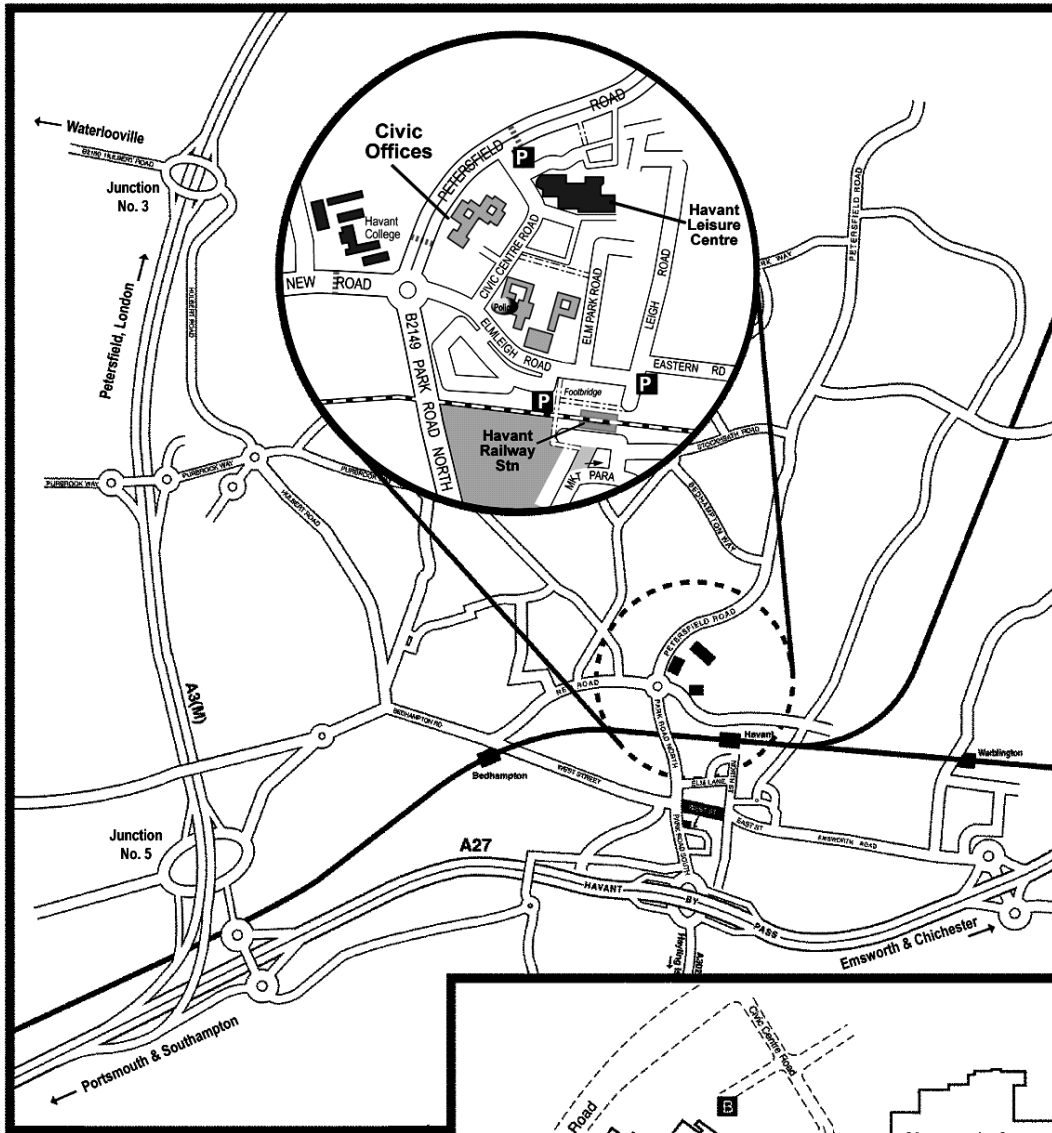
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Havant

BOROUGH COUNCIL

PROTOCOL AT COUNCIL MEETING – AT A GLANCE

Sit or Stand?

Stand to address the Council/Mayor at all times

Rules of Debate

- always address each other as “Councillor ...”
- a motion or amendment has to be proposed and seconded
- once an amendment has been proposed and seconded, it becomes the subject of the debate until it is either accepted or rejected by a vote
- a seconder can choose to make their speech at a later time
- only one Councillor to stand at any one time
- speeches will not exceed 5 minutes (the Council can resolve to allow additional time, which will not exceed a further 3 minutes)
- a Councillor proposing a Motion is allowed 10 minutes to introduce and 5 minutes to reply to debate
- a Councillor proposing the adoption of a Committee/Board minute has sufficient time to propose and unlimited time to reply to debate
- a Councillor can only speak again on an amendment, to move a further amendment, on a point of order or personal explanation.

Questions and Motions

- Motions must be submitted in writing (or by email) to the Democratic Services Team Leader 6 working days prior to the Council meeting
- Councillors may ask questions, without notice, of the Leader and Cabinet Leads in respect of the Cabinet Lead reports submitted to Council
- Councillors may ask questions of the Leader, Cabinet Leads and Committee Chairmen, on any matter affect the Borough or its residents, providing that:
 - 48 hours written notice is given; or
 - 2 hours written notice in relation to urgent matters

Voting

- Voting may be by a show of hands or by a ballot at the discretion of the Mayor
- Two Councillors may request, before a vote is taken, that the names of those voting be recorded in the minutes
- A recorded vote will always be taken in respect of approval of the Annual Budget
- Councillors may not vote unless they are in the meeting for the full debate on any particular item
- A Councillor may request that his/her vote be recorded in the minutes

