

CABINET

Monday, 15th February, 2010
Traffic Regulation Orders to
commence at 2.00 pm
Executive Business to commence
from 5. 00 pm

Council Chamber, Civic Centre

This meeting is open to the public

Members

Councillor Samuels (Leader)
Councillor Dean, Cabinet Member for Environment
and Transport
Councillor Hannides, Cabinet Member for Leisure,
Culture and Heritage
Councillor Moulton, Cabinet Member for Resources
and Workforce Planning
Councillor Smith, Cabinet Member for Economic
Development
Councillor White, Cabinet Member for Adult Social
Care and Health
Councillor Williams, P, Cabinet Member for
Housing and Local Services
Councillor Holmes, Cabinet Member for Children's
Services and Learning
Councillor Walker, Cabinet Member for
Safeguarding Children and Youth Services

(QUORUM – 3)

Contacts

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BACKGROUND AND RELEVANT INFORMATION

The Role of the Executive

The Cabinet and individual Cabinet Members make executive decisions relating to services provided by the Council, except for those matters which are reserved for decision by the full Council and planning and licensing matters which are dealt with by specialist regulatory panels.

Executive Functions

The specific functions for which the Cabinet and individual Cabinet Members are responsible are contained in Part 3 of the Council's Constitution. Copies of the Constitution are available on request or from the City Council website, www.southampton.gov.uk

The Forward Plan

The Forward Plan is published on a monthly basis and provides details of all the key executive decisions to be made in the four month period following its publication. The Forward Plan is available on request or on the Southampton City Council website, www.southampton.gov.uk

Key Decisions

A Key Decision is an Executive Decision that is likely to have a significant

- financial impact (£200,000 or more)
- impact on two or more wards
- impact on an identifiable community

Decisions to be discussed or taken that are key

decisions are denoted by a key symbol (🔑) on the agenda.

Implementation of Decisions

Any Executive Decision may be "called-in" as part of the Council's Overview and Scrutiny function for review and scrutiny. The relevant Overview and Scrutiny Panel may ask the Executive to reconsider a decision, but does not have the power to change the decision themselves.

Southampton City Council's Six Priorities

- Providing good value, high quality services
- Getting the City working
- Investing in education and training
- Keeping people safe
- Keeping the City clean and green
- Looking after people

Procedure / Public Representations

Reports for decision by the Cabinet (Part A of the agenda) or by individual Cabinet Members (Part B of the agenda). Interested members of the public may, with the consent of the Cabinet Chair or the individual Cabinet Member as appropriate, make representations thereon.

Smoking policy – The Council operates a no-smoking policy in all civic buildings.

Mobile Telephones – Please turn off your mobile telephone whilst in the meeting.

Fire Procedure – In the event of a fire or other emergency, a continuous alarm will sound and you will be advised, by officers of the Council, of what action to take.

Access – Access is available for disabled people. Please contact the Cabinet Administrator who will help to make any necessary arrangements.

Municipal Year Dates (Mondays)

2009	2010
01 June	18 January
29 June	1 February
7 July	15 February
27 July	15 March
10 August	19 April
07 September	
28 September	
26 October	
23 November	
21 December	

CONDUCT OF MEETING

TERMS OF REFERENCE

The terms of reference of the Cabinet, and its Executive Members, are set out in Part 3 of the Council's Constitution.

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

RULES OF PROCEDURE

The meeting is governed by the Executive Procedure Rules as set out in Part 4 of the Council's Constitution.

QUORUM

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "personal" or "prejudicial" interests they may have in relation to matters for consideration on this Agenda.

PERSONAL INTERESTS

A Member must regard himself or herself as having a personal interest in any matter:

- (i) if the matter relates to an interest in the Member's register of interests; or
- (ii) if a decision upon a matter might reasonably be regarded as affecting to a greater extent than other Council Tax payers, ratepayers and inhabitants of the District, the wellbeing or financial position of himself or herself, a relative or a friend or:-
 - (a) any employment or business carried on by such person;
 - (b) any person who employs or has appointed such a person, any firm in which such a person is a partner, or any company of which such a person is a director;
 - (c) any corporate body in which such a person has a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - (d) any body listed in Article 14(a) to (e) in which such a person holds a position of general control or management.

A Member must disclose a personal interest.

Cont/...

Prejudicial Interests

Having identified a personal interest, a Member must consider whether a member of the public with knowledge of the relevant facts would reasonably think that the interest was so significant and particular that it could prejudice that Member's judgement of the public interest. If that is the case, the interest must be regarded as "prejudicial" and the Member must disclose the interest and withdraw from the meeting room during discussion on the item.

It should be noted that a prejudicial interest may apply to part or the whole of an item.

Where there are a series of inter-related financial or resource matters, with a limited resource available, under consideration a prejudicial interest in one matter relating to that resource may lead to a member being excluded from considering the other matters relating to that same limited resource.

There are some limited exceptions.

Note: Members are encouraged to seek advice from the Monitoring Officer or his staff in Democratic Services if they have any problems or concerns in relation to the above.

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

Agendas and papers are now available via the Council's Website

1 APOLOGIES

To receive any apologies.

2 DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS

In accordance with the Local Government Act, 2000, and the Council's Code of Conduct adopted on 16th May, 2007, Members to disclose any personal or prejudicial interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer

TRAFFIC REGULATION ORDER: STARTING AT 2.00 PM

3 PROPOSALS FOR PERMIT PARKING IN VERMONT CLOSE AND TALBOT CLOSE IN BASSETT (TRO)

Report of the Head of Parking Services detailing objections to the design of the permit parking scheme and permit entitlement with a view to determining whether the scheme is implemented as proposed or withdrawn, attached

EXECUTIVE BUSINESS: STARTING AT 5.00 PM

4 STATEMENT FROM THE LEADER

5 RECORD OF THE PREVIOUS DECISION MAKING

Record of the decision making meetings held on 18 January 2010 and 1 February 2010, attached.

6 MATTERS REFERRED BY THE COUNCIL OR BY THE OVERVIEW AND SCRUTINY COMMITTEE FOR RECONSIDERATION (IF ANY) TINY COMMITTEE FOR RECONSIDERATION (IF ANY)

There are no matters referred for reconsideration.

7 REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES (IF ANY)

There are no items for consideration

8 EXECUTIVE APPOINTMENTS

To deal with any executive appointments, as required.

MONITORING REPORTS

9 HOUSING REVENUE ACCOUNT REVENUE MONITORING FOR THE PERIOD TO THE END OF DECEMBER 2009

Report of the Cabinet Member for Housing and Local Services detailing the revenue financial position for the Housing Revenue Account (HRA) for the 6 months to the end of December 2009, attached.

10 CORPORATE FINANCIAL GENERAL FUND CAPITAL MONITORING FOR THE PERIOD TO THE END OF DECEMBER 2009

Report of the Cabinet Member for Resources and Workforce Planning detailing the General Fund capital financial position for the Authority for the 6 months to the end of December 2009, attached

11 3RD QUARTER BUDGET AND PERFORMANCE MONITORING FOR 2009/10

Report of the Assistant Chief Executive (Strategy) and the Executive Director of Resources detailing summarises the General Fund revenue financial position for the Authority for the 6 months to the end of December 2009, attached

ITEMS FOR DECISION BY CABINET MEMBER

12 APPROVAL OF MODERNISATION PROJECT EXPENDITURE FOR FAIRISLE JUNIOR SCHOOL

Report of the Head of Infrastructure and Capital Projects seeking approval for modernisation project expenditure for Fairisle Junior School, attached.

ITEMS FOR DECISION BY CABINET

13 CONCESSIONARY FARES SCHEME 2010/11

Report of the Cabinet Member for Environment and Transport seeking approval of the reimbursement rates to bus operators for the Council's concessionary travel scheme, attached.

14 LOCAL AUTHORITY 'NEW BUILD' SCHEME APPROVAL

Report of the Cabinet Member for Housing and Local Services, seeking approval to accept grant award and approve expenditure on this Capital Scheme, attached.

15 IMPACT OF THE APPRENTICESHIPS, SKILLS, CHILDREN AND LEARNING ACT

Report of the Cabinet Member for Young People and Skills, detailing the Apprenticeships, Skills, Children and Learning Act, following Royal Assent in November 2009, attached.

16 EXCLUSION OF THE PRESS AND PUBLIC - CONFIDENTIAL PAPERS INCLUDED IN THE FOLLOWING ITEM

To move that in accordance with the Council's Constitution, specifically the Access to Information procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of any consideration of the confidential appendix to item no:17

Annex 1 of Appendix 1 is not for publication by virtue of categories 3 (financial and business affairs) of paragraph 10.4 of the Council's Access to Information Procedure Rules as contained in the Council's Constitution.

It is not in the public interest to disclose this information as the annex contains confidential and commercially sensitive financial information which would prejudice the Council's ability to operate in a commercial environment and obtain best value in procurement processes

17 NEWLANDS PRIMARY SCHOOL REBUILD

Report of the Cabinet Member for Children's Services and Learning seeking approval to spend up to the agreed budget for the construction of a new 2 form entry primary school, attached.

18 EXCLUSION OF THE PRESS AND PUBLIC - CONFIDENTIAL PAPERS INCLUDED IN THE FOLLOWING ITEM

To move that in accordance with the Council's Constitution, specifically the Access to Information procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of any consideration of the confidential appendices to item no:19

Appendices 2, 3 and 4 of this report are not for publication by virtue of Categories 3 and 4 of paragraph 10.4 of the Council's Access to Information Procedure Rules as contained in the Council's Constitution. It is not considered to be in the public interest to disclose this information because the Appendices contain confidential and commercially sensitive information which would impact on the integrity of a commercial procurement process and the Council's ability to achieve 'Best value' in line with its statutory duties.

19 SELECTION OF PARTNERS FOR SPORT AND RECREATION PARTNERSHIP

Report of the Cabinet Member for Leisure, Culture and Heritage seeking approval

20 EXCLUSION OF THE PRESS AND PUBLIC - CONFIDENTIAL PAPERS INCLUDED IN THE FOLLOWING ITEM

To move that in accordance with the Council's Constitution, specifically the Access to Information procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of any consideration of the confidential appendix to Item no: 21

Confidential Appendix 1 contains information deemed to be exempt from general publication based on Category 3 of Paragraph 10.4 of the Council's Access to Information Procedure Rules. The Appendix includes details of a proposed transaction which, if disclosed prior to entering into a contract, could put the Council at a commercial disadvantage in the future. In applying the public interest test it is not considered appropriate to make public offers received as this could lead to a revision of bids and, in the event of the transaction failing to complete, prejudice re-marketing of the property, therefore reducing the amount receivable by the Council.

21 SALE OF LAND AT TOWN DEPOT ADJACENT TO AMERICAN WHARF

Report of the Cabinet Member for Resources and Workforce Management approval for the sale of land at Town Depot, attached.

22 EXCLUSION OF THE PRESS AND PUBLIC - CONFIDENTIAL PAPERS INCLUDED IN THE FOLLOWING ITEM

To move that in accordance with the Council's Constitution, specifically the Access to Information procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of any consideration of the confidential appendices to Item No:23:

Appendices 2, 4, 5 and 6 of this report are not for publication by virtue of categories 3 (financial and business affairs), and 7A (obligation of Confidentiality) of paragraph 10.4 of the Council's Access to Information Procedure Rules as contained in the Council's Constitution.

It is not in the public interest to disclose this information as the appendices contain confidential and commercially sensitive information supplied by the bidders to the procurement. This information has been supplied during the course of a strictly regulated procurement process which included provision for transparency and openness where appropriate. It would prejudice the Council's ability to operate in a commercial environment and obtain best value in procurement negotiations and would prejudice the Council's commercial relationships with third parties if they believed the Council would not honour any obligation of confidentiality.

23 HIGHWAYS SERVICE PARTNERSHIP - APPROVAL TO CALL FOR FINAL TENDER

Report of the Cabinet Member for Environment and Transport, providing an update on the progress of procurement of a long term Highways service partnership together with a business case and requesting delegated authority to close competitive dialogue and call for final tenders, attached.

24 SOUTHAMPTON'S 2010 LOCAL AREA AGREEMENT REFRESH

Report of the Leader seeking approval to Southampton's 2010 Local Area Agreement Refresh, attached.

Friday, 5 February 2010

SOLICITOR TO THE COUNCIL