

CABINET

Monday, 15th March, 2010
Traffic Regulation Orders
to commence at 2.00 pm
Executive Business
to commence at 5:00 pm

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

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 ORDERS: STARTING AT 2.00PM

3 OBJECTIONS TO WAITING RESTRICTIONS OUTSIDE 278-282 BURGESS ROAD (TRO)

Report of the Head of Highways and Parking Services detailing outstanding objections to proposed waiting restrictions outside 278-282 Burgess Road, attached.

4 PROPOSALS FOR PERMIT PARKING IN VINERY GARDENS, ST JAMES'S PARK ROAD, VINERY ROAD AND ST WINIFRED'S ROAD (TRO)

Report of the Head of Highways and Parking Services detailing objections received to the design and or the implementation of a permit parking scheme at the above location, attached.

EXECUTIVE BUSINESS: STARTING AT 5.00PM

5 STATEMENT FROM THE LEADER

6 RECORD OF THE PREVIOUS DECISION MAKING

Record of the decision making held on 15th February and 17th February 2010, attached.

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

Report of the Chair of the Overview and Scrutiny Management Committee concerning a Call-in of Executive Decision NO:CAB 09/10 1800 Selection of Partners for Sport and Recreation Partnership, under Rule 12 of the Overview and Scrutiny Procedure Rules, attached.

NOTE:

Leader 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 the item.

Appendices 2, 3 and 4 of the original decision 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

8 REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES (IF ANY)

Report of the Chair of the Economic Wellbeing Scrutiny Panel detailing the Panel's inquiry and presenting its final report into Southampton's town and district centres for approval, attached

9 EXECUTIVE APPOINTMENTS

To deal with any executive appointments, as required.

ITEMS FOR DECISION BY CABINET

10 AGREEMENT WITH HAMPSHIRE PARTNERSHIP FOUNDATION TRUST FOR PROVISION OF INTEGRATED LEARNING DISABILITY SERVICES

Report of the Cabinet Member for Adult Social Care and Health, seeking approval to enter into a legal partnership with Hampshire Partnership Foundation Trust, attached.

11 ACADEMIES CAPITAL PROJECT - PREFERRED BIDDER APPOINTMENT

Report of the Cabinet member for Children's Services and Learning, seeking authority to select a preferred bidder and complete the procurement of a partner to develop and construct the Mayfield and Lordshill Academies, attached.

NOTE: This report is presented as a general exception item in accordance with paragraph 15 of the Access to Information Procedure Rules of Part 4 of the Council's Constitution, as it has not been included in the Council's Forward Plan.

12 DETERMINATION OF ADMISSION ARRANGEMENTS FOR 2011/12 ACADEMIC YEAR

Report of the Cabinet Member for Children's Services and Learning, seeking determination of the admission arrangements and Published Admission Numbers for community and voluntary controlled schools for 2011/12, attached.

13 APPLICATION TO PLACE PLAY EQUIPMENT ON COMMON LAND AT FREEMANTLE COMMON AND PEARTREE GREEN

Report of the Cabinet Member for Children's Services and Learning, seeking permission to apply to the Secretary of State to develop 23 play areas within the City, attached.

14 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:15

Appendix 2 of this report is not for publication by virtue of Category 3 (Information relating to the financial or business affairs of any particular person including the Council) 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 this Appendix contains confidential and commercially sensitive information relating to the property interests potentially involved in this matter

15 ROYAL PIER SITE

Report of the Cabinet Member for Economic Development, seeking approval for the proposed future disposal and redevelopment of the Royal Pier site, attached.

16 SAFE CITY PARTNERSHIP ANNUAL PLAN 2010/11

Report of the Cabinet Member for Economic Development, seeking approval of the Safe City Partnership Annual Plan for 2010/11, attached.

17 DISPOSAL OF LAND AT THORNHILL TO ENABLE REDEVELOPMENT FOR AFFORDABLE HOUSING

Report of the Cabinet Member for Resources and Workforce Planning, seeking approval for the disposal of buildings to enable redevelopment of affordable housing, attached.

18 THORNHILL PLUS YOU DELIVERY PLAN 2010/11

Report of the Cabinet Member for Economic Development, seeking approval to endorse the Thornhill Plus You final Delivery Plan, attached.

19 APPROVAL OF REVISIONS TO THE THORNHILL PLUS YOU SUCCESSION STRATEGY, AND TO ENDORSE THE 2010/11 DELIVERY PLAN

Report of the Cabinet Member for Economic Development, seeking approval of changes in the Thornhill Plus You Succession Strategy, attached.

20 ANNUAL REVIEW OF FEES AND CHARGES FOR THE ENVIRONMENT AND TRANSPORT PORTFOLIO

Report of the Cabinet Member for Environment and Transport, seeking approval for the increase of fees and charges applicable to the services provided by the Environment and Transport portfolio, attached.

21 PROJECT INTEGRA: ANNUAL ACTION PLAN 2010 - 2015

Report of the Cabinet Member for Environment and Transport, seeking approval for the Project Integra Annual Action Plan 2010-15, attached.

22 APPROVAL TO SPEND CAPITAL FUNDING ON ENVIRONMENT AND TRANSPORT PORTFOLIO SCHEMES IN 2010/11

Report of the Cabinet Member for Environment and Transport, seeking approval of expenditure for schemes already included in the capital programme for 2010/11, attached.

23 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: 24

Appendix 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 as contained in the Council's Constitution. It is not in the public interest to disclose this information because publication of this information could influence bids received for a property which may be to the Council's financial detriment.

24 DISPOSAL OF LAND IN DERBY ROAD

Report of the Cabinet Member for Housing and Local Services, in consultation with the Cabinet Member for Resources and Workforce Planning, seeking authority to dispose of land at Rope Walk, Derby Road, attached.

NOTE: Decision on this item was deferred from 18th January 2010 to enable further consultation.

25 CENOTAPH MEMORIAL WALL

Report of the Cabinet Member for Leisure, Culture and Heritage, seeking approval to carry out works on the West Park to implement the proposed Cenotaph Memorial Wall, attached.

26 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:27

Confidential Appendix 1 of this report is 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 this appendix contains confidential and commercially sensitive information which would, if made public, be in breach of the confidentiality clause in the current contract and may impact on the integrity of any commercial procurement process and the Council's ability to achieve 'best value' in line with its statutory duties.

27 SOUTHAMPTON GUILDHALL - MANAGEMENT CONTRACT EXTENSION

Report of the Cabinet Member for Leisure, Culture and Heritage, seeking approval to extend the existing management contract, attached.

28 PRICE REVIEW FOR LEISURE, CULTURE AND HERITAGE PORTFOLIO

Report of the Cabinet Member for Leisure, Culture and Heritage, seeking approval for the pricing structure for the use of facilities and services within the Leisure, Culture and Heritage portfolio, attached.

29 LEASE OF TOWER HOUSE, TOWN QUAY

Report of the Cabinet Member for Resources and Workforce Planning, seeking approval for the grant of a new lease, attached.

30 ARIADNE HOUSE, TOWN QUAY - RENEWAL OF LEASE TO THE COUNCIL

Report of the Cabinet Member for Resources and Workforce Planning, seeking approval for the renewal of the lease, attached.

31 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: 32

Confidential Appendix 1 contains information deemed to be exempt from general publication by virtue of Category 3 of paragraph 10.4 of the Council's Access to Information Procedure Rules as contained in the constitution. Publication of this information could influence bids for a property which may be to the Council's financial detriment.

32 THE PRINCIPLE AND DETAILED TERMS OF PROPERTY DISPOSALS UNDER THE PROPERTY DISPOSALS PROGRAMME

Report of the Cabinet Member for Resources and Workforce Planning, seeking approval for the disposal of properties listed in the report, attached.

33 CAR PARKING SPACES AT SECOND AVENUE, MILLBROOK -TO GRANT AN OPTION TO LEASE

Report of the Cabinet Member for Resources and Workforce Planning seeking approval to grant a lease option following the expiry of the an existing lease, attached.

NOTE: This report is presented as a general exception item in accordance with paragraph 15 of the Access to Information Procedure Rules of Part 4 of the Council's Constitution, as it has not been included in the Council's Forward Plan.

34 CITY CENTRE COASTAL FLOOD AND EROSION RISK STRATEGY STUDY-FUNDING

Report of the Cabinet Member for Environment and Transport, detailing an increase in revenue budget to enable a grant to be claimed, attached.

35 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:36

Appendix 1 is 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 Appendix contains 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.

36 ST MARY'S LEISURE CENTRE MANAGEMENT ARRANGEMENTS

Report of the Cabinet Member for Leisure, Culture and Heritage, detailing proposals for future management of the St. Mary's Leisure Centre, attached.

37 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: 38

Appendix 1 of this report is not for publication by virtue of category 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 considered to be in the public interest to disclose this information because this Appendix contains financial information disclosure of which would prejudice the Council's ability to obtain best value for public funds through procurement processes.

38 BITTERNE PARK SIXTH FORM - APPROVAL TO ENTER INTO A CONTRACT

Report of the Cabinet Member for Children's Services and Learning seeking approval to undertake the procurement process and enter into a contract to provide a sixth form at Bitterne Park School, attached.

NOTE: This report is presented as a general exception item in accordance with paragraph 15 of the Access to Information Procedure Rules of Part 4 of the Council's Constitution, as it has not been included in the Council's Forward Plan.