

# CABINET

**Monday, 17th January, 2011  
at 5.00 pm**

## **Council Chamber**

This meeting is open to the public

### **Members**

Councillor Smith, Leader of the Council  
Councillor Moulton, Cabinet Member for  
Resources and Workforce Planning  
Councillor Baillie, Cabinet Member for Housing  
Councillor Dean, Cabinet Member for Environment  
and Transport  
Councillor Hannides, Cabinet Member for Leisure,  
Culture and Heritage  
Councillor Holmes, Cabinet Member for Children's  
Services and Learning  
Councillor White, Cabinet Member for Adult Social  
Care and Health  
Councillor P Williams, Cabinet Member for Local  
Services and Community Safety

(QUORUM – 3)

### **Contacts**

Cabinet Administrator  
Judy Cordell  
Tel: 023 8083 2766  
Email: [judy.cordell@southampton.gov.uk](mailto:judy.cordell@southampton.gov.uk)

Director of Corporate Policy and Economic  
Development  
Dawn Baxendale  
Tel: 023 8091 7713  
Email: [dawn.baxendale@southampton.gov.uk](mailto:dawn.baxendale@southampton.gov.uk)

# **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](http://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](http://www.southampton.gov.uk)

## **Key Decisions**

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

- financial impact (£500,000 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)**

<b>2010</b>	<b>2011</b>
7 June	17 January
21 June	7 February
5 July	14 February
2 August	14 March
6 September	11 April
27 September	
25 October	
22 November	
20 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

### **3 STATEMENT FROM THE LEADER**

### **4 RECORD OF THE PREVIOUS DECISION MAKING**

Record of the decision making held on 20 December 2010, attached.

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

There are no matters referred for reconsideration.

### **6 REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES (IF ANY)**

There are no items for consideration.

### **7 EXECUTIVE APPOINTMENTS**

To deal with any executive appointments, as required.

### **8 FINANCIAL CLOSE ON THE LORD'S HILL ACADEMY**

Report of the Cabinet Member for Children's Services and Learning seeking approval to submit the Final Business Case to Partnerships for Schools and to add £16 Million to this project within the Capital programme, attached.

**9 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:10.

Confidential appendices 1, 2 and 3 contain information deemed to be exempt from general publication based on Categories 1, 3 and 7a of paragraph 10.4 of the Council's Access to Information Procedure Rules. Publication of such information is either personal or relates to the business affairs and contemplated contractual arrangements between the two Authorities and accordingly is exempt from publication.

**10 PROPOSED SHARED PROVISION OF LEGAL SERVICES WITH FAREHAM BOROUGH COUNCIL**

Report of the Solicitor to the Council, detailing the proposal for the shared provision of legal services with Fareham Borough Council, attached.

Friday, 7 January 2011

SOLICITOR TO THE COUNCIL

# Agenda Item 4

## EXECUTIVE DECISION MAKING

### RECORD OF THE DECISION MAKING HELD ON 20 DECEMBER 2010

#### Present:

Councillor Moulton	Cabinet Member for Resources and Workforce Planning
Councillor Baillie	Cabinet Member for Housing
Councillor Dean	Cabinet Member for Environment and Transport
Councillor Hannides	Cabinet Member for Leisure, Culture and Heritage
Councillor Holmes	Cabinet Member for Children's Services and Learning
Councillor White	Cabinet Member for Adult Social Care and Health
Councillor P Williams	Cabinet Member for Local Services and Community Safety

Apologies: Councillor Smith

### **COUNCILLOR DEAN CHAIRMAN**

#### 58. PROPOSAL TO INTRODUCE A PERMIT PARKING SCHEME IN CHETWYND DRIVE, BASSETT (TRO)

DECISION MADE: (Ref: CAB 10/11 4772)

On consideration of the report of the Head of Highways and Parking Services and having heard representations from local residents and a Member of the Council, detailing the proposal to introduce a modified permit parking scheme in Chetwynd Drive Cabinet made the following decision:

- (i) That the proposed permit parking scheme in Chetwynd Drive, as shown at Appendix 1 be approved.
- (ii) That the permit parking restrictions should operate from 1<sup>st</sup> October to 31<sup>st</sup> May of each year.
- (iii) That a commitment be made to review the scheme 12 calendar months from the scheme's implementation.

#### 59. RECORD OF THE PREVIOUS DECISION MAKING

The record of the Executive decision making held on 22 November 2010 were received and noted as a correct record.

#### 60. APPROVAL TO GRANT DELEGATED POWERS TO OFFICERS AND MEMBERS WITHIN THE FRAMEWORK OF THE RECENT NHS WHITE PAPER

DECISION MADE: (Ref: CAB 10/11 5062)

On consideration of the report of the Cabinet Member for Adult Social Care and Health Cabinet agreed to delegate to the Executive Director for Health and Adult Social Care,

after consultation with the Cabinet Member for Adult Social Care and Health, authority to take any decision and/or develop approaches that commit Council resources that are within budget and policy to deliver better outcomes for local people and support the aims of the NHS White Paper – Equity and Excellence: Liberating the NHS.

61. ENDORSEMENT OF STATEMENTS OF PURPOSE: ADOPTION, FOSTERING AND PRIVATE FOSTERING SERVICES

DECISION MADE: (Ref: CAB 10/11 4939)

On consideration of the report of the Cabinet Member for Children's Services and Learning and having received representations from a Member of the Council, Cabinet agreed to approve the Statements of Purpose for the Council's Adoption, Fostering and Private Fostering Services as set out in Appendices 1-3.

62. HOUSING REVENUE ACCOUNT CAPITAL PROGRAMME PROJECT APPROVAL PHASE III

DECISION MADE: (Ref: CAB 4885)

On consideration of the report of the Cabinet Member for Housing Cabinet agreed the following:

- (i) To approve a virement of £720,000 from the 2011/12 uncommitted provision for "decent homes plus funding – future years" to the sheltered communal improvements budget and, in accordance with finance procedure rules, to give approval to spend the £720,000 on improvements to Rozel Court, Sarnia Court, James Street, Milner Court and Neptune Court.
- (ii) To approve a virement of £1.6M from the 2010/11 "Decent homes future works" budget with the following sums being added to the 2010/11 budgets for:
  - Decent Homes works in Harefield - £767,000
  - Decent Homes work in Central - £583,000
  - Decent homes work to supported housing - £250,000
- (iii) To approve, in accordance with Financial Procedure Rules an overall increase in the approval to spend on these 3 schemes in the sums set out above.

63. HOUSING STRATEGY 2011 - 2015 AND HOUSING REVENUE ACCOUNT BUSINESS PLAN 2010 - 2040

DECISION MADE: (Ref: CAB 10/11 4220)

On consideration of the report of the Cabinet Member for Housing, Cabinet agreed the following:



- (i) To agree the process and timetable for approval of the Southampton Housing Strategy 2011 - 2015 and Housing Revenue Account Business Plan 2010 – 2040.
- (ii) To approve the Housing Issues Paper attached in Appendix 1.

64. AUTHORITY TO ADVERTISE PROPOSED DISPOSAL BY LEASE OF LAND AT ABBEY HILL TO WESTON SAILING CLUB

DECISION MADE: (Ref: CAB 4862)

On consideration of the report of the Cabinet Member for Resources and Workforce Planning and having received representations from a Member of the Council, Cabinet agreed the following:

- (i) To authorise the Solicitor to the Council to advertise the proposed disposal by lease renewal of land at Abbey Hill to Weston Sailing Club for two consecutive weeks in a local newspaper.
- (ii) Should any objections be received, to bring a subsequent report and refer these objections to Cabinet for a decision.

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

In accordance with the Council's Constitution, specifically the Access to Information procedure Rules contained within the Constitution, the press and public were excluded from the meeting in respect of any consideration of the confidential appendix to item no: 15.

Confidential Appendix 2 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. Publication of the information could influence the tender process, prejudice negotiations with potential contractors and result in the Authority not obtaining best value in procuring the services necessary to deliver the project

66. AUTOMATION OF ITCHEN BRIDGE TOLL COLLECTION SERVICE

DECISION MADE: (Ref: CAB 10/11 4764)

On consideration of the report of the Cabinet Member for Environment and Transport and having received representations from a Member of the Council, Cabinet agreed the following:

- (i) To implement an automated toll collection service for Itchen Bridge.
- (ii) To delegate authority to the Executive Director of Environment, following consultation with the Solicitor to the Council and Executive Director of Resources, to take any necessary action to give effect to recommendation (i) above, including but not limited to undertaking any and all necessary procurement activities in compliance with Contract Procedure Rules (including award of contract and all associated or ancillary matters), making necessary changes to the relevant Toll Orders made under the Hampshire

Act 1983 (including determination of objections following advertisement of proposed changes) and consulting upon and implementing all necessary service, staffing and organisational structure changes necessary to implement the project.

- (iii) To approve, in accordance with Financial Procedure Rules, capital expenditure, as set out in confidential Appendix 2, subject to Council approving the addition of the Itchen Bridge Toll Automation scheme to the Environment and Transport Capital Programme in February 2011. This scheme will be funded by a combination of borrowing and contributions from the Itchen Bridge Major Maintenance Fund, as set out in the confidential appendix.
- (iv) To consult with staff and unions on the automation, which will lead to a need for restructuring of the service and potential staffing reductions. Redeployment of affected employees will be a priority

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

In accordance with the Council's Constitution, specifically the Access to Information Procedure Rules contained within the Constitution, the press and public were excluded from the meeting in respect of any consideration of the confidential appendix to item no: 17.

Confidential Appendix 3 contains information deemed to be exempt from general publication based on Category 3 of paragraph 10.4 of the Councils Access to Information Procedure Rules. Publication of the information could influence bids made on the Authority's other property transactions which maybe financially detrimental to the Council.

68. AUTHORITY TO ADVERTISE PROPOSED DISPOSAL OF MAYFIELD LODGE

DECISION MADE: (Ref: CAB 4800)

On consideration of the report of the Cabinet Member for Resources and Workforce Planning and having received representations from a Member of the Council, Cabinet agreed the following:

- (i) To authorise the Solicitor to the Council to advertise the proposed disposal of Mayfield Lodge for two consecutive weeks in a local newspaper.
- (ii) Should any objections be received, to bring a subsequent report and refer these objections to Cabinet for determination.

# Agenda Item 8

<b>DECISION-MAKER:</b>	CABINET
<b>SUBJECT:</b>	FINANCIAL CLOSE ON THE LORD'S HILL ACADEMY
<b>DATE OF DECISION:</b>	17 JANUARY 2011
<b>REPORT OF:</b>	CABINET MEMBER FOR CHILDREN'S SERVICES
<b>STATEMENT OF CONFIDENTIALITY</b>	
Not Applicable	

## **BRIEF SUMMARY**

Following the appointment of Carillion as the preferred bidder for both of the authority's academies projects in March 2010, a significant amount of design work has been undertaken on the Lord's Hill Scheme, in order to develop it to a stage upon which financial close can be reached. With the design now complete, and with a view to achieving financial close on this project in January 2011, the project team now seeks a Cabinet Decision to secure the necessary consents and delegations of authority required in order to take this forward.

## **RECOMMENDATIONS:**

- (i) To delegate authority to the Executive Director of Resources, following consultation with the Cabinet Member for Resources, to agree the final affordability position and to take any action necessary to complete financial close of the Lord's Hill Academy project, or as otherwise required by Partnerships for Schools in this regard.
- (ii) To delegate authority to the Executive Director of Children's Services & Learning, following consultation with the Executive Director of Resources, Solicitor to the Council and Cabinet Member for Children's Services & Learning, to submit a Final Business Case (FBC) for the Lord's Hill Academy Project.
- (iii) To delegate authority to the Solicitor to the Council, following consultation with the Executive Director of Resources and the Executive Director of Children's Services, to complete commercial and contractual close and to enter into all necessary contracts/agreements and other legal documentation, including (but not limited to) the Development Agreement and Design and Build Contract, to construct the Lord's Hill Academy.
- (iv) To delegate authority to the Solicitor to the Council, following consultation with the Executive Director of Children's Services and Learning and the Head of Property Services to grant and execute a 125 year lease to the Academy provider of the Lord's Hill Academy site at 5 Acres, Southampton.
- (v) To add, in accordance with Financial Procedure Rules, a sum of £15,856,400 to the Children's Services & Learning Capital Programme, to carry out works at the Lord's Hill Academy.

- (vi) To approve, in accordance with Financial Procedure Rules, capital expenditure in the sum of £15,856,400 (including fees) from the Children's Services & Learning Capital Programme, to carry out works at the Lord's Hill Academy.

## **REASONS FOR REPORT RECOMMENDATIONS**

1. The matter requires a decision because planning permission has now been granted (21 December) and the design completed, meaning that the project is, to all intents and purposes, ready to be closed financially and contractually. Any delay in securing the delegated authorities required in order to execute the contract would have a consequent impact on the project programme and could potentially delay delivery of new buildings. The recommendations are necessary in order to implement previous Cabinet and council decisions to support and enable the construction of the City's new academies, using the National Framework for Academies Procurement.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

2. The option of not reaching financial and contractual close with the preferred bidder on this scheme would result in a substantial delay to the project and would expose the Council to the risk of losing the £16 million worth of funding allocated to it by Government. As such, this option has been rejected.

## **DETAIL (Including consultation carried out)**

3. Following the appointment of Carillion as the preferred bidder for Southampton's Batched Academies Scheme in March 2010, the design process for the Lord's Hill Academy was commenced. This process was completed in December 2010, with the handover of the Contractor's Proposals for the scheme. Planning permission was granted on 21 December, meaning that all key pre-contract deliverables are now in place.
4. Appointment of Carillion as our delivery partner for this project will be under the standard form of PfS Design & Build Contract for National Framework projects, with minimal derogations. As such (and as with the Mayfield Academy project), design and delivery risk are fully transferred from the authority to Carillion.
5. The Local Authority, via the Executive Director of Resources, needs to reconfirm its commitment to the affordability position at FBC stage, to enable the continuation of the programme.
6. The Lord's Hill Academy is monitored on a monthly basis at the CS&L Capital Board. A Design User Group has also been established and currently meets on a biweekly basis, with the purpose of overseeing the development of the project in terms of design, specification, cost and programme. Membership of this group comprises representatives of the Council; Oasis Community Learning; Carillion; Partnerships for Schools; and the DfE. Interim meetings are also convened between these key parties, in order to ensure progress on exceptional issues, as and when they arise.
7. The Council and, in particular, the project team, have engaged in extensive engagement and consultation with the local community in relation to the proposed development of an area of the Five Acre Field site for the new

Lord's Hill Academy. Key events/activities include:

- Consultation on the proposed relocation of the Academy (comprising a leaflet, two open evenings and a site walkabout) was conducted in October and November 2008, which also provided stakeholders with the opportunity to select one of two potential site layouts for the Academy. In line with the consensus of stakeholders' views, the authority decided to choose the site layout that minimised the impact on existing sports users of the site;
- A consultation event, held on 20 July at the Lord's Hill Academy, which invited local residents and other interested parties to view and comment on the designs for the new academy; and
- Formal consultation of local residents and other statutory consultees regarding the proposal, via the planning application and determination process.

## RESOURCE IMPLICATIONS

### Capital

8. In March 2010, Partnership for Schools approved the Outline Business Case for the Lord's Hill Academy and granted capital funding of £16.056 million to the project (excluding VAT). An amount of £200,000 has already been added to the Capital Programme, and has been used to part fund the procurement process.
9. An additional £1,025,000 was added to the Children's Services and Learning Capital Programme in March 2009 to fund offsite works not covered by Partnership for Schools funding.
10. The estimated costs of the project are shown in the table below:

<b>Category</b>	<b>Estimated costs</b>
Construction Works	£10,156,093
External Works	£1,008,368
Abnormals	£894,263
Fees	£1,423,654
FFE	£996,711
ICT Infrastructure	£202,500
<b>Design &amp; Build Contract Sub-Total</b>	<b>£14,681,589</b>
ICT Hardware (excluding VAT)	£1,174,500
<b>Total</b>	<b>£15,856,089</b>
Offsite works	£1,025,000
<b>Grand Total</b>	<b>£16,881,089</b>

### Revenue

11. The ongoing management of the projects will come from the Infrastructure Team and will be funded from within existing budgets.

### Property/Other

12. Upon completion of the new build project (scheduled for September 2012), the Academy will occupy the new site under an occupational licence. The granting of such effectively serves to terminate the short-term lease (under which the Academy currently occupies the Oaklands and Millbrook sites). One year after this point (and upon expiration of the defects liability period), the Academy will be granted a long-term (125-year) lease for the new site, which will effectively supersede the previously existent licence. A plan of the proposed red line for the occupational licence and long-term lease is attached as Appendix 1.

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

13. The Council has the power to assist the development of the Academies on land provided by the Council, including acting as contracting Authority by virtue of s.2 Local Government Act 2000 as ,having had regard to the provisions of the Community Strategy, the provision of facilities for the Academy will improve the social, economic and environmental well being of the schools and local communities by providing improved school and community facilities for the inhabitants of Southampton. Assisting the development of the Academies is also permitted by virtue of primary functions contained within the Educations Acts 1996 – 2005 and the School Standard & Framework Act 1998.

### **Other Legal Implications:**

14. The procurement is being conducted in accordance with national and EU compliant national frameworks.
15. A disposal of land for use as an Academy does not require the consent of the Secretary of State under either s.77 Schools Standards & Frameworks Act 1998 (disposal of playing fields) or Schedule 45A of the Education Act 1996 (protection of land for Academies).
16. Disposal procedure under the Local Government Act 1972 (disposal of open space) have been previously advertised and approved by Cabinet for the purposes of the Academy relocating to 5 Acres.

## **POLICY FRAMEWORK IMPLICATIONS**

17. The creation of two new academies and the associated building works are at the forefront of a major transformation of education in the City, which is intended to raise standards of achievement and other outcomes for children and young people, and to contribute towards economic development and regeneration. It is fully consistent with the objectives of the Community Strategy; 14-19 Strategy; and the Children and Young People’s Plan. Work in advance of and during the planning application stage has aligned the proposal with the aims of the Local Transport Plan.

<b>AUTHOR:</b>	Name:	Karl Limbert	Tel:	023 8091 7596
----------------	-------	--------------	------	---------------

	E-mail:	karl.limbert@southampton.gov.uk
--	---------	---------------------------------

**KEY DECISION?** Yes/No    Yes

<b>WARDS/COMMUNITIES AFFECTED:</b>	Coxford; Millbrook; and Redbridge
------------------------------------	-----------------------------------

**SUPPORTING DOCUMENTATION**

**Non-confidential appendices are in the Members' Rooms and can be accessed on-line**

**Appendices**

1.	Red line plan of proposed Academy site.
----	---

**Documents In Members' Rooms**

1.	None
----	------

**Integrated Impact Assessment**

Do the implications/subject of the report require an Integrated Impact Assessment (IIA) to be carried out?	No
--	----

**Other Background Documents**

**Integrated Impact Assessment and Other Background documents available for inspection at:** N/A

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	
----	------	--

This page is intentionally left blank



<b>DECISION-MAKER:</b>	CABINET
<b>SUBJECT:</b>	PROPOSED SHARED PROVISION OF LEGAL SERVICES WITH FAREHAM BOROUGH COUNCIL
<b>DATE OF DECISION:</b>	17 JANUARY 2011
<b>REPORT OF:</b>	SOLICITOR TO THE COUNCIL
<b>STATEMENT OF CONFIDENTIALITY</b>	
Appendices 1, 2 and 3 contain information deemed to be exempt from general publication based on Categories 1, 3 and 7A of paragraph 10.4 of the Council's Access to Information Procedure Rules. Publication of such information is either personal or relates to the business affairs and contemplated contractual arrangements between the two Authorities and accordingly is exempt from publication.	

## **BRIEF SUMMARY**

To recommend entering into an initial five year service level agreement with Fareham Borough Council in relation to the full provision of their legal services function, excluding the Monitoring Officer role but including the TUPE transfer of existing affected Fareham Borough Council staff onto the Council's payroll.

## **RECOMMENDATIONS:**

- (i) That the Solicitor to the Council be delegated authority to:
  - (a) enter into a Service Level Agreement (SLA) with Fareham Borough Council for the provision of a joint legal services function with effect from 1<sup>st</sup> April 2011 at the latest upon such terms and conditions as the Solicitor to the Council considers appropriate and reasonable;
  - (b) employ such staff as are reasonably required to undertake the services under the SLA.
- (ii) That following the signing of the Service Level Agreement and on commencement of the arrangements that the staff detailed in exempt Appendix 1 be transferred under TUPE Regulations to the City Council.

## **REASONS FOR REPORT RECOMMENDATIONS**

1. In the summer of 2010, Fareham Borough Council approached the City Council to enquire whether it would be feasible for it to provide either or both the strategic and "day to day" legal services function in order for Fareham to have greater resilience in providing a comprehensive legal function and to achieve budget savings.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

2. The alternative to the proposal is not to enter into a service level agreement with Fareham Borough Council but this has been rejected on the basis that the arrangement offers good value for money, economies of scale, resilience and potential savings for both authorities.

## **DETAIL (Including consultation carried out)**

3. Consultation has taken place with the Leader of the Council and Fareham has

undertaken its own statutory consultation process. The Solicitor to the Council and Assistant Solicitor to the Council have met with the Fareham staff affected.

4. In light of the well publicised public sector budget cuts, in the summer of 2010 the Chief Executive of Fareham Borough Council informally approached the Solicitor to the Council to enquire whether there was any feasibility in exploring the option of a shared legal services function for both authorities. This was primarily driven by Fareham's desire to restructure their senior management team and to reach their revenue savings target. During the last few months detailed negotiations were undertaken by the authorities to ensure that any future arrangement was to the benefit of both authorities and primarily that any change to service provision would be cost effective for both authorities, provide resilience for Fareham in as much as the larger legal team of a unitary authority has greater ability to react to matters by virtue of its size, greater flexibility and experience of its staff across the whole variety of legal services that are required of any Council.
5. Additionally, by way of a separate but tangential matter, enquiries were made of Southampton to see whether it could assist in supporting the Monitoring Officer role at Fareham, as this was to be transferred to a non-legally qualified senior officer and due to the nature of the legally related matters that Monitoring Officers deal with, assistance was required to ensure that the role could be carried out professionally and robustly.
6. During the period of negotiations, meetings with the Legal Services team at Fareham, who will be directly effected by the proposals, were undertaken and after further discussions with the Chief Executive at Fareham, it was agreed that the best way forward to ensure certainty and cost-savings at the earliest date, would be for a TUPE transfer of the staff to Southampton under an initial five year service level agreement for the provision of the full legal services function.
7. The detailed provisions of the service level agreement have been negotiated by the Assistant Solicitor to the Council and a summary of the key points and budget implications is attached in exempt Appendix 2.
8. It is intended that the service be provided from Southampton's existing accommodation but a physical presence be retained within Fareham on a regular basis in order that client meetings can take place on matters that simply cannot be dealt with by way of email or telephone and to have a "surgery" meetings with client departments, chief officers and elected members. It must be recognised that if this proposal is to be a true shared service that will have some impact on the prioritisation of instructions and availability of senior staff. The primary example of this is that both the Solicitor to the Council and Assistant Solicitor to the Council will be heading up and providing the strategic advice element and management of two authorities legal functions and therefore the City Council will not automatically be given priority nor will all officers physically be in the office every day as a presence will be retained at Fareham's offices each day.

## RESOURCE IMPLICATIONS

### Capital/Revenue

9. There will be an increase in the annual revenue budget for Legal and Democratic Services from 2011/12 as identified in exempt Appendices 2 and 3, but this will be off-set in full by the income received from the SLA with Fareham Borough Council. Any potential additional savings to Southampton City Council will be considered as part of the budget process in future years.

### Property/Other

10. There will not be any property or accommodation implications as the staff transferring from Fareham Borough Council will be accommodated within the areas already occupied, and intended to be occupied under the Accommodation Strategy by Legal Services in the Civic Centre in 2012, coupled with flexible working arrangements.
11. There will be additional IT and other related costs but these will be covered under the SLA with Fareham. In relation to staff, a maximum of 6 (4.75 FTEs) as identified in Appendix 3 will transfer from Fareham to the City Council under TUPE on existing terms and conditions. For management purposes they will fit into existing teams under existing structures. There will not be any need for any immediate restructure as a consequence of the proposals.

## LEGAL IMPLICATIONS

### Statutory power to undertake proposals in the report:

12. The councils are entitled to enter into these arrangements by virtue of Section 113 Local Government Act 1972, Section 20 Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) Regulations 2000.

### Other Legal Implications:

13. There are no other legal implications arising from this proposal.

## POLICY FRAMEWORK IMPLICATIONS

14. None.

<b>AUTHOR:</b>	Name:	Richard Ivory	Tel:	023 8083 2794
	E-mail:	richard.ivory@southampton.gov.uk		

**KEY DECISION?** Yes

<b>WARDS/COMMUNITIES AFFECTED:</b>	None
------------------------------------	------

**SUPPORTING DOCUMENTATION**

**Non-confidential appendices are in the Members' Rooms and can be accessed on-line**

**Appendices**

1.	Confidential – Fareham Borough Council staff to be transferred to Southampton City Council's payroll under TUPE
2.	Confidential – Summary of draft service level agreement terms and conditions
3.	Confidential – Chargeable hourly rates
4.	Summary of the services to be provided under the SLA

**Documents In Members' Rooms**

1.	None
----	------

**Integrated Impact Assessment**

Do the implications/subject of the report require an Integrated Impact Assessment (IIA) to be carried out.	No
--	----

**Other Background Documents**

**Integrated Impact Assessment and Other Background documents available for inspection at:**

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
----	------

Document is Confidential

This page is intentionally left blank

Document is Confidential

This page is intentionally left blank



Document is Confidential

This page is intentionally left blank