

**EXECUTIVE DECISION MAKING**  
**RECORD OF THE DECISION MAKING HELD ON 14 MARCH 2011**

**Present:**

Councillor Smith	-	Leader of the Council (except item 80)
Councillor Moulton	-	Cabinet Member for Children's Services and learning
Councillor Baillie	-	Cabinet Member for Housing
Councillor Dean	-	Cabinet Member for Environment and Transport
Councillor White	-	Cabinet Member for Adult Social Care and Health (except item 80)
Councillor P Williams	-	Cabinet Member for Local Services and Community Safety (except item 80)
Councillor Hannides	-	Cabinet Member for Resources, Leisure and Culture (except item 80)

**COUNCILLOR DEAN - CHAIRMAN**

80. **PROPOSALS FOR WAITING RESTRICTIONS IN BASSETT HEATH AVENUE, SAXHOLM WAY AND WYNTER ROAD (TRO)**

DECISION MADE: (Ref: CAB 10/11 5451)

On consideration of the report of the Head of Highways and Parking Services and having received representations from local residents Cabinet agreed the following:

- (i) To approve the proposed amended No Waiting, 10.00am to 4.00pm, Saturday to Sunday restriction in Wynter Road.
- (ii) To delegated authority to the Head of Highways and Parking Services to review the scheme set out in recommendation (i) above in 12 months time.
- (iii) Not to adopt the proposed No Waiting at Any Time restrictions in Bassett Heath Avenue and Saxholm Way.

**COUNCILLOR SMITH – CHAIRMAN**

81. **RECORD OF THE PREVIOUS DECISION MAKING**

The record of the Executive decision making held on 17 January 2011 were received and noted as a correct record.

82. **REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES (IF ANY)**

On consideration of the report of the Chair of Scrutiny Panel C detailing the Knowledge Economy Scrutiny Inquiry, Cabinet agreed:

- (i) To develop a formal response to recommendations contained within it, including an action plan detailing how the Executive proposes to take forward any of the recommendations contained in the report.

83. EXECUTIVE APPOINTMENTS

Cabinet approved the following appointments for Councillor Moulton to replace Councillor Holmes:

Learning Disabilities Partnership Board  
Southampton Children and Young People's Trust Partnership Board

84. ADMISSION ARRANGEMENTS 2012-13

DECISION MADE: (Ref: CAB 10/11 5812)

On consideration of the report of the Cabinet Member for Children's Services and Learning Cabinet approved the following:

- (i) the responses from the consultation with Southampton Admissions Forum, schools, other relevant admission authorities, and the Church of England and Roman Catholic dioceses be noted;
- (ii) the admissions policies and the published admission numbers (PANs) for community and voluntary controlled schools, including Bitterne Park selection by aptitude and 6<sup>th</sup> form arrangements; the schemes for co-ordinating primary and secondary admissions for the academic year 2021-13; and the scheme for co-ordinating in year admissions from September 2011 as set out in Appendices 1- 7 be approved;
- (iii) the published admission numbers (PAN)s for the following seven schools, which the local authority is the admission authority, to Year R in September 2012 be increased:

Banister Infant School	from 45 to 60.
Fairisle Infant and Nursery School	from 90 to 120
Harefield Primary School	from 45 to 60
Tanners Brook Infant School	from 90 to 120
Valentine Infant School	from 90 to 120
Sholing Infant School	from 60 to 90
St Mark's C of E VC Primary School	from 60 to 90

These increases in Year R, 180, admission numbers will provide for the extra places needed to accommodate the increase in the number of children in the city needed school places.

No changes to the PANs of other community and voluntary controlled schools are recommended at this point.

- (iv) the published admission numbers (PAN)s for the following school – Mount Pleasant Junior School, which the local authority is the admission authority, to Year 3 in September 2012 be increased from 60 to 90. This will enable the school to accommodate the increase in PAN numbers at Maytree Infant School approved two years ago; and

- (v) the Executive Director for Children's Services and Learning be authorised to take any action necessary to give effect to the above proposals.

85. CHANGES TO THE SCHOOLS FAIR FUNDING FORMULA 2011/12

DECISION MADE: (Ref: CAB 10/11 5613)

On consideration of the report of the Assistant Director of Children's Services and Learning Cabinet agreed the following:

- (i) To approve an amendment to the Fair Funding Formula for 2011/12, as detailed in Appendix 1 to the report, which will allow Standards Fund Grants to be allocated to schools on the same basis as in 2010/11.

86. PROPOSALS TO INCREASE THE NUMBER OF PRIMARY SCHOOL PLACES IN THE CITY

DECISION MADE: (Ref: CAB 10/11 5736)

On consideration of the report of the Cabinet Member for Children's Services and Learning, Cabinet agreed the following:

1. To consider and take into account the outcome of statutory consultation as set out in Appendix 1 of the report.
2. To approve the implementation of the enlargement of the following 6 schools from 1 September 2011, creating 130 new places:
  - (i) The enlargement by 15 places (0.5FE – forms of entry) per year group of Bassett Green Primary School, with implementation from 1 September 2011, beginning with Year R and continuing incrementally until all 7 years have been expanded. This would have the effect of enlarging the school from 1.5FE (45 places) to 2FE (60 places) per year group, and increasing the net capacity from 315 to 420 by September 1 2017.
  - (ii) The enlargement by 30 places (1FE – form of entry) per year group of Glenfield Infant School, with implementation from 1 September 2011, beginning with Year R and continuing incrementally until all 3 years have been expanded. This would have the effect of enlarging the school from 2FE (60 places) to 3FE (90 places) per year group, and increasing the net capacity from 179 to 270 by 1 September 2013.
  - (iii) The enlargement by 10 places (0.33FE – forms of entry) per year group of Highfield CE Primary School, with implementation from 1 September 2011, beginning with Year R and continuing incrementally until all 7 years have been expanded. This would have the effect of enlarging the school from 1.16FE (35 places) to 1.5FE (45 places) per year group, and increasing the net capacity from 233 to 315 by 1 September 2017. This enlargement would be carried out in conjunction with the CE diocese of Winchester.

- (iv) The enlargement by 15 places (0.5FE – forms of entry) per year group of Kaneshill Primary School, with implementation from 1 September 2011, beginning with Year R and continuing incrementally until all 7 years have been expanded. This would have the effect of enlarging the school from 1.5FE (45 places) to 2FE (60 places) per year group, and increasing the net capacity from 315 to 420 by 1 September 2017.
  - (v) The enlargement by 30 places (1FE – forms of entry) per year group of Moorlands Primary School, with implementation from 1 September 2011, beginning with Year R and continuing incrementally until all 7 years have been expanded. This would have the effect of enlarging the school from 1FE (30 places) to 2FE (60 places) per year group, and increasing the net capacity from 210 to 420 by 1 September 2017.
  - (vi) The enlargement by 30 places (1FE – forms of entry) per year group of Shirley Warren Primary School, with implementation from 1 September 2011, beginning with Year R and continuing incrementally until all 7 years have been expanded. This would have the effect of enlarging the school from 1FE (30 places) to 2FE (60 places) per year group, and increasing the net capacity from 210 to 420 by 1 September 2017.
3. Subject to the condition that changes to the admission arrangements, including the PAN, for each school is approved by the relevant Admission Authority by the implementation date, to approve the implementation of the enlargement of the following 12 schools from 1 September 2012, creating 315 new places:
- (i) To revoke the proposals approved by Southampton City Council on 9th July 2009 to change Banister Infant School (Community School) Banister Gardens, Westrow Road, Southampton, SO15 2LX from an infant and nursery school to become an all through primary school by changing the age range of pupils to be admitted from 3-7 year olds to 3-11 year olds from September 2013 increasing the size of the school from 135 pupils to 315 pupils by September 2016. Instead, the following alterations will be made to Banister Infant School (Community School) Banister Gardens, Westrow Road, Southampton, SO15 2LX from 1st September 2012. To increase admissions to Banister Infant School by admitting a further 15 pupils to Year R (age 4) from September 2012 and continuing each school year until all years have been expanded and from 1st September 2013 to change Banister Infant School from an infant and nursery school to become an all through primary school by changing the age range of pupils to be admitted from 3-7 year olds to 3-11 year olds. In order to achieve the change of age range up to 60 pupils will be permitted to transfer from Year 2 (age 6) to Year 3 (age 7) or be admitted as casual vacancies to Year 3 (age 7) from September 2013 and in subsequent school years. This will have the effect of enlarging the school from 162 places to 420 places by 1 September 2018. The current net capacity of the school is 162 (excluding the nursery) and the proposed net capacity will be 420 statutory school age places. The current number of pupils registered at the school is 130 (excluding the nursery). The current admissions number is 45 and the proposed admission number will be 60.

- (ii) The enlargement by 30 places (1FE – form of entry) per year group of Fairisle Infant & Nursery School, with implementation from 1 September 2012, beginning with Year R and continuing incrementally until all 3 years have been expanded. This would have the effect of enlarging the school from 3FE (90 places) to 4FE (120 places) per year group, and increasing the net capacity from 270 to 360 by 1 September 2014.
- (iii) The enlargement by 30 places (1FE – form of entry) per year group of Fairisle Junior School, with implementation from 1 September 2015, beginning with Year 3 and continuing incrementally until all 4 years have been expanded. This would have the effect of enlarging the school from 3FE (90 places) to 4FE (120 places) per year group, and increasing the net capacity from 360 to 480 by 1 September 2018.  
Proposal 3(ii) and 3(iii) are linked.
- (iv) The enlargement by 15 places (0.5FE – forms of entry) per year group of Harefield Primary School, with implementation from 1 September 2012, beginning with Year R and continuing incrementally until all 7 years have been expanded. This would have the effect of enlarging the school from 1.5FE (45 places) to 2FE (60 places) per year group, and increasing the net capacity from 315 to 420 by September 1 2017.
- (v) The enlargement by 30 places (1FE – form of entry) per year group of Tanners Brook Infant School, with implementation from 1 September 2012, beginning with Year R and continuing incrementally until all 3 years have been expanded. This would have the effect of enlarging the school from 3FE (90 places) to 4FE (120 places) per year group, and increasing the net capacity from 270 to 360 by 1 September 2014.
- (vi) The enlargement by 30 places (1FE – form of entry) per year group of Tanners Brook Junior School, with implementation from 1 September 2015, beginning with Year 3 and continuing incrementally until all 4 years have been expanded. This would have the effect of enlarging the school from 3FE (90 places) to 4FE (120 places) per year group, and increasing the net capacity from 360 to 480 by 1 September 2018.  
Proposals 3(v) and 3(vi) are linked.
- (vii) The enlargement by 30 places (1FE – form of entry) per year group of Valentine Infant School, with implementation from 1 September 2012, beginning with Year R and continuing incrementally until all 3 years have been expanded. This would have the effect of enlarging the school from 3FE (90 places) to 4FE (120 places) per year group, and increasing the net capacity from 270 to 360 by 1 September 2014.
- (viii) The enlargement by 30 places (1FE – form of entry) per year group of Heathfield Junior School, with implementation from 1 September 2015, beginning with Year 3 and continuing incrementally until all 4 years have been expanded. This would have the effect of enlarging the school from 3FE (90 places) to 4FE (120 places) per year group,

and increasing the net capacity from 359 to 480 by 1 September 2018.

Proposal 3(vii) and 3(viii) are linked.

- (ix) The enlargement by 30 places (1FE – form of entry) per year group of Sholing Infant School, with implementation from 1 September 2012, beginning with Year R and continuing incrementally until all 3 years have been expanded. This would have the effect of enlarging the school from 2FE (60 places) to 3FE (90 places) per year group, and increasing the net capacity from 174 to 270 by 1 September 2014.
- (x) Linked to this is the enlargement by 30 places (1FE – form of entry) per year group of Sholing Junior School, with implementation from 1 September 2015, beginning with Year 3 and continuing incrementally until all 4 years have been expanded. This would have the effect of enlarging the school from 2FE (60 places) to 3FE (90 places) per year group, and increasing the net capacity from 239 to 360 by 1 September 2018.

Proposals 3(ix) and 3(x) are linked.

- (xi) The enlargement by 15 places (0.5FE – forms of entry) per year group of St Patrick's Catholic Primary School, with implementation from 1 September 2012, beginning with Year R and continuing incrementally until all 7 years have been expanded. This would have the effect of enlarging the school from 1.5FE (45 places) to 2FE (60 places) per year group, and increasing the net capacity from 315 to 420 by 1 September 2018. This enlargement would be carried out in conjunction with the RC diocese of Portsmouth.
- (xii) The enlargement by 30 places (1FE – forms of entry) per year group of St Mark's CE Primary School, with implementation from 1 September 2012, beginning with Year R and continuing incrementally until all 7 years have been expanded. This would have the effect of enlarging the school from 2FE (60 places) to 3FE (90 places) per year group, and increasing the net capacity from 459 to 630 by 1 September 2018. This enlargement would be carried out in conjunction with the CE diocese of Winchester.

**NOTE:**

All the proposals in section 3 are conditional upon the Admissions Authority for each school, the Local Authority for community and Voluntary Community Schools, altering their admissions arrangements and increasing the relevant PAN's (published admission numbers) either through the relevant annual admissions process or by individual in-year application to the Schools Adjudicator. This includes proposals for St Patrick's which, as a Voluntary Aided School are their own admission authority, and would need to apply to the schools adjudicator to increase their PAN from 45 to 60, if/when they are happy with the expansion scheme that the Local Authority are formulating. If the relevant PANs are not increased, the condition required to expand will not be met and the proposals cannot be implemented. In such circumstances the LA will seek to revoke any proposal that cannot be implemented by the relevant implementation date.

4. To note enlargements to the following two schools, creating 60 places, which do not need statutory proposals, but will be implemented through the annual admissions process.
  - (i) The enlargement by 30 places (1FE – form of entry) per year group of Beechwood Junior School, with implementation from 1 September 2014, beginning with Year 3 and continuing incrementally until all 4 years have been expanded. This would have the effect of enlarging the school from 2FE (60 places) to 3FE (90 places) per year group, and increasing the net capacity from 311 to 360 by 1 September 2017.
  - (ii) The enlargement by 30 places (1FE – forms of entry) per year group of Mansel Park Primary School, with implementation from 1 September 2011, beginning with Year R and continuing incrementally until all 7 years have been expanded. This would have the effect of enlarging the school from 1FE (30 places) to 2FE (60 places) per year group, and increasing the net capacity from 358 to 420 by 1 September 2017.
5. Subject to complying with Financial and Contract Procedure Rules, to delegate authority to the Executive Director of Children’s Services & Learning, following consultation with the Cabinet Member for Children’s Services & Learning to do anything necessary to give effect to the recommendations in this report.
6. To delegate authority to the Executive Director for Children’s Services & Learning in consultation with the Solicitor to the Council to take any action necessary to comply with the requirements of the Schools Standards & Frameworks Act 1998 and associated legislation, including but not limited to alterations to catchment areas, transport provision and other ancillary matters.
7. To add in accordance with Financial Procedure Rules a sum of £4,735,000 to the Children’s Services & Learning Capital Programme, for Primary Review Phase 2, funded from Basic Need grant.
8. To approve, in accordance with Financial Procedure Rules, capital expenditure of £4,735,000 in 2012/13 from the Children’s Services & Learning Capital Programme for Primary Review Phase 2.
9. To vire, in accordance with Financial Procedure Rules a sum of £574,000 from the Banister Infant Primary Review Phase 1 budget to the Primary Review Phase 2 scheme.

87. BITTERNE PARK 6TH FORM - MODIFICATION OF IMPLEMENTATION DATE  
 DECISION MADE: (Ref: CAB 10/11 5871)

On consideration of the report of the Cabinet Member for Children’s Services and Learning, Cabinet agreed the following:

- (i) To approve a modification to the Cabinet decision of 21<sup>st</sup> September 2009 by way of alteration to the implementation date for the opening of Bitterne Park 6<sup>th</sup> Form from September 2012 to September 2011.

- (ii) Subject to the approval of recommendation (i) above, to approve a modification to the Cabinet decision of 21<sup>st</sup> September 2009 by way of approving the Admissions Policy for the early opening of Bitterne Park 6<sup>th</sup> Form in September 2011 as set out in Appendix 1 of the report.

88. LOCAL TRANSPORT PLAN 3

DECISION MADE: (Ref: CAB 10/11 5466)

On consideration of the report of the Cabinet Member for Children's Services and Learning, Cabinet approved the following:

- (i) That the Local Transport Plan (LTP) twenty year Joint Strategy for South Hampshire developed in partnership with Portsmouth City Council and Hampshire County Council be agreed;
- (ii) That the Local Transport Plan Implementation Plan 2011-2015 for Southampton be agreed;
- (iii) That the Implementation Plan be revised each year and be developed alongside the overall Capital Programme.
- (iv) To delegate authority to the Executive Member for Transport and Environment to make minor amendments to the Implementation Plan annually so as to reflect minor changes.

89. PLANNING PERMISSION REQUIRED FOR HOUSES IN MULTIPLE OCCUPATION

DECISION MADE: (Ref: CAB 10/11 5858)

On consideration of the report of the Cabinet Member for Environment and Transport, Cabinet agreed the following:

- (i) To resolve that the making of a direction pursuant to Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 on a City wide basis to withdraw the permitted development rights to convert a dwellinghouse (C3) to a House in Multiple Occupation (C4) is appropriate, and justified, in order to prevent harm to the local amenity and for the proper planning of the Southampton area.
- (ii) To approve the making of the Article 4(1) Direction for the City Boundary attached at Appendix 1.
- (iii) To delegate authority to the Solicitor to the Council, following consultation with the Head of Planning and Sustainability and the Cabinet Member for Environment and Transport to make the article 4 ( 1) direction for the city boundary and to carry out all necessary consultation following the making of the Direction, to notify the Secretary of State in accordance with statutory requirements and to take all other action considered necessary or expedient to give effect to the matters set out in this report.
- (iv) To confirm that, in accordance with the Town and Country Planning (Compensation) (No.3) (England) Regulations 2010, the city-wide Article 4(1) Direction will be effective no earlier than 15<sup>th</sup> March 2012.
- (v) To note that, following public consultation, a further report will be presented to Cabinet reporting on the outcome of the consultation and recommending whether or not to confirm the Direction.



90. PROCUREMENT OF A PARTNER TO DELIVER SPORTS DEVELOPMENT FUNCTIONS ON BEHALF OF THE CITY COUNCIL

DECISION MADE: (Ref: CAB 10/11 5467)

On consideration of the report of the Cabinet Member for Resources, Leisure and Culture, Cabinet agreed the following:

- (i) To approve the procurement exercise to secure a partner to deliver the sports development functions on the Council's behalf.
- (ii) To delegate authority to the Executive Director of Neighbourhoods, in consultation with the Executive Director of Resources and the Solicitor to the Council following consultation with the relevant Cabinet Member, to appoint a partner to manage the sports development function on behalf of the Council, in accordance with the framework as set out in confidential appendix 1 attached to this report.
- (iii) To authorise the Executive Directors of Resources and Neighbourhoods and the Solicitor to the Council to take any further action necessary to give effect to the decisions of the Executive in relation to this matter.

91. APPROVAL TO SPEND CAPITAL FUNDING ON ENVIRONMENT AND TRANSPORT PORTFOLIO SCHEMES IN 2011/12

DECISION MADE: (Ref: CAB 10/11 5408)

On consideration of the report of the Cabinet Member for Environment and Transport, Cabinet agreed the following:

- (i) To approve variations, totalling £200,000 in 2011/12, to the Environment and Transport Capital Programme agreed at Council on 16<sup>th</sup> February 2011, as detailed in Appendix 4.
- (ii) To approve, in accordance with Financial Procedure Rules, capital expenditure of £11,206,000 in 2011/12, as detailed in Appendix 2, from the total Environment and Transport Capital Programme of £19,612,000.
- (iii) To note the detail of the projects within the Capital Programme for 2011/12 as set out in Appendix 3.

92. ADOPTION OF THE SAFE CITY PARTNERSHIP PLAN 2011/12

DECISION MADE: (Ref: CAB 10/11 5477)

On consideration of the report of the Cabinet Member for Local Services and Community Safety, Cabinet agreed the following:

- (i) To approve the Safe City Partnership Annual Plan 2011/12 and to recommend the Plan to Council for approval.

93. DISPOSAL OF LAND AT STUDLAND ROAD REDBRIDGE, SOUTHAMPTON

DECISION MADE: (Ref: CAB 10/11 5476)

On consideration of the report of the Cabinet Member for Resources, Leisure and Culture, Cabinet agreed the following:

- (i) To approve in principle the sale terms of the Studland Road to Raglan Housing Group Limited (Raglan) as detailed in appendix 2.
- (ii) To delegate authority to Head of Property and Procurement in consultation with the Cabinet member for Resources and Workforce Planning to agree detailed terms.

94. WESTRIDGE ROAD CAR PARK

DECISION MADE: (Ref: CAB 10/11 5542)

On consideration of the report of the Cabinet Member for Resources, Leisure and Culture and having received representations from a local resident and Members of the Council, Cabinet agreed the following modified recommendations:

- (i) To delegate authority to the Head of Property & Procurement to accept the offer set out in the confidential appendix 1 and negotiate final terms for the long leasehold disposal of the property, provided the new owner accepts a legal obligation to continue use the area of land identified on the attached plan (or a similar area) for free short stay parking regardless of whether motorists shop at the proposed new supermarket and to undertake such ancillary action as necessary in order to exchange contracts on a conditional basis (subject to planning consent and other conditions).

Additional Recommendations:

- (ii) To note that the Council would only agree to the leasehold sale if the supermarket operator is able to obtain satisfactory planning permission.
- (iii) To note the local concern regarding possible access for shopper' vehicles from St. Denys Road and make this point known to the Council's Planners.
- (iv) To resolve to look at whether some of the capital receipt could be used to reinvest into Portswood District Centre and the neighbouring area to support local traders and shoppers and mitigate any traffic impact on local people, having regard to the planned Sainsbury's development.
- (v) To review the traffic arrangements for the Portswood Residents Garden area, with regard to the impact of traffic using these roads as a rat run. A consultation of local residents to take place in the first instance.

95. 2011/12 GRANTS TO VOLUNTARY ORGANISATIONS

DECISION MADE: (Ref: CAB 10/11 4884)

On consideration of the report of the Cabinet Member for Local Services and Community Safety, having considered the City of Southampton Strategy, particularly where grants are authorised under S.2 of the Local Government Act 2000 and having received representations from those affected by the allocation of Grant, Cabinet agreed the following amended decision:

- (i) To approve, subject to impact assessments, the grant recommendations set out in the amended Appendices 1a and 1b.
- (ii) To approve the use of general fund contingencies of £170,577 excluding any notice periods that need to be paid in 2011/12 to fund the recommendations in this report.
- (iii) To approve that the second instalment of £18,750 of the 2010/11 grant to Solent Sky is carried forward and paid to the organisation in 2011/12.
- (iv) To approve an allocation of £50,000 of the budget to fund the Community Chest small grants scheme.
- (v) To delegate authority to the Manager of the Communities Team following consultation with the Cabinet Member for Local Services and Community Safety to allocate Community Chest grants during the year.
- (vi) To approve the following additions to the standard grants criteria  
Applications will not normally be considered
  - from recently formed organisations for large grants
  - to fund projects that have unsuccessfully tendered for a contracted service (SCC or other)
  - to subsidise contracts (SCC or other)
  - towards political activities
  - for large capital projects
- (vii) To delegate authority to the Executive Director of Neighbourhoods following consultation with the Cabinet Member for Local Services and Community Safety to:
  - determine any outstanding applications for grants for 2011/12 and to authorise grants to applicants subject to remaining within approved budgets
  - to determine notice periods, where appropriate, where grants have been reduced or discontinued
  - do anything necessary to give effect to allocation of grants for 2011/12 and 2012/13
  - progress the work to establish the value of the “help in kind” the council provides to the voluntary sector
  - conduct a review of whether it would be more appropriate to move towards commissioning and purchasing some of the services that are currently grant aided
- (viii) To delegate authority to the Executive Director of Neighbourhoods in consultation with the Cabinet Member for Housing and the Cabinet Member for Local Services and Community Safety to explore the possibility of

additional grants being made available to voluntary organisations from the Housing Revenue Account (HRA) for activities of benefit to council tenants.

- (ix) To delegate authority to the Head of Efficiency and Business Transformation in consultation with the Cabinet Member for Local Services and Community Safety and other relevant Cabinet Members to conduct a cross service review of advice services in the city.

96. RISK ASSESSMENT: PRIMARY CAPITAL PROGRAMME

DECISION MADE: (Ref: CAB 10/11 6147)

On consideration of the report of the Executive Director of Children's Services and Learning detailing the Risk Assessment for the Primary Capital Programme, Cabinet agreed the recommendations set out in the confidential report.