

CABINET

Tuesday, 18th June 2013
at 5.00 pm

Council Chamber - Civic Centre

This meeting is open to the public

Members

Councillor Letts, Leader of the Council (Leader)
Councillor Bogle, Cabinet Member for Children's
Services
Councillor Rayment, Cabinet Member for Change
and Communities
Councillor Tucker, Cabinet Member for Economic
Development and Leisure
Councillor Thorpe, Cabinet Member for
Environment and Transport
Councillor Shields, Cabinet Member for Health
and Adult Social Care
Councillor Payne, Cabinet Member for Housing
and Sustainability
Councillor Barnes-Andrews, Cabinet Member for
Resources

(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 (£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 Seven Priorities

- More jobs for local people
- More local people who are well educated and skilled
- A better and safer place in which to live and invest
- Better protection for children and young people
- Support for the most vulnerable people and families
- Reducing health inequalities
- Reshaping the Council for the future

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 (Tuesdays)

2013	2014
21 May	21 January
18 June	18 February
16 July	18 March
20 August	15 April
15 October	
19 November	
17 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.

RULES OF PROCEDURE

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

DISCLOSURE OF INTERESTS

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

DISCLOSABLE PERSONAL INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

(i) Any employment, office, trade, profession or vocation carried on for profit or gain.

(ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value for the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

BUSINESS TO BE DISCUSSED

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

QUORUM

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

Other Interests

A Member must regard himself or herself as having a, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

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 PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary 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.

EXECUTIVE BUSINESS

3 STATEMENT FROM THE LEADER

4 RECORD OF THE PREVIOUS DECISION MAKING

Record of the decision making held on 21st May 2013, attached.

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

There are no items for consideration.

6 REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES (IF ANY)

To consider the Chair of the Health Overview and Scrutiny Panel, detailing the review of public and sustainable transport provision to Southampton General Hospital, attached.

7 EXECUTIVE APPOINTMENTS

Report of the Head of Legal, HR and Democratic Services, detailing the Executive Appointments to all organisations and bodies which relate to Executive functions, attached.

ITEMS FOR DECISION BY CABINET

8 COMMUNITY ASSET TRANSFER STRATEGY

Report of the Cabinet Member for Change and Communities seeking approval of a Community Asset Transfer Strategy and associated "Tool Kit" for the Council, attached.

9 RESPONSE TO OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE WELFARE REFORMS INQUIRY

Report of the Cabinet Member for Change and Communities seeking consideration of the findings of the Inquiry on the Welfare Reforms that was presented to Cabinet on 16 April 2013, attached.

10 CITY CENTRE ON STREET RESIDENT ONLY PERMITS

Report of the Cabinet Member for Environment and Transport, subject to the outcome of the public consultation, seeking to amend existing policy to allow Resident Only permits to be issued in the City Centre On Street Pay and Display Zone, attached.

11 SOUTHAMPTON FAIRNESS COMMISSION

Report of the Leader of the Council regarding the commitment to establish a Fairness Commission for Southampton, attached.

12 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 the following Item

Confidential 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. The appendix includes details of a proposed transaction which, if disclosed prior to entering a legal contract, could put the Council or other parties at a commercial disadvantage. It is considered that it is not in the public interest to disclose this information as to do so may impact on the integrity of the transaction and the Council's ability to agree commercially satisfactory terms in line with its statutory duties

13 *COMMUNITY ALARM / TELECARE MONITORING PROVISION FOR NON SCC CUSTOMERS

Report of the Cabinet Member for Housing and Sustainability seeking approval to undertake work for a third party in line with SCC financial procedure rules final May 2012 specifically identified in E18 and E19, attached.

ITEMS FOR DECISION BY CABINET MEMBER

14 CONVERSION OF THE CITY'S THREE PFI SCHOOLS TO ACADEMY STATUS

Report of the CYP Strategic Commissioning, Education and Inclusion Manager, outlining the potential risks to the Council that could arise as a result of the City's three PFI Schools (Cantell, Redbridge and Woodlands) converting to academy status, attached.

15 PRIMARY SCHOOL DEVELOPMENT - DECISION ON IMPLEMENTATION

Report of the CYP Strategic Commissioning, Education and Inclusion Manager, seeking a final decision on whether or not to implement proposals to create all-through primary schools, 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 the following Item

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 it is not considered to be in the Public Interest to disclose this information.

17 *LEASE RESTRUCTURE - 54 ABOVE BAR SOUTHAMPTON

Report of the Cabinet Member for Resources, seeking agreement for a restructure of the lease of 54 Above bar Street, attached.

Monday, 10 June 2013

Head of Legal, HR and Democratic Services