

# Cabinet

Monday, 15th November, 2021  
at 6.00 pm

**PLEASE NOTE TIME OF MEETING**

## **Members**

Leader – Councillor Fitzhenry

Deputy Leader and Cabinet Member for Growth –  
Councillor Moulton

Cabinet Member for Finance – Councillor Hannides

Cabinet Member for Environment – Councillor S Galton

Cabinet Member for Communities, Culture and Heritage –  
Councillor Vassiliou

Cabinet Member for Health and Adult Social Care –  
Councillor White

Cabinet Member for Children’s Social Care – Councillor P  
Baillie

Cabinet Member for Education – Councillor J Baillie

Cabinet Member for Customer Service and  
Transformation – Councillor Harwood

(QUORUM – 3)

## **Contacts**

Cabinet Administrator

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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.

### **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)

### **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.

**Mobile Telephones** – Please switch your mobile telephones to silent whilst in the meeting.

### **Use of Social Media**

The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair’s opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council’s Standing Orders the person can be ordered to stop their activity, or to leave the meeting.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public. Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so. Details of the Council’s Guidance on the recording of meetings is available on the Council’s website.

### **Municipal Year Dates (Mondays)**

<b>2021</b>	<b>2022</b>
15 June (Tues)	17 January
19 July	7 February
16 August	21 Feb (budget)
13 September	14 March
18 October	18 April
15 November	
20 December	

### **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)

### **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

### **Procedure / Public Representations**

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

**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.

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

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

Southampton: Corporate Plan 2020-2025 sets out the four key outcomes:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time

## **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 Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

### **DISCLOSABLE PECUNIARY 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 of 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 an, '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

### 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.

## **EXECUTIVE BUSINESS**

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

### 4 **RECORD OF THE PREVIOUS DECISION MAKING** (Pages 1 - 4)

Record of the decision making held on 18<sup>th</sup> October, 2021, attached.

### 5 **MATTERS REFERRED BY THE COUNCIL OR BY THE OVERVIEW AND SCRUTINY MANAGEMENT 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.

## **ITEMS FOR DECISION BY CABINET**

### 8 **CARER FRIENDLY SOUTHAMPTON** □ (Pages 5 - 16)

Report of the Cabinet Member for Health and Adult Social Care detailing considerations in relation the Executive's response to the Scrutiny Inquiry into Carer Friendly Southampton and seeking to sign up to the Southampton Carers Strategy 2012 - 2026 that helps deliver and achieve the recommendations set out in the Inquires findings.

### 9 **CHANGES TO SACRE CONSTITUTION** (Pages 17 - 34)

To consider the report of the Cabinet Member for Education detailing changes to the SACRE Constitution.

**10 RIVER ITCHEN FLOOD ALLEVIATION SCHEME □ (Pages 35 - 48)**

Report of the Cabinet Member for Environment in consultation with the Cabinet Member for Growth detailing considerations regarding the alignment of the flood alleviation scheme.

**11 JOINT MUNICIPAL WASTE MANAGEMENT STRATEGY ("JMWMS") □  
(Pages 49 - 86)**

Report of the Cabinet Member for Customer Service and Transformation seeking approval of the Joint Municipal Waste Management Strategy of the Project Integra partnership.

**12 UPDATES TO THE HIGHWAYS AND TRANSPORT CAPITAL PROGRAMME □  
(Pages 87 - 100)**

Report of the Cabinet Member for Growth, detailing updates to the five-year Highways and Transport investment programme.

**13 BUDGET MATTERS -NOVEMBER 2021 □ (Pages 101 - 118)**

Report of the Cabinet Member for Finance and Capital Assets and the Cabinet Member for Environment detailing the Council's Decarbonisation Scheme.

**14 EXCLUSION OF THE PRESS AND THE PUBLIC - EXEMPT 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 exempt annex to the following Item.

Annex 2.2 is considered to be exempt from general publication based on Categories (3 and 7a) of paragraph 10.4 of the Council's Access to Information Procedure Rules. It is not the public interest to disclose this because these includes details of a proposed transaction which, if disclosed prior to contract, could put the Council or other parties at a commercial disadvantage.

**15 FINANCIAL MONITORING FOR THE PERIOD TO THE END OF SEPTEMBER 2021  
(Pages 119 - 194)**

Report of the Cabinet Member for Finance and Capital Assets setting out the financial position for the Council as at the end of September 2021.

**16 EXCLUSION OF THE PRESS AND PUBLIC - EXEMPT 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 exempt appendices to the following Item

The appendices are considered to be exempt from general publication based on Categories (3 and 7a) of paragraph 10.4 of the Council's Access to Information Procedure Rules. It is not the public interest to disclose this because these includes details of a proposed transaction which, if disclosed prior to contract, could put the Council or other parties at a commercial disadvantage.

**17 TOYS R US SITE COMMERCIAL TERMS\* □ (Pages 195 - 256)**

Report of the Cabinet Member for Growth and the Cabinet Member for Finance and Capital Assets seeking Cabinet approval for the commercial terms over the Toys R Us site to enable it comprehensive development.

**18 EXCLUSION OF THE PRESS AND THE PUBLIC - EXEMPT 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 Appendix 2 to the following Item.

Appendix 2 is considered to be exempt from general publication based on Categories (3) of paragraph 10.4 of the Council's Access to Information Procedure Rules.

**19 UPDATE ON THE CURRENT SOLENT FREEPORT PROPOSALS AND SUPPORT FOR THE SUBMISSION OF THE OUTLINE BUSINESS CASE (OBC)  
(Pages 257 - 274)**

To consider the report of the Cabinet Member for Growth detailing the associated structures and approvals required in support of the Solent Freeport.

This report is submitted for consideration as a General Exception under paragraph 15 of the Access to Information procedure Rules in Part 4 of the City Council's Constitution, notice having been given to the Chair of the relevant Scrutiny Panel and the Public. The matter requires a decision with the urgency linked to the impending submission of the updated Solent Freeport OBC and given Government's approval process. For these reasons the decision cannot be deferred for inclusion in the next Forward Plan for decision following 28 clear days' notice.

**20 EXCLUSION OF THE PRESS AND THE PUBLIC - EXEMPT 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 Appendices 2-5 of the following Item.

The Appendices are considered to be exempt from general publication based on Categories 3 and 7(A) 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 the information either in this report or its appendices because doing so would put the Council or other parties at a commercial disadvantage and prejudice the Council's negotiating position and its ability to achieve best consideration.

**21 CALL-IN OF EXECUTIVE DECISION CAB 21/22 32527: NORTHERN ABOVE BAR PROPERTIES** (Pages 275 - 294)

Report of Chair of the Overview and Scrutiny Committee, detailing the Call-In of Executive Decision CAB 21/22 32527 – Northern Above Bar Properties.

Friday, 5 November 2021

Service Director – Legal and Business Operations