

# CABINET

**Monday, 11th April, 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 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  
Councillor P Williams, Cabinet Member for Local  
Services and Community Safety  
Councillor Hannides, Cabinet Member for  
Resources, Leisure and Culture

(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](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.

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## **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 14<sup>th</sup> March, 2011 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.

## **ITEMS FOR DECISION BY CABINET**

### **8 HOME TO SCHOOL AND POST-16 TRANSPORT POLICY FOR THE 2011-12 ACADEMIC YEAR**

Report of the Cabinet Member for Children's Services and Learning seeking a decision on whether to remove all discretionary funding for all pupils with effect from September 2011, or new pupils and whether to introduce a graded fare charging system for post-16, attached.

**9 DETERMINATION OF WORDSWORTH INFANT SCHOOL'S PROPOSAL TO EXPAND FROM A 2 FORM ENTRY INFANT TO A 3 FORM ENTRY PRIMARY SCHOOL FROM SEPTEMBER 2012**

Report of the Cabinet Member for Children's Services and Learning seeking approval to determination of Wordsworth Infant School's proposal to expand from a 2 Form Entry Infant to a 3 Form Entry Primary School from September 2012, attached.

**10 HOUSING REVENUE ACCOUNT (HRA) CAPITAL PROGRAMME PROJECT APPROVALS 2011/12 - PHASE 1**

Report of the Cabinet Member for Housing seeking formal approval for Phase 1 Project Approvals in the approved HRA Capital Programme commencing in 2011/12, attached.

**11 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 3 and 4 to item 12.

Confidential Appendix 3 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 into a Legal contract, could put the Council at a commercial disadvantage in the future, in the event of the proposed sale not completing.

Confidential Appendix 4 contains information deemed to be exempt from general publication based on Category 5 of Paragraph 10.4 of the Council's Access to Information Procedure Rules. The appendix includes information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

**12 PHASE 2 ESTATE REGENERATION PROGRAMME - CUMBRIAN WAY**

Report of the Cabinet Member for Housing seeking authority to dispose of land at the site, Lot 2, Cumbrian Way Shopping Parade, attached.

**13 OBJECTION TO PROPOSED DISPOSAL OF MAYFIELD LODGE**

Report of the Cabinet Member for Resources, Leisure and Culture outlining the objection to the proposed disposal of Mayfield Lodge and requesting Cabinet to give the matter further consideration, attached.

**ITEMS FOR DECISION BY CABINET MEMBER**

**14 PORTSWOOD RESIDENTS GARDENS CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN**

Report of the Executive Director of Environment and Transport concerning the adoption of the above conservation Area Appraisal and Management Plan, and to authorise the use of the policies contained within the Management Plan to guide future development proposals in the Conservation Area, attached.

Friday, 1 April 2011

SOLICITOR TO THE COUNCIL