

# CABINET

**Tuesday, 29th January, 2013  
at 5.00 pm**

## **Council Chamber - Civic Centre**

This meeting is open to the public

### **Members**

Councillor Dr R Williams, Leader of the Council  
Councillor Stevens, Cabinet Member for Adult Services  
Councillor Bogle, Cabinet Member for Children's Services  
Councillor Rayment, Cabinet Member for Communities  
Councillor Noon, Cabinet Member for Efficiency and Improvement  
Councillor Thorpe, Cabinet Member for Environment and Transport  
Councillor Payne, Cabinet Member for Housing and Leisure Services  
Councillor Letts, 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](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 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)**

<b>2012</b>	<b>2013</b>
19 June	29 January
17 July	19 February
21 August	19 March
18 September	16 April
16 October	
13 November	
18 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.

## **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 PROPOSED CUTS TO YOUTH AND PLAY SERVICES**

To receive a request by a member of the public to address Cabinet on the proposed cuts to Youth and Play Services.

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

Record of the decision making held on 18 December 2012 and 15 January 2013, attached.

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

There are no matters referred for reconsideration.

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

There are no items for consideration

### **8 EXECUTIVE APPOINTMENTS**

To deal with any executive appointments, as required.

## **ITEMS FOR DECISION BY CABINET**

### **9 REVISIONS TO THE ADULT SOCIAL CARE NON-RESIDENTIAL SERVICES POLICY**

Report of the Cabinet Member for Adult Services, seeking to revise the Adult Social Care Non-Residential Services Policy, attached.

### **10 POOLED BUDGETS FOR STRATEGIC INVESTMENT IN COMMUNITIES**

Report of the Cabinet Member for Communities, outlining a proposal to pool multi-agency budgets to support learning, skills and employment of Southampton residents, and seeking authority for Southampton City Council to be Lead Accountable Body for the administration and allocation of the funds, attached.

### **11 THE CITY OF SOUTHAMPTON (ITCHEN BRIDGE TOLLS) ORDER 2012**

The report of Senior Manager, Regulatory Services relating to unresolved objections to The City of Southampton (Itchen Bridge Tolls) Order 2012, attached.

### **12 LOW CARBON CITY STRATEGY ANNUAL PROGRESS REPORT**

Report of the Leader of the Council, outlining the progress being made in delivering the actions in the Low Carbon Strategy's Delivery Plan, attached.

### **13 PROGRESSING THE NEW ARTS COMPLEX PROJECT**

Report of the Leader of the Council detailing the necessary steps to conclude the organisational arrangements/ required to set up and manage the arts complex, attached.

### **14 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

Appendix 1 is not for publication by virtue of category 3 (financial and business affairs) of paragraph 10.4 of the Access to Information procedure Rules as contained in the Constitution. It is not in the public interest to disclose this information because it comprises financial information that if made public would prejudice the Council's ability to operate in a commercial environment.

### **15 \*ACQUISITION OF LAND- PAN HANDLE CAR PARK, EASTERN DOCK**

Report of the Cabinet Member for Resources seeking approval to delegate authority to Senior Manager Property Procurement and Contract Management to approve the final detailed terms of purchase, 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

Appendix 1 is confidential, the confidentiality of which is based on category 3 of paragraph 10.4 of the Council's Access to Information Procedure Rules. It is not in the public interest to disclose this because doing so would prejudice the authority's ability to achieve best consideration for the disposal of land (the identity of the preferred developer and the figures associated with the land transaction are commercially sensitive).

**17 \*PROPOSED DISPOSAL OF MARLAND HOUSE**

Report of the Cabinet Member for Resources in consultation with the Leader of the Council, seeking approval to the disposal of Marland House subject to the Council's continued use of the offices for an agreed period, attached.

**ITEMS FOR DECISION BY CABINET MEMBER**

**18 EARLY YEARS PROVISION IMPROVEMENT STRATEGY**

Report of the Senior Manager Children and Young People Strategic Commissioning, Education and Inclusion seeking approval of an Early Years Improvement Strategy, attached.

**19 PRIMARY SCHOOL DEVELOPMENT**

Report of the Senior Manager Children and Young People Strategic Commissioning, Education and Inclusion seeking permission to commence six weeks of pre-statutory consultation on proposals to close three schools out of the following six – Bitterne Park Infant & Junior, Tanners Brook Infant & Junior and Oakwood Infant & Junior and create three all through primary schools, attached.

Monday, 21 January 2013

Head of Legal, HR and Democratic Services