

# CABINET

**Tuesday, 20th August, 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 Barnes-Andrews, Cabinet Member for  
Resources

Councillor Jeffery, Cabinet Member for Change  
Councillor Bogle, Cabinet Member for Children's  
Services

Councillor Kaur, Cabinet Member for Communities  
Councillor Tucker, Cabinet Member for Economic  
Development and Leisure

Councillor Rayment, Cabinet Member for  
Environment and Transport

Councillor Shields, Cabinet Member for Health  
and Adult Social Care

Councillor Payne, Cabinet Member for Housing  
and Sustainability

(QUORUM – 3)

### **Contacts**

Cabinet Administrator

Judy Cordell

Tel: 023 8083 2766

Email: [judy.cordell@southampton.gov.uk](mailto:judy.cordell@southampton.gov.uk)

Head of Legal, HR and Democratic Services

Richard Ivory

Tel: 023 8083 2794

Email: [richard.ivory@southampton.gov.uk](mailto:richard.ivory@southampton.gov.uk)

## **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 turn off your mobile telephone whilst in the meeting.

### **Southampton City Council’s Priorities:**

- **Economic:** Promoting Southampton and attracting investment; raising ambitions and improving outcomes for children and young people.
- **Social:** Improving health and keeping people safe; helping individuals and communities to work together and help themselves.
- **Environmental:** Encouraging new house building and improving existing homes; making the city more attractive and sustainable.
- **One Council:** Developing an engaged, skilled and motivated workforce; implementing better ways of working to manage reduced budgets and increased demand.

### **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

Decisions to be discussed or taken that are key

### **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.

**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.

### **Municipal Year Dates (Tuesdays)**

<b>2013</b>	<b>2014</b>
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 16<sup>th</sup> July 2013 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.

## **MONITORING REPORTS**

### **8 CORPORATE REVENUE FINANCIAL MONITORING FOR THE PERIOD TO THE END OF JUNE 2013**

Report of the Cabinet Member for Resources, detailing the financial monitoring for the period to the end of June 2013, attached.

## **ITEMS FOR DECISION BY CABINET**

### **9 APPROVAL TO SPEND ON REPLACEMENT LIBRARY FOR WOOLSTON**

Report of the Cabinet Member for Economic Development and Leisure Services seeking approval to incur the remaining expenditure in the capital programme for the project to deliver the new Woolston library, attached.

### **10 ST MARY'S LEISURE CENTRE MANAGEMENT ARRANGEMENTS - SERVICE CONCESSION 2014 TO 2018**

Report of the Cabinet Member for Economic Development and Leisure regarding management arrangements for St Mary's Leisure Centre, attached.

### **11 RESPONSE TO THE HEALTH AND OVERVIEW SCRUTINY PANEL INTO THE PUBLIC AND SUSTAINABLE TRANSPORT PROVISION TO SOUTHAMPTON GENERAL HOSPITAL**

Report of the Cabinet Member of Environment and Transport reporting the responses to the consultation on the review by the Health Overview and Scrutiny Panel on Public and Sustainable Transport Provision to Southampton General Hospital, attached.

### **12 EASTERN CYCLE ROUTE (LSTF) (LOCAL SUSTAINABLE TRANSPORT FUND) PROJECT - FUNDING APPROVAL**

report of Cabinet Member for Environment and Transport in association with the Cabinet Member for Resources, seeking approval for relevant funding approvals detailed below, to progress the Eastern Cycle Route Project, attached.

### **13 \*ENERGY COMPANY OBLIGATION - DELIVERY PARTNER PROCUREMENT**

Report of the Cabinet Member for Housing and Sustainability, seeking to delegate approval for the Director of People, following consultation with the Cabinet Member for Housing and Sustainability, to award a contract securing a delivery partner to provide a programme using Energy Company Obligation (ECO) funding, attached.

**14 LANDLORD CONTROLLED HEATING CHARGES**

Report of the Cabinet Member for Housing and Sustainability seeking to approve new charges to tenants for landlord controlled heating from 7 October 2013, attached.

**15 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 matters) 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 contains financial and business information that if made public would prejudice the Council's ability to operate in a commercial environment and obtain best value during a live procurement process prior to final tenders being received and contracts being entered into.

**16 \*CAPITAL FUNDING FOR ADULT SERVICES**

Report of the Cabinet Member for Health and Adult Social Care seeking approval to delegate to the Director of People the responsibility for overseeing the sum identified for maintaining the Council's residential homes to the standards required by the Care Quality Commission, attached.

**17 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 in regard to category 3 of paragraph 10.4 of the Access to Information Procedure Rules. This is required as the report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is not considered in the public interest to release this information.

**18 \*AWARD OF A WIRELESS NETWORK SERVICES CONCESSION**

Report of the Leader of the Council seeking to award a services concession for the use of Council-owned structures and assets to facilitate the installation and operation of infrastructure for a "limited free to user" and publicly accessible wireless network available in, but not limited to Southampton City Centre, attached.

**19 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 2 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 applying the public interest test it is not considered appropriate to make public the bids received as this could lead to a revision of bids and, in the event of the transaction failing to complete, prejudice re-tendering of the property, therefore reducing the amount receivable by the Council.

**20 DISPOSAL OF LAND AT TEST LANE**

Report of the Cabinet Member for Resources seeking approval for the disposal of Land at Test Lane, attached.

Monday, 12 August 2013

Head of Legal, HR and Democratic Services