

COUNCIL

Wednesday, 17th November,
2010 at 2.00 pm

PLEASE NOTE TIME

Council Chamber, Civic Centre

Members of the Council

The Mayor – Chair

The Sheriff – Vice-chair

Leader of the Council

Members of the Council (See overleaf)

Contacts

Solicitor to the Council

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The agenda and papers are available via the Council's Website

WARD	COUNCILLOR	WARD	COUNCILLOR
Bargate	Bogle Mrs Damani Willacy	Millbrook	Furnell Norris Wells
Bassett	Samuels Hannides Harris	Peartree	Drake Jones Slade
Bevois	Barnes-Andrews Burke Rayment	Portswood	Capozzoli Sollitt Vinson
Bitterne	Fuller Letts Stevens	Redbridge	Holmes Marsh-Jenks McEwing
Bitterne Park	Baillie P Williams White	Shirley	Matthews Dean Mead
Coxford	Morrell Thomas Walker	Sholing	Dick Fitzgerald Kolker
Freemantle	Ball Moulton Parnell	Swaythling	Odgers Osmond Turner
Harefield	Daunt Fitzhenry Smith	Woolston	Cunio Payne Dr R Williams

PUBLIC INFORMATION

Role of the Council

The Council comprises all 48 Councillors. The Council normally meets six times a year including the annual meeting, at which the Mayor and the Council Leader are elected and committees and sub-committees are appointed, and the budget meeting, at which the Council Tax is set for the following year.

The Council approves the policy framework, which is a series of plans and strategies recommended by the Executive, which set out the key policies and programmes for the main services provided by the Council.

It receives a summary report of decisions made by the Executive, and reports on specific issues raised by the Overview and Scrutiny Management Committee.

The Council also considers questions and motions submitted by Council Members on matters for which the Council has a responsibility or which affect the City.

Public Involvement

Representations

At the discretion of the Mayor, members of the public may address the Council on any report included on the agenda in which they have a relevant interest.

Petitions

Any Councillor may present a petition, on behalf of the signatories, about issues relating to Southampton. If you have such a petition you need to ask a Councillor to present it to the meeting.

The following opportunities also exist for the public to raise matters at Council meetings, but seven clear days' notice must be given before the meeting.

Deputations

A deputation of up to three people can apply to address the Council. A deputation may include the presentation of a petition.

Questions

People who live or work in the City may ask questions of the Mayor, Chairs of Committees and Members of the Executive.

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

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 Council officers what action to take.

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

Dates of Meetings

2010	2011
12 May	16 February
14 July	16 March
15 September (SPECIAL)	18 May
15 September	
17 November	

CONDUCT OF MEETING

FUNCTIONS OF THE COUNCIL

The functions of the Council are set out in Article 4 of Part 2 of the Constitution

RULES OF PROCEDURE

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

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 16.

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.

SOLICITOR TO THE COUNCIL
M R HEATH
Civic Centre, Southampton, SO14 7LY

Tuesday, 9 November 2010

TO: ALL MEMBERS OF THE SOUTHAMPTON CITY COUNCIL

You are hereby summoned to attend a meeting of the COUNCIL to be held on WEDNESDAY, 17TH NOVEMBER, 2010 in the COUNCIL CHAMBER, CIVIC CENTRE at 2.00 pm when the following business is proposed to be transacted:-

1 APOLOGIES

To receive any apologies.

2 MINUTES

To authorise the signing of the minutes of the Special Council and Council Meetings held on 15th September 2010, attached.

3 ANNOUNCEMENTS FROM THE MAYOR AND LEADER

Matters especially brought forward by the Mayor and the Leader.

4 DEPUTATIONS, PETITIONS AND PUBLIC QUESTIONS

To receive any requests for Deputations, Presentation of Petitions or Public Questions.

5 EXECUTIVE BUSINESS

Report of the Leader of the Council, attached.

6 MOTIONS

A) Councillor Drake to move:-

This Council urges the Executive to develop and implement a clear strategy, including the use of Empty Dwelling Management Orders, to bring empty properties in the city back into use.

B) Councillor Stevens to move:-

This Council will extract the best value from it's commercial/private partners and contractors.

C) Councillor Turner to move:-

This Council will work closely with the Police and magistrates to encourage and facilitate the use of Restorative Justice in Southampton. The Council also supports the principle of Restorative Justice and the development of a coherent programme of implementation particularly in cases involving young offender.

D) Councillor Vinson to move:-

This Council urges the City's three members of Parliament to support the Early Day Motions tabled on the subject of the present Government's decision to revoke the changes in the Use Classes Order introduced by the previous Government to assist neighbourhoods adversely affected by excessive concentrations of Houses in Multiple Occupation.

This Council also resolves to work with residents to progress, in the context of the Local Development Framework, measures to strengthen the ability to manage excessive concentrations of HMOs.

7 QUESTIONS FROM MEMBERS TO THE CHAIRS OF COMMITTEES OR THE MAYOR

To consider any question of which notice has been given under Council Procedure Rule 11.2.

8 APPOINTMENTS TO COMMITTEES, SUB-COMMITTEES AND OTHER BODIES

To deal with any appointments to Committees, Sub-Committees or other bodies as required.

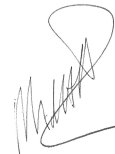
9 LICENSING ACT 2003 - TRIENNIAL REVIEW OF STATEMENT OF LICENSING POLICY

Report of the Solicitor to the Council seeking the adoption of a revised Licensing Policy, attached.

10 OVERVIEW AND SCRUTINY - SUMMARY OF CALL-IN ACTIVITY

To note that there has not been any use of the call-in procedure over the last six months.

NOTE: There will be prayers by the Mayor's Chaplain, Monsignor Vincent Harvey, accompanied by Julian Davies, from the Christian faith, in the Mayor's Reception Room at 1.45 pm for Members of the Council and Officers who wish to attend.



M R HEATH
SOLICITOR TO THE COUNCIL

Agenda Item 2

MINUTES

Appendix 1 – Minutes of Special Council Meeting held on 15th September 2010

Appendix 2 – Minutes of Council Meeting held on 15th September 2010

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SOUTHAMPTON CITY COUNCIL

MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON
15 SEPTEMBER 2010

Present:

The Mayor, Councillor Cunio
The Sheriff, Councillor Matthews
Councillors Baillie, Ball, Barnes-Andrews, Bogle, Burke, Daunt, Dean, Dick, Drake, Fitzgerald, Fitzhenry, Fuller, Furnell, Hannides, Harris, Holmes, Jones, Kolker, Letts, Marsh-Jenks, Mead, McEwing, Morrell, Moulton, Norris, Odgers, Osmond, Parnell, Payne, Rayment, Samuels, Slade, Smith, Sollitt, Stevens, Thomas, Turner, Walker, Wells, Willacy, P Williams, Dr R Williams and White

40. APOLOGIES

Apologies for absence were received on behalf of Councillors Capozzoli, Mrs Damani and Vinson.

41. NEW MODELS OF GOVERNANCE FOR THE COUNCIL'S EXECUTIVE AND ELECTORAL CYCLE ARRANGEMENTS

The report of the Solicitor to the Council was submitted seeking a decision on whether the Council moves from elections by thirds to whole Council elections every four years, with effect from 2011 (copy of report circulated with agenda and appended to signed minutes).

On the advice of the Solicitor to the Council and with the consent of the meeting, the following motion was moved:

“That in accordance with section 33 of the Local Government and Public Involvement in Health Act 2007, this Council resolves to move from elections by thirds to whole council elections with effect from 2011 every four years.”

UPON BEING PUT TO THE VOTE THE MOTION WAS DECLARED LOST

RESOLVED that no change be made to the current electoral cycle and the current electoral cycle (election by thirds) be retained.

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SOUTHAMPTON CITY COUNCIL

MINUTES OF THE COUNCIL MEETING HELD ON
15 SEPTEMBER 2010

Present:

The Mayor, Councillor Cunio
The Sheriff, Councillor Matthews
Councillors Baillie, Ball, Barnes-Andrews, Bogle, Burke, Capozzoli (Minute 45 onwards), Daunt, Dean, Dick, Drake, Fitzgerald, Fitzhenry, Fuller, Furnell, Hannides, Harris, Holmes, Jones, Kolker, Letts, Marsh-Jenks, Mead, McEwing, Morrell, Moulton, Norris, Odgers, Osmond, Parnell, Payne, Rayment, Samuels, Slade, Smith, Sollitt, Stevens, Thomas, Turner, Walker, Wells, Willacy, P Williams, Dr R Williams and White

42. APOLOGIES

Apologies for absence were received on behalf of Councillors Mrs Damani and Vinson.

43. MINUTES

RESOLVED that the minutes of the Council meeting held on 14th July, 2010 be approved and signed as a correct record.

44. ANNOUNCEMENTS FROM THE MAYOR AND LEADER

1. Retirement of Chief Executive

The Mayor announced that Brad Roynon, one of the longest serving local authority chief executives in the country, would be retiring in November ending a career which had included a 22 year span as chief executive of three local authorities. He became Chief Executive of Southampton City Council in 2001, and under his guidance, the Council and its partners had made significant strides together in both the quality and ambition of the services provided for the City.

The Mayor outlined the various outstanding contributions made to the Council and the City and on behalf of Members, presented him with a gift in recognition of his achievements.

2. Southampton's Youth Parliament MP

The Mayor welcomed Nathan Stafford-King, Southampton's Youth Parliament MP, who was attending a Council meeting for the first time to learn more about how the Council works.

3. Local Democracy Week

The Mayor announced that Democratic Services would again be arranging the "Get Involved Event" aimed at encouraging people to become more involved and find out more about what services the Council has to offer. The event would be held in and

around the Central Library on Tuesday 12th October between 5 – 8pm and would be open to anyone in the city to attend.

45. DEPUTATIONS, PETITIONS AND PUBLIC QUESTIONS

The Council received a deputation together with a petition from Phil Woods and Bob Cole, concerning the closure of Millbrook and Thornhill libraries and the use of volunteers.

46. EXECUTIVE BUSINESS

The report of the Leader of the Council was submitted, setting out the details of the business undertaken by the Executive (copy of report circulated with the agenda and appended to signed minutes).

The Leader and the Cabinet made statements and responded to Questions.

The following questions were then submitted in accordance with Council Procedure Rule 11.1:-

1. Sea City Museum

Question from Councillor Burke to Councillor Hannides

What progress has been made in securing all of the funding for the Sea City Project?

Answer

Southampton Cultural Development Trust has been formed as a Company limited by Guarantee and is awaiting charitable registration following an application to the Charity Commission. The Trust has developed an action plan to secure funding from a targeted list of potential supporters, individuals, Trusts, Foundations and other organisations. Directors of the Trust have an action plan to initiate approaches. Positive responses have been forthcoming and discussions continue. I remain confident in the fundraising target.

The funding agreement with the Heritage Lottery Fund has been signed to secure the £5m contribution.

2. Shredded Paper

Question from Councillor Drake to Councillor Dean

Although shredded paper is currently not being recycled in Southampton, what is being done to find ways to re-use shredded paper and consequently increase the city's recycling rates?

Answer

Advice is provided to residents using the Council's City View magazine via tips on how to reduce the amount of waste they generate and also at events around the City attended by waste personnel.

The main advice with confidential papers given to residents to increase the cities recycling rate is to only shred the parts of documents that are confidential, which in a lot of cases is only part of the document, the rest could be safely recycled in the blue lidded recycling bin.

However some documents will always need to be shredded and the following advice is given:

- Shredded paper can be placed into home composters; information is available on the Council's web site on subsidised home composters.
- It can be used as bedding for pets; staples and other non paper items should be removed, prior to shredding.
- Any shredded paper that residents do place in the green residual waste bin is sent to the Marchwood Incinerator where it is burnt to recover energy.

3. Empty Dwelling Management Orders

Question from Councillor Drake to Councillor Baillie

How many dwellings in Southampton have currently been empty for a year or more and on how many occasions has the Council applied Empty Dwelling Management Orders?

Answer

There are around 600 dwellings in the City which have been vacant for a year or more.

No Empty Dwelling Management Orders (EDMOs) have been formally initiated to date.

4. Parkville Road

Question from Councillor Turner to Councillor Moulton

Could the Cabinet Member for the Resources and Workforce Planning clarify what development is planned for Parkville Road? The area in question at present contains a car park, local housing office and a youth centre?

Answer

The proposed purchaser entered into a conditional contract with the Council and secured Planning Permission for the development, however, the economic situation has resulted in proposed purchaser needing to change the nature of the upper floors from residential to student accommodation, the proposed ground floor uses are unchanged. A new planning application will be submitted by the

developer. At present it is proposed that there will be 376 bed spaces arranged mainly in cluster and studio flats.

A further report will be presented to Cabinet providing changes to the sale transaction between the council and the developer.

A road traffic regulation order has been obtained for the closure of the public car park without objection.

There are plans for the relocation of Local Housing Office services
Youth Services have indicated that there are insufficient numbers of local young people attending and alternative youth club provision has been sought at vacant space at Wood Mill Activity centre.

The scheme, should it go ahead, will achieve the Council's aspiration for a landmark development on this 'Gateway' site, a significant regeneration to the Swaythling area, enhanced services to the local people included an improved medical provision with two other community units and a convenience store, a capital receipt for the Council and reductions in Council service overheads.

5. Criminal Record Bureau Checks

Question from Councillor McEwing to Councillor Moulton

Can the Cabinet Member advise Council what budgetary consideration has been given to cover the cost of Criminal Record Bureau checks for those who are willing to volunteer in our libraries or other public services?

Answer

Criminal Record Bureau (CRB) checks cost £38 per person, these are funded by the service area engaging the volunteer. Checks are renewable every three years. There is no cost to the volunteer.

6. Use of Volunteers

Question from Councillor Slade to Councillor Smith

Is it the Executive's endeavour to use volunteers wherever practical, so long as it does not infringe upon Health and Safety or quality of service, in other council areas like museum attendant as well as the library service?

Answer

Yes

47. MOTIONS

(a) Register of Electors.

Councillor Dr R Williams moved and Councillor Barnes-Andrews seconded:

"Southampton City Council is committed to supporting the Electoral Registration Officer in discharging his legal duty to maintain a register of electors. The electoral register is

the foundation stone of our democracy and we have a duty to ensure that it is both accurate and complete - helping to empower citizens and increase public engagement in the democratic process.

This Council will continue to fully support the Electoral Registration Officer in making every effort to ensure that the 2010 electoral register in Southampton City Council is as complete and accurate as possible, so as to provide a proper basis for any revision to electoral boundaries. In addition this Council notes that the Electoral Commission currently believe that approx 3.5 million people are missing for register in England and Wales alone and that this trend is especially stark amongst many specific social groups.

Full Council therefore :

- 1) supports the Electoral Registration Officer and his staff in continuing to conduct door-to-door inquiries at all households where no-one responds to a letter requiring registration, with at least two personal calls on all non-responding households;
- 2) resolves that an effective advertising campaign is launched now to encourage people to register, targeted at social groups among whom under-registration is known to be a problem and targeted at residents in those neighbourhoods where the electoral register is believed to have the lowest levels of completeness; and
- 3) requests that the Chief Executive ensures a joined-up approach across all parts of the Council working alongside the Electoral Registration Officer to encourage residents to register to vote”

Amendment moved by Councillor Dick and seconded by Councillor Mead:

AMENDMENT

In the second paragraph, 4th line, after the words “electoral boundaries” start a new paragraph.

In the second paragraph, 4th line, after the words “In addition this Council notes that” add the words “after 13 years of a labour government”

At the end of the second paragraph add the sentence, “The Council supports the move by government to an equalisation of constituencies.”

In the third paragraph, bullet point (1), second line, delete all the words after “inquiries at all households”

In the third paragraph, bullet point (2), first line, delete the words “effective campaign”

In the third paragraph, bullet point (2), first line, delete the word “now”

In the third paragraph, bullet point (2), first line, after the words “people to register” delete the rest of the sentence

AMENDED MOTION TO READ:

“Southampton City Council is committed to supporting the Electoral Registration Officer in discharging his legal duty to maintain a register of electors. The electoral register is the foundation stone of our democracy and we have a duty to ensure that it is both

accurate and complete - helping to empower citizens and increase public engagement in the democratic process.

This Council will continue to fully support the Electoral Registration Officer in making every effort to ensure that the 2010 electoral register in Southampton City Council is as complete and accurate as possible, so as to provide a proper basis for any revision to electoral boundaries.

In addition this Council notes that after 13 years of a labour government the Electoral Commission currently believe that approx 3.5 million people are missing from the register in England and Wales alone and that this trend is especially stark amongst many specific social groups. The Council supports the move by government to an equalisation of constituencies.

Full Council therefore:

- 1) Supports the Electoral Registration Officer and his staff in continuing to conduct door-to-door inquiries at all households
- 2) resolves that a campaign is launched to encourage people to register,
- 3) requests that the Chief Executive ensures a joined-up approach across all parts of the Council working alongside the Electoral Registration Officer to encourage residents to register to vote”

UPON BEING PUT TO THE VOTE THE AMENDMENT WAS DECLARED CARRIED

UPON BEING PUT TO THE VOTE THE MOTION AS AMENDED WAS DECLARED CARRIED

RESOLVED that the motion as amended be approved.

(b) Micro-generation technologies

Councillor Slade moved and Councillor Drake seconded:

“Council welcomes the announcement of the Coalition Government that Local Authorities are to have the freedom to sell energy to the National Grid.

Council notes:

1. Micro-generation of electricity is a proven technique and has already benefited businesses and communities across the UK.
2. Environmentally-friendly energy production methods such as solar and wind power have been trialled successfully on this scale.
3. Southampton has many resources that are ideal for harnessing micro-generation technologies.
4. By adding to our portfolio of green infrastructure, the Council could enhance the City’s green credentials.
5. The scale of micro-generation technologies means that they can be rolled out gradually over time, rather than having to rely on large up-front investment.

Council believes that:

1. Micro-generation would allow the Council to generate its own power, and potentially sell surplus back to the National Grid, thereby saving money.
2. Profits generated can be reinvested in environmental schemes, including further roll-out of the technologies.

Council therefore calls for:

1. The installation of appropriate micro-generation technologies in all civic buildings where possible.
2. Subsidising the cost of installing appropriate micro-generation technologies to communities that wish to take advantage of these technologies”.

Amendment moved by Councillor Dick and seconded by Councillor Dean:

AMENDMENT

In the second paragraph, bullet point (2), first line, delete the word “solar” and replace with “photovoltaic’s”

In the second paragraph, bullet point (5), second line, delete the rest of the sentence after the words “rolled out gradually over time”

In the third paragraph, bullet point (1), first line, delete the word “electricity” and replace with “power”

In the fourth paragraph, bullet point (2), first line, delete the words “Subsidising the cost of installing appropriate micro-generation technologies to communities” and replace with “The council to work where possible with local communities”

In the fourth paragraph, bullet point (2), second line, delete the words “of these technologies” and replace with “the installation of appropriate micro-generation technologies”

AMENDED MOTION TO READ:

“Council welcomes the announcement of the Coalition Government that Local Authorities are to have the freedom to sell energy to the National Grid.

Council notes:

1. Micro-generation of electricity is a proven technique and has already benefited businesses and communities across the UK.
2. Environmentally-friendly energy production methods such as Photovoltaic’s and wind power have been trialled successfully on this scale.
3. Southampton has many resources that are ideal for harnessing micro-generation technologies.
4. By adding to our portfolio of green infrastructure, the Council could enhance the City’s green credentials.
5. The scale of micro-generation technologies means that they can be rolled out gradually over time,

Council believes that:

1. Micro-generation would allow the Council to generate its own electricity, and potentially sell surplus back to the National Grid, thereby saving money.

2. Profits generated can be reinvested in environmental schemes, including further roll-out of the technologies.

Council therefore calls for:

1. The installation of appropriate micro-generation technologies in all civic buildings where possible.
2. The Council to work where possible with local communities that wish to take advantage of the installation of appropriate micro-generation technologies

UPON BEING PUT TO THE VOTE THE AMENDMENT WAS DECLARED CARRIED
UPON BEING PUT TO THE VOTE THE MOTION AS AMENDED WAS DECLARED CARRIED

RESOLVED that the motion as amended be approved.

(c) Library Service and use of Volunteers

Councillor Burke moved and Councillor Bogle seconded:

“Southampton City Council calls on the Executive to drop its current proposals to use volunteer staff in the library service in place of members of staff”.

UPON BEING PUT TO THE VOTE THE MOTION WAS DECLARED LOST

RESOLVED that the motion be not approved.

48. QUESTIONS FROM MEMBERS TO THE CHAIRS OF COMMITTEES OR THE MAYOR

The following question was submitted in accordance with Council Procedure Rule 11.2:-

Planning Administration

Question from Councillor Slade to Councillor Fitzhenry

Does the Chair of Planning and Rights of Way accept responsibility for the serious administration error that resulted in several agenda items having to be deferred at the last Panel meeting and an extra meeting having to be called to deal with them?

Answer

I held a meeting on 7th September with our Business Support team to determine what went wrong. The Uniform computer system was not copying across all those who had commented on a planning application from one part of the computer system to the part that generates the list of those who should be sent letters. As a result some letters were not sent out. The issue has been logged with the company who supply the computer system and they will rectify the fault.

In the meantime, the computer system will be manually double-checked by the Business Support team to make sure no-one is missed out. I have also asked that a letter of apology is sent out to all those affected.

I apologise on behalf of the Officers for the problems at Panel which I know gave a bad impression of the Council to our customers. Everything possible has been done to avoid recurrence.

I trust that explains what went wrong and that we have procedures in place to ensure the problem is not repeated.

49. APPOINTMENTS TO COMMITTEES, SUB-COMMITTEES AND OTHER BODIES

The following changes to the appointments to Committee and Sub-Committee membership were noted:

- (a) Councillor Walker had replaced Councillor Baillie on the Licensing Committee;
- (b) Councillor Osmond had replaced Councillor Fitzgerald on the Licensing General Sub-Committee;
- (c) Councillor Harris had replaced Councillor Baillie on the Overview and Scrutiny Management Committee and;
- (d) Emily Fletcher, Assistant Diocesan Director of Education had been appointed as the Church of England Diocese of Portsmouth's representative on the Overview and Scrutiny Management Committee.
- (e) Councillor Kolker had replaced Councillor Baillie on Employment and Appeals.

50. NEW MODELS OF GOVERNANCE FOR THE COUNCIL'S EXECUTIVE AND ELECTORAL CYCLE ARRANGEMENTS

The report of the Solicitor of the Council was submitted seeking consideration of the results of consultation in respect of changes to the Council's Executive governance arrangements and to determine which of the options should be adopted (copy of report circulated with agenda and appended to signed minutes).

On the advice of the Solicitor to the Council and with the consent of the meeting, the following motion was moved:

That the Council accept the recommendations of the Local Government and Public Involvement in Health Working Group to retain the current Leader and Cabinet Model".

UPON BEING PUT TO THE VOTE THE MOTION WAS DECLARED CARRIED

Following the adoption of the Leader and Cabinet Model, the Council considered nominations for the election of the Leader:

The nomination of Councillor Smith was moved and seconded.

UPON BEING PUT TO THE VOTE COUNCILLOR SMITH WAS ELECTED LEADER.

Following his election as Leader, Councillor Smith informed the Council that there would be no changes to the Cabinet and their portfolio responsibilities.

The Leader informed the Council that in accordance with the requirements of the Local Government and Public Involvement in Health Act, Councillor Moulton would be appointed as Deputy Leader.

RESOLVED:

- (i) That the Council, having considered the results of consultation in respect of changes to the Council's Executive governance arrangements, the Cabinet and Leader model be adopted;
- (ii) That the Solicitor to the Council be granted delegated authority to make the above proposals available for public inspection and publish details in one or more newspapers;
- (iii) That the Solicitor to the Council be granted delegated authority to finalise the arrangements as approved by Full Council and make any further consequential or minor changes arising from the decision of Full Council;
- (iv) That the Solicitor to the Council be granted delegated authority to amend the City Council's Constitution to reflect the changes approved by Full Council; and
- (v) That Councillor Smith be elected as Leader of the Council for the remainder of the municipal year.

51. THE GENERAL FUND CAPITAL PROGRAMME 2009/10 - 2012/13

The report of the Cabinet Member for Resources and Workforce Planning updating Council was submitted concerning any major changes in the overall General Fund Capital Programme since it was last reported on 17th February 2010 (copy of report circulated with agenda and appended to signed minutes).

RESOLVED:

- (i) that the revised General Fund Capital Programme (which totals £257.4M as detailed in paragraph 4 of the report) and use of resources be approved;
- (ii) that the over programming of £10.5M as detailed in paragraph 11 of the report, which is within the previously approved tolerances, be approved;
- (iii) that £1.5M be added to the Leisure, Culture & Heritage capital programme for the SNAC scheme to be funded by the additional grant recently awarded to the Council;
- (iv) that £71,000 be added to the Leader's capital programme in 2010/11 for feasibility studies and programme management to be funded from corporate resources;
- (v) that the revised Prudential Indicators, reflecting the updated capital programme, as detailed in Appendix 4 of the report be approved; and
- (vi) that it be noted that the revised General Fund Capital Programme is based on prudent assumptions of future Government Grants to be received, due to the uncertainty surrounding the Comprehensive Spending Review for 2011/12 and future years.

52. HOUSING REVENUE ACCOUNT CAPITAL PROGRAMME 2010/11-2012/13

The report of the Cabinet Member for Housing was submitted, updating the Housing Revenue Account Capital Programme approved by Council in February 2010 (copy of report circulated with the agenda and appended to signed minutes).

RESOLVED:

- (i) that the revised Housing Revenue Account (HRA) Capital Programme set out in Appendix 1 to the report be approved;
- (ii) that the use of resources to fund the HRA Capital Programme as shown in Appendix 3 to the report be approved, including the use of unsupported (prudential) borrowing in total of £11.706M, for the following purposes:
 - £2.150M to support the overall programme (unchanged from the report in July 2010)
 - £2.230M to fund the Digital TV proposals
 - £3.356M to fund approximately 50% of the New Build schemes added to the capital programme
 - £0.870M to fund the estate regeneration programme pending the receipt of the capital receipts from the sale of the sites
 - £3.1M of short term borrowing to sustain the programme in 2010/11

53. WESSEX YOUTH OFFENDING TEAM (YOT) ANNUAL YOUTH JUSTICE PLAN 2010/11

The report of the Cabinet Member for Children's Services and Learning was submitted, seeking approval of the Wessex Youth Offending Team Annual Youth Justice Plan 2010/11 as part of the Council's Policy Framework (copy of report circulated with the agenda and appended to signed minutes).

RESOLVED that the Wessex Youth Justice Plan 2010/11 be approved as part of the Council's Policy Framework.

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Agenda Item 5

DECISION-MAKER:	COUNCIL
SUBJECT:	EXECUTIVE BUSINESS
DATE OF DECISION:	17 NOVEMBER 2010
REPORT OF:	LEADER OF THE COUNCIL
STATEMENT OF CONFIDENTIALITY	
None	

BRIEF SUMMARY

This report outlines executive business conducted since the last Council meeting and highlights some of the positive developments and achievements.

RECOMMENDATIONS:

- (i) That the report be noted.

REASONS FOR REPORT RECOMMENDATIONS

1. This report is presented in accordance with Part 4 of the Council's Constitution.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. Not applicable.

DETAIL (Including consultation carried out)

3. As Leader of the Council, I identified in July 2010, two priorities for the Council: achieving Value for Money and Strong Leadership in facilitating economic growth for prosperity for the city. This report highlights the business undertaken by the Executive, particularly good news stories which demonstrate the progress we are making towards our objectives. A list of Cabinet decisions taken since the last Full Council meeting is attached as Appendix 1.

LEADER'S PORTFOLIO

4. The Queen comes to Southampton

Thousands of people packed the newly refurbished Guildhall Square on Monday 13th October to watch the naming of Cunard's newest cruise liner, Queen Elizabeth. Residents packed the square to watch the live events unfold on a giant screen in the Square, as Her Majesty the Queen name the latest addition to Cunard's fleet of luxurious liners. The event marked the end of a series of Elizabethan events staged by Southampton City Council. Theatre performances and a Queen tribute band at the Guildhall Square during the weekend attracted thousands of people, while events at some of the City's top heritage attractions also proved popular.

5. Guildhall Square opens to the Public

The newly refurbished and repaved Southampton Guildhall Square opened to the public. Building work is now practically complete and Southampton City Council held an official launch of the square on 12-13 November. The square is a central piece in the city's emerging Cultural Quarter and is now the perfect setting to attract events, art shows and exhibitions. It now features new benches, lighting and paving. The entire area has been transformed to become more pedestrian

friendly.

6. Solent Local Enterprise Partnership (LEP) gets go-ahead

I am delighted that the business led proposal to establish a Solent LEP has been given the green light by Government today. The City Council was actively engaged in this submission, and made a significant contribution. The proposal for a Local Enterprise Partnership in the Solent area (Solent LEP) has been driven by the business community and is supported by four university partners, the further education sector, three unitary authorities, eight district councils and the voluntary and community sector, all of whom have been actively working together to secure a more prosperous and sustainable future for the Solent area. The Solent LEP partners are determined to put business at the heart of economic growth in the Solent area, enabling this recognised globally competitive area to realise its full potential. With a population of over 1.3 Million and some 50,000 businesses, the Solent area is a well recognised functional economic area anchored around the Isle of Wight, the two cities of Portsmouth and Southampton and the M27 corridor and Solent waterway.

The vision is to create an environment that will better facilitate economic growth and private sector investment in the Solent area, allow businesses to grow, become more profitable, and enable new businesses to form and prosper.

The Solent LEP will be output driven, delivering real and substantial improvements in the co-ordination of private and public investment in key areas of sustainable economic development including skills, business support, regeneration, transport, housing and inward investment. It will focus on rebalancing the local economy in favour of the private sector; reindustrialising the economic base, supporting the development of knowledge based industries and high value added manufacturing; and providing a catalyst for regeneration.

7. Southampton's New Arts Complex (SNAC)

The agreement for the Art Council grant and the development agreement with Grosvenor have now been completed. Legal agreements with both Arts Council England and Southampton City Council's development partner, Grosvenor Developments Limited are now in place, representing a major milestone in bringing another critical element of Southampton's Cultural Quarter to fruition. Grosvenor will now be working up detailed plans for the development with a view to submitting a planning application in Spring 2011, starting on site in 2012 and handing over the arts shell to the council in 2013. The proposed mixed used development will include restaurants, flats and Southampton's New Arts Complex which will be launched in early 2015. The Arts Complex will comprise around 75,000 sq ft of performing arts, gallery and film/media studio space across two iconic buildings, allowing views through from the Guildhall to East Park.

ADULT SOCIAL CARE AND HEALTH PORTFOLIO

8. Music in the City

The Music in the City project arose from an initiative by Councillor Norris, who held discussions with a number of officers regarding the benefits of music on health and well-being and its impact on other areas of activity in the city in Summer 2009. Between 1 – 10 October 2010 the Music in the City festival delivered a range of events in the city spanning a range of musical genres – all

performed by local people - in choirs, orchestras, and bands, as well as individuals, who have come forward wanting to perform in the city. Some events linked with Black History month and the Film Festival, as well as International Day of Older People. One of the most important achievements of the festival has been the way it has brought together different elements – performers, historic buildings and venues, resources, music projects to extend the capacity within the system, and to contribute building social networks that offer opportunities for the future. Having explored what can be achieved, and established a firm and well supported platform, volunteers are now working on a longer term business plan to take the Music in the City initiative forward. The intention is that the project will develop more fully into the areas identified such as health and well being, tourism and economy in future.

CHILDREN AND SAFEGUARDING PORTFOLIO

9. Academy deal closed in Southampton

Work will begin on Southampton's first Academy building project within a month after the city council closed a £15M deal with construction partner Carillion. Financial close comes just ten months after the programme to rebuild the Oasis Community Learning Academies began. The £15M Oasis Academy Mayfield in Sholing is the first of two projects in the city worth a combined £35M. The new Oasis Academy Mayfield will boast a large, central learning space that can be adapted for a multitude of uses, including group work, exhibitions and community use. There will also be a state-of-the art theatre space that can be adapted to suit a variety of performances. The building is not only iconic, it has also been designed with the environment in mind, including solar panels and natural ventilation, which will help to reduce the carbon footprint of the school by 60 percent over its lifetime.

ENVIRONMENT AND TRANSPORT PORTFOLIO

10. New City Depot and Recycling Park

Work has begun on a new City Depot and Recycling Park for Southampton. The keys to the site for the new City Depot and Recycling Park at Dock Gate 20 in Southampton were handed over to the main contractors Mansell last week. Waste collection, Highways, Open spaces and Fleet Management will be among the services moving to the new site, where up to 400 staff will be based, with 175 working from a three storey office block. The City Depot and Recycling Park will be home to council vehicles and will also be the base for the new Highways Partner Balfour Beatty. Meanwhile the former Town Depot site will be opened up for new development and investment opportunities. Construction of the new site will create employment opportunities and 4 new local apprenticeships for the City. The new site will provide excellent recycling facilities for the public and has been designed with the environment in mind. The site will generate a large proportion of its own energy through solar panels and will also capture rainwater for use in washing and running vehicles.

11. Customer Insight and Green Credentials Campaign

The Waste and Fleet Transport Service in partnership with our communications team and Project Integra were successful in winning £78,000 from the Community and Local Government's (CLG) 'Efficiency and Transformation Capital Fund'. The funding will enable us to undertake work across Hampshire to support our green

credentials project including a communications campaign. Southampton City Council is the lead local authority on this project. The broad focus is on identifying the barriers to recycling, removing and reducing these and in turn increasing recycling rates and decreasing contamination rates. Part of the funding will be to provide a graduate internship post within the Environment Directorate. After identifying barriers, communication campaigns based on targeting specific customer groups will be developed for the following:

- Focus groups to understand why people don't recycle or contaminate their recycling. This will be targeted to specific socio-economic groups using the Council's Mosaic customer segmentation data analysis techniques.
- Working with local charities to increase textile recycling
- Developing a new garden waste campaign, following the example of a Local Authority pilot study
- Showcasing 'Herb' a 3D animated rodent to encourage residents to improve their recycling, think about what they throw away and what they put in their recycling bin to help reduce waste and save money.

12. Targeting criminal business activity

By making full use of the regulatory powers available, Trading Standards successfully halted sales of worthless novelty festival tickets through a website run by 2 Southampton based students. In the short period the site operated members of the public paid over £18,000; of this £6,000 was prevented from reaching the students, and following the Council's intervention customers were refunded by their card issuer, PayPal, or Google Checkout. Ultimately only £2,100 remains outstanding which, following a Crown Court hearing, is the subject of a compensation order. Both students were sentenced to 45 weeks imprisonment suspended for 2 years, 200 hours community service, the compensation order and a contribution to the council's costs of £2,500 each.

13. Open for Business

A partnership initiative called 'Estates Excellence 2' has been running on the city's industrial estates over the last 4 months. Together, Environmental Health, the Health and Safety Executive and Hampshire Fire and Rescue have helped over 200 businesses assess their own management of risks in the workplace and have provided free local health and safety training for employers and workers. An occupational health bus has also been seeing workers in the area to make sure they are staying fit and healthy in their jobs. This will help our local businesses reduce injuries and ill health at work – saving time and money.

HOUSING PORTFOLIO

14. Building Southampton's first carbon neutral homes

Southampton's carbon footprint is set to be reduced after planning permission was granted by Southampton City Council for 11 new zero carbon rated homes. Radian Housing has been granted permission to build cutting edge carbon neutral homes on unused land at Stoneham Cemetery Road. These homes will be the first in the city to meet the government's highest environmental impact rating system for sustainable homes, Level 6, and is six years ahead of schedule.

15. Big council drive to insulate homes for £99

Homeowners in Southampton can increase the value of their homes, reduce their carbon footprint and save loads of money – simply by installing cavity wall

insulation. The Energy Saving Trust estimates that cavity wall insulation delivers savings of £115 a year. That means with Southampton City Council's new drive to provide cavity wall insulation for just £99, home owners can effectively get their wall insulation for free. The council also offers loft insulation for £99 and with the true cost of home insulation being many hundreds of pounds, residents will be left "quids in".

16. Challis Court Community Room Refurbishment

Building Works have recently completed a major refurbishment project at Challis Court. The court now contains a refurbished community room which includes a new ceiling incorporating new improved lighting. The community room has also benefitted from being redecorated and the opening out of the area by the fitting of a continuous sliding folding double glazed screen that opens out onto the brand new patio area that has been constructed. The community area has been subdivided to allow for the creation of a separate office for supported housing staff and a new information technology suite for residents to use. The last of the refurbishment work carried out involved the fitting of a brand new stainless steel kitchen and the installation of new door access system allowing entry to the community room

17. New Council Homes – Tenants start moving in

The Council's scheme to build new Council homes for the first time in over 15 years – the "LA New Build" scheme – continues apace, with the first tenants about to move in to the 4 houses at Flamborough Close well ahead of schedule, and the last of the 8 LA New Build sites at Cumbrian way just about to get underway. This means that 53 new homes should be handed over to the Council by the spring of 2012, all of which will be provided at Level 4 of the Code of Sustainable Homes at a project cost of just under £7m, of which approximately 50% is funded by the Homes and Communities Agency following successful Council bids in 2009. The new homes are being constructed by Drew Smith Limited, with Radian acting as the Council's contracted project managers, along with Employers Agent support from Wellings Partnership and Capita Symonds. However, all homes will be owned and managed by the Council, and let to transferring Council (and Housing Association) tenants who successfully apply through the Council's "Homebid" process. All homes are being pre-allocated well in advance, so that people have plenty of time to gear up to moving in, and become aware of how to make best use of the various "green" features – such as solar panels – to keep their fuel and other bills really low.

LEISURE, CULTURE AND HERITAGE PORTFOLIO

18. Building of the Sea City Museum

The build of Southampton's Sea City Museum has now commenced after the project was given final planning permission. With all approvals now in place, the construction of the museum – set to attract thousands of visitors to the city can start. Southampton's resident will shortly see hoardings going up around the Grade II listed Magistrates' Courts, which adjoin the Civic Centre. Sea City Museum is a central piece of the new Cultural Quarter in Southampton and is set to complete in April 2012 – 100 years since the Titanic left Southampton.

19. Southampton's historic Westgate Hall re-opens

The reinvigoration of Southampton's historic Old Town continues as Westgate Hall

prepares to throw open its doors once again as one of the city's most attractive and unusual venues. Formally known as Tudor Merchants Hall, Westgate Hall has undergone an extensive refurbishment and is now open for business. The project, funded by Southampton City Council and the Heritage Lottery Fund, has meant Westgate Hall has been closed for the past year as part of the second phase of the restoration of Southampton's Old Town.

20. Andy Warhol Exhibition

Southampton is to stage a major exhibition of nearly two hundred works by Andy Warhol, one of the giants of 20th century art. Paintings, prints, posters, photographs and film will be displayed across two of the region's most prestigious art venues, our own City Art Gallery and the John Hansard Gallery. The exhibition opens next March and will have free admission. The City Art Gallery will explore contemporary culture and icons by exhibiting 19 major paintings and a group of 126 prints and posters, alongside an Andy Warhol 'factory' style space for young people and families. The University of Southampton's John Hansard Gallery will focus on Warhol's hugely influential film and photography

21. A 20 Year Plan for a new Southampton – MYCOUNCILTV

The Council's website now features a number of videos, including the one available on the following link, providing an outline of the 'City Vision'.

<http://www.southampton.mycounciltv.org/>

LOCAL SERVICES AND COMMUNITY SAFETY PORTFOLIO

22. Open Spaces Award

Shirley Ponds and Lordsdale Greenway was awarded first place in the Green Open Spaces Award 2010 for best community park nominated by local residents. The award is run by the City of Southampton Society and Southampton Commons and Parks Protection Society and supported by Linden Homes. Daisy Dip was awarded the runner's up prize.

23. New Communities Website launched

The New Communities website was officially launched www.sotonnewcom.org.uk. The website gives information in 11 languages for people who are who are new to Southampton. They may have come from other areas of the UK or from overseas. The website been transformed from a modest operation with limited information to a comprehensive information resource. Its success is down to the strong project partnership forged between the City Council's Communities team, and key voluntary and commercial organisations in both the design and the promotion of the site.

24. Fresher's Week

Safer Communities team handed out safety advice and information to over 1,000 new students at both Solent and Southampton Universities during their 'fresher's week activities. A team of workers including Safe City Partners worked in the main campus of Solent University and from the ICE bus at Southampton University to interact with students. In return for completing a scratch card they each received a personal safety pack giving information about local work including Yellow Card and ICE Bus.

25. Friends of Southampton's parks score funding hat-trick

The Friends of Riverside Park (FORP) have been awarded £50k from the Big

Lottery Fund's Community Spaces Programme for the redevelopment of the Woodmill play area in Riverside Park. FORP was first constituted in November 2008 and this is their first major success in securing additional funding for the park. The award follows extensive public consultation with local residents, schools, police and other stakeholders whose views have been reflected in the final design. The area will include a raised 'discovery footpath' with willow tunnel, boardwalk, wooden dinosaur sculpture, a zip wire, trampoline and boulder mounts.

The Friends of Hinkler Green have also recently secured £50k from the Community Spaces fund to continue to improve and develop Hinkler Green Park. Southampton Amateur Rowing Club also announced last month that they had secured £50k from Community Spaces to regenerate the Itchen Ferry foreshore and memorial garden.

The Parks and Street Cleansing team worked with all of these community groups to help them achieve this hat-trick of grant awards for to improve Southampton's green spaces.

RESOURCES AND WORKFORCE PLANNING PORTFOLIO

26. First major milestone of ASAP complete

During a period of 9 weeks over 450 council staff have successfully moved within Civic Buildings. One Guildhall Square is now fully occupied by council staff on the upper 2 ½ floors and Capita staff on the lower floors. In addition Gateway, the council's customer services centre, has now moved from the Civic Centre and has opened on the ground floor. Frobisher House has been vacated and returned to the landlord and the entire East Wing of the Civic Centre municipal block has been vacated allowing the major programme of civic repair works to commence. Wates Construction are contracted to carry out this major programme of works to the Civic which will see each wing closed for a period of one year, works completing in the summer of 2013. These works include repairs to the roof and structure of the building, replacement of the windows along with other essential works. New IT infrastructure, electrical, and heating and ventilation systems will then be installed.

TRAFFIC REGULATION ORDERS

27. The Executive received a report on the Proposal to Introduce no waiting at any time restrictions in the vicinity of the junction of Bassett Green Close and Bassett Green Road TRO) and resolved to consider and determine the objection to the advertised proposals for no waiting at any time parking restrictions in Bassett Green Close; and that the Cabinet considers and decides upon an alternative proposal with a provision for two hour limited waiting parking 8 am to 6 pm Monday to Friday.

CITY PARTNERSHIP UPDATE

28. The Southampton Partnership Delivery Board continues to meet on a monthly basis and, since the last meeting of Council, has kept under constant review the raft of **Government's policy announcements and their potential impact on key partner agencies and citywide partnership working** which needs to be considered within the context of the Southampton Partnership Review currently under way. It has also considered six-month progress reports on **Teenage**

Pregnancy rates, on Not in Education, Employment or Training (NEETs) rates and on Major Developments across the city. The Southampton Partnership Delivery Board also considered a report on **Domestic Violence** noting the increasing demands against reducing resources and subsequently commissioned a task group to be established to undertake an efficiency and business transformation review of the service. The draft **City Priorities & Challenges** and **Overarching Principles for Southampton Partnership Review** were agreed with a recommendation to the Southampton Partnership Policy Board to adopt them.

The **Southampton Partnership Policy Board** last met on the 7th October 2010 and received a presentation on **the impact of the Coalition Government's policy announcements and their impact on key partner agencies and citywide partnership working** followed by a presentation on the impact of the recession on Southampton. The SP Policy Board then considered, and subsequently adopted, the new **City Priorities & Challenges and Overarching Principles for Southampton Partnership Review**.

Further information on the activities of the Southampton Partnership and its partnership family can be found at www.southampton-partnership.com or by contacting the relevant partnership manager direct whose contact details can be found on the SP website by clicking on the 'Our Partners' page and then the relevant partnership page.

FORTHCOMING BUSINESS

- 29.. The Executive published its Forward Plan on the 16th November 2010 covering the period December to March and will publish its next plan on the 15th December covering the period January to April 2011. Details of all forthcoming executive decision items can be found at:
<http://sccwww1.southampton.gov.uk/decisionmaking/internet/forwardplanindex.asp>

RESOURCE IMPLICATIONS

Capital/Revenue

30. None.

Property/Other

31. None.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

32. This report is brought forward in accordance with the Local Government Act 2000. The powers to undertake the proposals summarised in this report are detailed within the individual decision making reports presented to the executive over the past few months.

Other Legal Implications:

33. Not applicable

POLICY FRAMEWORK IMPLICATIONS

34. None

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KEY DECISION?		No		
WARDS/COMMUNITIES AFFECTED:		None directly, since this report is presented for information purposes		

SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	Decisions taken by Cabinet on 6 th September and 25 th October 2010
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Documents In Members' Rooms

1.	None
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Integrated Impact Assessment

Do the implications/subject of the report require an Integrated Impact Assessment (IIA) to be carried out.	No
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Other Background Documents

Integrated Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.	None
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Agenda Item 9

DECISION-MAKER:	LICENSING COMMITTEE		
	COUNCIL		
SUBJECT:	LICENSING ACT 2003 – TRIENNIAL REVIEW OF STATEMENT OF LICENSING POLICY		
DATE OF DECISION:	4 NOVEMBER 2010 17 NOVEMBER 2010		
REPORT OF:	SOLICITOR TO THE COUNCIL		
AUTHOR:	Name:	Richard Ivory	Tel: 023 8083 2794
	E-mail:	Richard.ivory@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

N/A

SUMMARY

In accordance with Section 5 Licensing Act 2003, the Council, as Licensing Authority, is required to adopt a Statement of Licensing Policy by January every three years. The Council's current Statement of Licensing Policy was adopted in November 2008 and requires fresh adoption prior to 7th January 2011. The Licensing Committee is one of the consultees

RECOMMENDATIONS:

Licensing Committee

- (i) That the Committee considers the current Statement of Licensing Policy, the revisions made to it and recommend its adoption to Full Council.

Full Council

- (ii) That Council adopts the revised Statement of Licensing Policy as attached at Appendix 1.

REASONS FOR REPORT RECOMMENDATIONS

1. The core of the current Statement of Licensing Policy has been in place for nearly three years and has remained broadly unchanged during this period. The only significant addition was that of a Cumulative Impact Policy (CIP) as an addendum to the main policy in May 2009. The Policy is an outline of the approach that the Council must adopt in consideration of any application or review. In the view of officers and the Responsible Authorities, the Policy has worked well. Accordingly, there is no cogent reason why significant changes should be made to the Policy at this point in time.

CONSULTATION

2. The Council has undertaken a wide consultation exercise in accordance with Government Guidance. The Council has specifically consulted with the statutory consultees comprising the Chief Officer of Police for the city, the Fire Authority, persons or bodies representative of local holders of premises

licences, personal licences and business and residents in its area. In addition, the consultation exercise has been advertised on the Council's website.

3. Attached at Appendix 2 is the full list of consultees and the consultation responses.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

4. No alternative options have been considered as the Council has, by law, to adopt a Statement of Licensing Policy every three years.

DETAIL

5. As previously indicated, the Statement of Licensing Policy has been in place since January 2005. The Authority had regard to the Licensing Policy during this period of time and it is officers and Responsible Authorities' views that the Policy is robust, reasonable and appropriate for the City at the current time. Should the situation change, the Authority has the ability to revisit the Policy and bring it to Full Council for reconsideration, as it did when considering the city centre CIP areas in May 2009.
6. The only significant addition to the revised policy is the recognition of the emerging Cultural Quarter in the city which sits in the Above Bar area of the CIP. As such specific reference is made to potential cultural or related activities as being treated generally as an exception to the CIP meaning that ordinarily they would be deemed to be appropriate. Minor typographical and other changes have been made to the Policy which are indicated in the attached draft, although none of these changes are significant.
7. By way of background, it is the duty of the Council as licensing authority to carry out their functions under the Act with a view to promoting four licensing objectives which are:
 - Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
8. In addition, in determining this Policy, the licensing authority must have regard to the Guidance provided by the Department of Culture, Media and Sport.
9. Whilst the Policy must set out a general approach to the making of licensing decisions, it cannot be ignorant or inconsistent with the provisions of the Act. For example, the Policy must not undermine or exclude the right of an individual to apply under the terms of the Act for a variety of permissions and to any have such application considered on its individual merit.
10. The Policy should also make it clear that licensing is about regulating the carrying on of licensable activities on licensed premises by qualifying clubs and temporary events and that conditions attached to various authorisations can only be focussed on matters which are within the control of individual licensees and others granted relevant authorisations. Accordingly, these matters will focus on the premises and places being used for licensable activities and the vicinity of those premises and places. Anti-social behaviour in the vicinity of licensed premises is a broad issue that can be, and is,

referred to in the Policy. However, whether or not incidents can be regarded as “in the vicinity” of licensed premises or places is a question of fact and will depend on the particular circumstances of each case under consideration. However, the Council will encourage, as far as it is possible, that licence holders have regard to the impact of their business or activity on the neighbourhood and wider community. In cases of dispute, the question will ultimately be decided by the Courts. The current Policy makes it clear in addressing this matter the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working and engaging in normal activity in the area concerned. The Policy also makes it clear that the licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and, therefore, beyond the direct control of the individual club or business holding the licence certificate for the organisation concerned.

11.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

12. None.

Revenue

13. There are no resource implications from the changes to or re-adoption of the current Licensing Policy.

Property

14. There are no specific property implications arising from this report.

Other

15. None.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

16. Licensing Act 2003

Other Legal Implications:

17. None.

POLICY FRAMEWORK IMPLICATIONS

18. It is a statutory obligation to produce a Statement of Licensing Policy by references specifically made in the Policy at paragraph 8 to the need to integrate other strategies such as the local tourist economy, Council Strategy for the City, Night-time Economy, Crime and Disorder Strategy, Anti-Social Behaviour Strategy and other relevant corporate policies.

SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	Statement of Licensing Policy (with proposed amendments)

Documents In Members' Rooms

1.	List of consultees and responses – (at the date of publication, the representations received to date are in the Members' Rooms and a further update will be given at the meeting)
2.	CIP Plans

Background Documents

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	DCMS Guidance to Local Authorities April 2006	
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Background documents available for inspection at: Office of the Solicitor to the Council, Civic Centre, Southampton

KEY DECISION? N/A

WARDS/COMMUNITIES AFFECTED:	All
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