

Public Document Pack

Cabinet

**Tuesday, 17th December, 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

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BACKGROUND AND RELEVANT INFORMATION

The Role of the Executive

The Cabinet and individual Cabinet Members make executive decisions relating to services provided by the Council, except for those matters which are reserved for decision by the full Council and planning and licensing matters which are dealt with by specialist regulatory panels.

The Forward Plan

The Forward Plan is published on a monthly basis and provides details of all the key executive decisions to be made in the four month period following its publication. The Forward Plan is available on request or on the Southampton City Council website, www.southampton.gov.uk

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

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)

2013	2014
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 the 19th and 20th November 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.

ITEMS FOR DECISION BY CABINET

8 ARTS AND HERITAGE COLLECTIONS POLICY

Report of the Cabinet Member for Economic Development and Leisure Services seeking an approval for an update on the current policy, attached.

9 WASTE MANAGEMENT POLICY

Report of Cabinet Member for Environment and Transport seeking approval for the Waste Management Policy, attached

10 DOMICILIARY CARE RE-COMMISSIONING

Report of the Cabinet Member for Health and Adult Social Care, seeking approval for approval Southampton City Council and the Southampton City Clinical Commissioning Group to work together to re-commission the adult domiciliary care framework across the City, attached.

11 HOUSING PROVISION FOR PEOPLE WITH LEARNING DISABILITIES AND COMPLEX NEEDS

Report of the Cabinet Member for Health and Adult Social Care seeking approval for Southampton City Council and the Southampton City Clinical Commissioning Group to put in place a business case for Housing Provision for People with Learning Disabilities and Complex Needs, which is driven by the need to have local, person centred services delivered in the right place and at the right time.

12 HOUSING REVENUE ACCOUNT (HRA) CAPITAL PROGRAMME PROJECT APPROVAL 2013/14 AND 2014/15

Report of the Cabinet Member for Housing and Sustainability, seeking approval for the Housing Revenue Account Capital Programme Projects, attached.

13 REPORT ON BETTING SHOPS, PAY DAY LOAN PREMISES AND FAST FOOD OUTLETS

Report of the Leader of the Council outlining a review of the planning policies in order to minimize the harmful impact of these developments, attached.

14 PROPOSALS TO DESIGNATE BASSETT NEIGHBOURHOOD AREA AND BASSETT NEIGHBOURHOOD FORUM

Report of the Leader of the Council, seeking approval for the designation of the Bassett Neighbourhood Area and a Bassett Neighbourhood Forum, attached.

Monday, 9 December 2013

Head of Legal and Democratic Services

Agenda Item 4

SOUTHAMPTON CITY COUNCIL EXECUTIVE DECISION MAKING

RECORD OF THE DECISION MAKING HELD ON 19 NOVEMBER 2013

Present:

Councillor Letts	- Leader of the Council
Councillor Barnes-Andrews	- Cabinet Member for Resources
Councillor Bogle	- Cabinet Member for Children's Services
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

Apologies: Councillors Jeffery and Kaur

55. REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES (IF ANY)

On consideration of the report of the Chair of Scrutiny Panel B detailing an Inquiry into apprenticeships across the City, Cabinet

- (i) Formally received the Scrutiny Inquiry report on apprenticeships
- (ii) Undertook to develop a formal response to the recommendations contained within it, including an action plan detailing how the Executive proposes to take forward any of the recommendations contained in the report.

56. EXECUTIVE APPOINTMENTS

Cabinet approved the following appointments to the Corporate Parenting Committee:

- Councillor Bogle
- Councillor Jeffery
- Councillor Morrell
- Councillor Moulton
- Councillor Paffey
- Councillor Turner

57. CORPORATE REVENUE FINANCIAL MONITORING FOR THE PERIOD TO THE END OF SEPTEMBER 2013

On consideration of the report of the Cabinet Member for Resources, Cabinet agreed to:

- (iii) Note the current General Fund revenue position for 2013/14 as at Month 6 (September), which is a forecast under spend at year end of **£1,214,300** against the budget approved by Council on 13 February 2013, as outlined in paragraph 4. This can be compared against the reported under spend at Month 3 of £151,300 which is an improvement of almost £1.1M.
- (iv) Note that the baseline forecast over spend for portfolios is just under £6.1M.
- (v) Note that portfolios plan to take remedial action to manage a number of the corporate and key issues highlighted in this report and that the financial impact is reflected in the forecast position.
- (vi) Note that further remedial action has been taken to rigorously control staff resource costs and to put in place a moratorium on all non essential expenditure for the remainder of the financial year.
- (vii) Note that the Risk Fund includes £5.7M to cover service related risks, (following the allocation of £94,400 to portfolios), and that the estimated draw at Month 6 is £5.0M to cover expenditure which is included within the baseline forecast portfolio over spend of £6.1M. The portfolio position after the draw from the Risk Fund is an over spend of £1.1M.
- (viii) Note that it has been assumed that the remaining contingency, which stands at £410,700, will be fully utilised by the end of 2013/14. The remaining contingency at Month 3 was £110,700 and an additional £300,000 was added to this as set out in the recommendations contained within the General Fund Revenue Outturn 2012/13 report which was approved by Council in July.
- (ix) Note the forecast level of balances, which will not fall below the revised minimum level of £5.5M in the medium term based on the current forecast.
- (x) Note the performance to date with regard to the delivery of the agreed savings proposals approved for 2013/14 as detailed in Appendix 10.
- (xi) Note the performance against the financial health indicators detailed in Appendix 11.
- (xii) Note the performance outlined in the Quarterly Treasury Management Report attached as Appendix 12.
- (xiii) Note the current HRA budget monitoring position for 2013/14, as at Month 6 (September). There is a forecast over spend at year end of £384,500 against the budget approved by Council on 13 February 2013, as outlined in paragraph 40. This can be compared against the reported over spend at Month 3 of £289,600 which is a change of £94,900.

58. BITTERNE CHURCH OF ENGLAND INFANT & JUNIOR SCHOOL MERGER PROPOSAL

DECISION MADE: (Ref: CAB 13/14 11397)

On consideration of the report of the Cabinet Member for Children's Services, Cabinet agreed the following:

- (i) To consider the outcome of statutory consultation and approve the implementation of proposals to discontinue Bitterne CE Infant School and extend the age range of Bitterne CE Junior School to establish an all through primary school from 1 September 2014.
- (ii) Subject to complying with Financial and Contractual Procedure Rules, to delegate authority to the People Director, following consultation with the Cabinet Member for Children's Services, to do anything necessary to give effect to the recommendations in this report.

59. CORPORATE PARENTING COMMITTEE REVIEW

DECISION MADE: (CAB 13/14 11513)

On consideration of the report of the Cabinet Member for Children's Services, Cabinet agreed the following:

- (i) To appoint a Corporate Parenting Committee with cross party membership of 6 Elected Members including the Lead Member for Children's Services made up of 3 Labour, 1 Conservative, 1 Liberal Democrat and 1 Councillors Against the Cuts.
- (ii) To approve the proposed Terms of Reference for the Corporate Parenting Committee, attached as Appendix 1 of the report.
- (iii) To delegate authority to the Head of Legal, Human Resources and Democratic Services following the consultation with the Cabinet Member for Children's Services and the Director of People to approve any minor amendments to the terms of reference to ensure arrangements remain fit for purpose.

60. REFURBISHMENT OF 315 COXFORD ROAD

DECISION MADE: (Ref: CAB 13/14 11544)

On consideration of the report of the Cabinet Member for Children's Services, Cabinet agreed the following:

- (i) To approve, subject to Council approval on 20th November 2013, in accordance with Financial Procedure Rules, capital expenditure of £247,000 in 2013/14 from the Children's Services Capital Programme to carry out works at 315 Coxford Road.

- (ii) To delegate authority to the Director of People, following consultation with the Head of Legal, and Democratic Services, to do anything necessary to give effect to the recommendations in this report including but not limited to entering into contracts for goods and service subject to compliance with contract and financial procedure rules.

61. THE AVENUE CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN

DECISION MADE: (Ref: CAB 13/14 11550)

On consideration of the report of the Cabinet Member for Environment and Transport, Cabinet agreed the following:

- (i) To adopt the Conservation Area Appraisal and Management Plan in order that the policies contained within the Management Plan will guide future development proposals in the Conservation Area;
- (ii) To approve the proposal to implement an Article 4 Direction for Cavendish Grove to remove Permitted Development (PD) rights for works to the roofs and front elevations, and to authorise the Head of Legal, HR and Democratic Services to make and advertise an Article 4 Direction and consult with residents;
- (iii) To approve the boundary of the Conservation Area is changed to include Cavendish Hall;
- (iv) To approve the boundary of the Conservation Area is changed to exclude 3 – 6 Clifford Dibben Mews

62. CRANBURY PLACE CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN

DECISION MADE: (Ref: CAB 13/14 11552)

On consideration of the report of the Cabinet Member for Environment and Transport, Cabinet agreed the following:

- (i) To adopt the Conservation Area Appraisal and Management Plan in order that the policies contained within the Management Plan will guide future development proposals in the Conservation Area.
- (ii) To approve changes to the boundary of the Conservation Area to include the whole of Rockstone Lane.
- (iii) To approve changes to the boundary of the Conservation Area to include all the properties on the North side of Lyon Street between Onslow Road and Bellevue Terrace;
- (iv) To approve the proposal to implement an Article 4 Direction for Rockstone Lane to remove Permitted Development (PD) rights for works to the roofs and front elevations, and to authorise the Head of

Legal, HR and Democratic Services to take any action or decision necessary to make an Article 4 Direction and consult with residents

63. CANTON STREET ARTICLE 4 DIRECTION

DECISION MADE: (Ref: CAB 13/14 11554)

On consideration of the report of the Cabinet Member for Environment and Transport, Cabinet agreed to approve the proposal to serve an Article 4 Direction for Canton Street to remove Permitted Development (PD) rights for works to the roofs and front elevations.

64. CONCESSIONARY FARES SCHEME 2014

DECISION MADE: (Ref: CAB 13/14 11563)

On consideration of the report of the Cabinet Member for Environment and Transport, Cabinet agreed the following:

- (i) To approve the scheme in appendix 1 subject to the calculations in recommendation (ii) below;
- (ii) To reimburse bus operators at a percentage rate plus an amount per generated journey, in accordance with the guidance given by the Department for Transport using their reimbursement calculator;
- (iii) To delegate to the Director of Place following consultation with the Cabinet Member for Environment and Transport to agree the final reimbursement rate for bus operators and to do anything necessary to secure participation in the Scheme including the service of Notices, including but not limited to Participation Notices, and the management / determination of Appeals either to the Council or the DfT as appropriate..

65. COURT LEET PRESENTMENTS 2013

DECISION MADE: (Ref: CAB 13/14 11503)

On consideration of the report of the Leader of the Council and having received representations from a member of the public, Cabinet agreed the following:

- (i) That the initial officer responses to the Presentments approved by the Court Leet Jury as set out in Appendix 1 to the report be noted; and
- (ii) That individual Cabinet Members ensure that responses are made to Presenters regarding presentments within their portfolios as appropriate and as soon as practically possible.

66. GENERAL FUND REVENUE BUDGET 2014/15 TO 2016/17

DECISION MADE: (Ref: CAB 13/14 11316)

On consideration of the report of the Cabinet Member for Resources, Cabinet agreed the following:

- (i) Note the pre budget consultation on the Council's priorities that has already taken place in the form of the "Your City Your Say" and the results, which are summarised in paragraphs 16 to 22 and set out in more detail in Appendix 1 (Section A).
- (ii) Note the formal consultation on the Executive's draft budget proposals commenced on 11 November, and note the consultation proposals and methodology set out in paragraphs 4 to 11 and Appendix 1 (Section B) of this report.
- (iii) Approve that delegated authority be given to the Assistant Chief Executive, following consultation with the Cabinet Member for Resources, to fine tune and implement the consultation proposals and methodology.
- (iv) Note the high level forecast for the General Fund for 2014/15 and the underlying assumptions contained in Appendix 2.
- (v) Note the pressures which have been included in the forecast and which are set out in Appendix 3.
- (vi) Note the Executive's initial savings proposals put forward for consultation in Appendix 4 which total more than £13.5M.
- (vii) Note that the Executive's initial savings set out in Appendix 4 propose the deletion of 50.25 Full Time Equivalent (FTE) posts, of which 22.10 FTE are vacant, leaving 28.15 FTE at risk of redundancy.
- (viii) Note that the Executive's budget proposals for consultation are based on the assumption that they will recommend a Council Tax increase of 2.0% to Full Council.
- (ix) Note the medium term financial forecast for 2014/15 to 2016/17 contained in Appendix 5.
- (x) Approve the updated budget setting timetable contained in Appendix 6.
- (xi) Note the Executive's proposals to implement a revised Pay & Allowances Framework
- (xii) Note the commencement of formal consultation with the recognised Trade Unions and employees in relation to the proposals to implement a new Pay & Allowances Framework which began on 11 November 2013.
- (xiii) Note the intention to commence a number of service reviews across the Council, to aid the formulation of proposals for future service provision to support the Council's medium term budget position
- (xiv) Delegate authority to the Chief Financial Officer (CFO), following consultation with the Cabinet Member for Resources, to do anything necessary to give effect to the proposals contained in this report

67. FOOD AND OFFICE EQUIPMENT RECYCLING PROJECT

DECISION MADE: (Ref: CAB 13/14 11599)

On consideration of the report of the Cabinet Member for Economic Development and Leisure Services , Cabinet agreed the following:

- (i) To delegate authority to the Assistant Chief Executive, following consultation with the Head of Legal, HR and Democratic Services, to enter into a legal agreement with Department for Communities & Local Government to deliver the CRUMBS project.
- (ii) To accept, in accordance with Financial Procedure Rules, the ERDF grant of £335,150 from the South East England ERDF Competitiveness Programme, and to act as Accountable Body for the project
- (iii) To approve, in accordance with Financial Procedure Rules, revenue expenditure of £168,134 for the CRUMBS project in 2013-14 following receipt of the ERDF grant.
- (iv) To delegate authority to the Assistant Chief Executive, following consultation with the Head of Legal, HR and Democratic Services, to undertake such actions necessary to enable the successful delivery of the CRUMBS project and support the proposals in this report.

68. *TOWNHILL PARK REGENERATION- SCHEME APPROVAL FOR PHASES 2 & 3, AND UPDATE ON PHASE 1.

DECISION MADE: (Ref: CAB 13/14 11351)

On consideration of the report of the Cabinet Member for Housing and Sustainability and having received representations from a member of the public, Cabinet agreed the following:

- (i) To approve, in accordance with Financial Procedure Rules, capital expenditure of £1.75M, phased £1.081M in 2014/15, £56,000 in 2015/16, £13,000 in 2016/17, £200,000 in 2017/18 and £400,000 in later years, for the advancement of design work on Phases 2 and 3 of the Townhill Park regeneration to achieve planning consent, procurement and for the contract supervision of the building phase, which will be funded from an existing unapproved budget within the Estate Regeneration section of the HRA Capital Programme.
- (ii) To note that the cost of the design work on Phase 1 of the Townhill Park regeneration to achieve planning consent, procurement and the contract supervision of the building phase, estimated at £950,000, will be funded from an approved budget within the Estate Regeneration section of the HRA Capital Programme.
- (iii) To approve the commissioning of Capita to carry out the full design service to support the council in the delivery of Phases 1, 2 and 3 of Townhill Park regeneration according to their submission. The

- commission and subsequent payments will be revised if the full design commission is not implemented.
- (iv) To delegate authority to the Director of Environment and Economy following consultation with the Chief Financial Officer, the Head of Legal HR and Democratic Services, the Senior Head of Property and Procurement and the Cabinet Member for Housing and Sustainability to appoint Capita to undertake the full Design Service to support the delivery of Phases 1, 2 and 3 according to the agreed Work Package
 - (v) To delegate authority to the Head of Housing Services to implement the current redevelopment decant policy for Council tenants
 - (vi) To delegate authority to the Head of Legal HR and Democratic Services to
 - a) Negotiate and acquire by agreement any legal interests or rights held in respect of the parcel of land shown edged red in Appendix 2 not already owned by the Council (being Phases 1, 2 and 3 of the Townhill Park study area) using such acquisition powers as he advises
 - b) To serve Initial Demolition Notices on those secure tenants whose properties lie in the redevelopment area
 - (vii) To note that part of the first stage of the Capita work will include investigation and evaluation of various options for the delivery model of the proposed development including their impact on the Housing Revenue Account (HRA). The options include:
 - a) A model where a developer is procured to build the whole site and the Council buys back the affordable housing units
 - b) A model where the Council acts as developer and uses a contractor to build but retains responsibility for the marketing and sales of the private units
 - (viii) To note that a budget of £3.9M has previously been approved for the purchase of leasehold properties in Phases 2 and 3.
 - (ix) To note the matters raised by residents at paragraphs 31 and 32 to 39 concerning the Ark Public House and to confirm agreement to the responses provided by officers.
 - (x) To note that there will be a future report to Council seeking approval for the full capital spend, delivery model, and detail of procurement to build.

SOUTHAMPTON CITY COUNCIL
EXECUTIVE DECISION MAKING

RECORD OF THE DECISION MAKING HELD ON 20 NOVEMBER 2013

Present:

Councillor Letts	- Leader of the Council
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

69. STRATEGIC SERVICES PARTNERSHIP (SSP) CONTRACT - PROPOSED CONTRACT EXTENSION

DECISION MADE: (Ref: CAB 13/14 11562)

On consideration of the report of the Leader of the Council, Cabinet agreed the following:

- (i) Notes that on 20 November 2013 Full Council approved the extension of the SSP contract with Capita Business Services Limited by five years with a new expiry date of 30 September 2022 (extended from 30 September 2017), subject to the changes to the contract described in this report being made simultaneously.
- (ii) Implements as a consequence of the Full Council's Policy Framework decision, the extension of the SSP contract by five years, as recommended by Full Council.
- (iii) Approves the proposal to bring sub-£100,000 spend within the Procurement Services delivered under the SSP Contract.
- (iv) Delegates authority to the Director of Corporate Services, together with the Chief Financial Officer and the Head of Legal, HR and Democratic Services to agree the detailed terms and conditions in connection with the above recommendations.
- (v) Authorises the Head of Legal and Democratic Services to enter into the necessary legal documentation.
- (vi) Notes and endorses the governance arrangements set out in Appendix 2 (in so far as they are matters for the Executive).
- (vii) Notes that the changes made during final negotiations as set out in Appendix 1, have taken into account the recommendations of

- Overview and Scrutiny Management Committee which met on 16 October 2013.
- (viii) Authorises the Director of Corporate Services, together with the Chief Financial Officer and the Head of Legal and Democratic Services to take any further action necessary to give effect to the decisions of the Executive in relation to this matter.

Agenda Item 8

DECISION-MAKER:	CABINET		
SUBJECT:	ARTS AND HERITAGE COLLECTION POLICY		
DATE OF DECISION:	17 DECEMBER 2013		
REPORT OF:	CABINET MEMBER FOR ECONOMIC DEVELOPMENT AND LEISURE		
<u>CONTACT DETAILS</u>			
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	E-mail: Stuart.love@southampton.gov.uk		

STATEMENT OF CONFIDENTIALITY

N/A

BRIEF SUMMARY

This report requests that the Arts and Heritage Collection Development Policy 2014-17 is approved by the Cabinet Member for Economic Development and Leisure. This Policy sets out the framework and criteria for developing the maritime, archive, local history, archaeology and art collections for Arts and Heritage over the next four years. It governs what can be acquired and what can be disposed of.

RECOMMENDATIONS:

- (i) To approve the Arts and Heritage Collection Development Policy 2014-17, as set out in the appendix to the report, as the acquisition and disposals policy for the collections held by Southampton City Council.
- (ii) To approve delegated authority be given to the Arts and Heritage Manager to revise the policy if required, following consultation with the Cabinet Member for Economic Development and Leisure.

REASONS FOR REPORT RECOMMENDATIONS

1. A Council approved acquisition and disposals policy is an essential requirement of the Arts Council Accreditation Scheme for museums. A separate but similar Accreditation scheme governing archives is administered by the National Archives. Without Accreditation, eligibility for funding for Southampton from the Arts Council, Heritage Lottery Fund and other lottery, trust and foundation grant giving sources would be significantly restricted.
2. The Arts & Heritage Collection Development Policy will guide the work of the Arts and Heritage team over the next three years as it rationalises current holdings, adds new material to its collections that reflect the needs of a modern city, and provides enhanced public access to this important learning resource.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 3 To retain the existing Southampton City Council Arts and Heritage Collections Policy this is due for review in 2013. This option is rejected because the current policy expires in 2013 and up to date and a forward looking policy is needed to secure Accreditation status and to reflect the existing Arts and Heritage public venues. In order to Progress a collection review and storage relocation programme, a robust Collection Development Policy is required is required if national guidelines are to be adhered to.

DETAIL (Including consultation carried out)

- 4 The policy has been developed in consultation with the council's curatorial team. The Chipperfield Advisory Committee has also been consulted; their key request was that a separate Arts Collection Policy was provided. Given that the proposed policy sets out a distinct section for the Art Collection and follows Arts Council guidance in terms of structure, an integrated policy is proposed, to retain a sense of cohesion for the City's collections and to make efficient use of officer's time.
- 5 The policy outlines how the collections have been shaped by the vision and Stewardship of our city forefathers over the last 100 years. It describes the strategic context within which they now play an important role in including:
- Promoting Southampton and attracting investment
 - Supporting the development of Cultural Quarter projects
 - Making the City more attractive and sustainable
 - Supporting City learning and educational attainment agendas
 - Implementing better ways of working to manage reduced budgets and increasing demand.

RESOURCE IMPLICATIONS

Capital/Revenue

- 6 In order to retain Accreditation – one of the most important marks of the gallery's status, Council must ensure it applies Arts Council's guidelines. The guidelines state that only in exceptional cases, may any disposal be motivated principally by financial reasons. Furthermore the guidelines state that where disposal is motivated by financial reasons, the governing body will not undertake disposal unless it can be demonstrated that all the following exceptional circumstances are met in full:
- the disposal will significantly improve the long-term public benefit derived from the remaining collection,
 - the disposal will not be undertaken to generate short-term revenue (for example to meet a budget deficit),
 - the disposal will be undertaken as a last resort after other sources of funding have been thoroughly explored.
- 7 There are no other resource implications resulting from implementation of the policy.

Property/Other

- 8 There are no property resource implications inherent in the policy itself. It will ultimately inform a collection review and storage relocation project which will have property implications in due course.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

- 9 Pursuant to the Public Libraries and Museums Act 1964, a local authority may provide and maintain museums and art galleries within its area and may do all such things as may be necessary or expedient for or in connection with the provision of maintenance thereof.

Other Legal Implications:

- 10 An acquisitions and disposals policy is a requirement of Arts Council England which is the strategic public body tasked by the Department for Culture Media and Sport (DCMS) to develop and implement national museums policy and to distribute DCMS museums funding to non-national museums. Items owned by the Council on trust must be kept, maintained and disposed of in accordance with the terms of the relevant trust's Scheme. A failure to do so may result in legal or regulatory action being initiated by interested parties.

POLICY FRAMEWORK IMPLICATIONS

- 11 The report is in line with the Policy Framework.

KEY DECISION?

Yes

WARDS/COMMUNITIES AFFECTED:

All

SUPPORTING DOCUMENTATION

Appendices

1.	Collections Development Policy 2013 - 2017
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Documents In Members' Rooms

1.	None
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Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.

No

Other Background Documents

Equality 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)

1.	None	
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Agenda Item 8

Appendix 1



**Southampton City Council
Arts and Heritage
Collections Development Policy
2014 – 2017**

Plan approved on:

Review date: November 2017

SOUTHAMPTON CITY COUNCIL'S

ARTS AND HERITAGE COLLECTIONS DEVELOPMENT POLICY 2014 – 2017

DRAFT

1. Introduction

The Arts & Heritage collections we hold include objects, documents, photographs and art works are the ‘archive of memories and history’ in which our city’s identity as gateway to the world over the last 2000 years is recorded. The Fine Art collection is recognised as one of the finest collections outside of London. They are the sources of artistic inspiration that have changed local people’s view of the world. They are jam-packed full of fascinating and diverse stories waiting to be explored through exhibitions, online resources, tours, workshops, study visits and publications.

These collections form a dynamic resource which has been built up through the vision and stewardship of our city forefathers. Over the last 100 years, they have been an important focus of civic pride and an invaluable and inspirational resource for local people and visitors to the city. As guardians on behalf of local citizens and future generations, we aim to continue that focus, and to maintain and develop the collections in a way that continues to maximise their access and enjoyment by a wide audience.

This document outlines how Southampton City Council intends to develop the Arts and Heritage collections over the next 5 years, and should be read in conjunction with the Arts and Heritage Forward Plan 2013 – 2016. It forms part of a raft of other collections plans and procedures which have been developed to meet the appropriate standards of the museum and archives profession, including Accreditation.

This Policy summarises the content of these collections and defines their local, regional, national and international importance. It states our policy for collecting until 2017, in terms of both acquiring and disposing of material, and identifies our priority areas.

2. The Strategic Context/Statement of Purpose

2.1 The current Arts and Heritage Mission Statement is:

“To build and promote a thriving business, which showcases and preserves the remarkable collections and assets held in trust for the people of Southampton and our visitors.”

2.2 As a result of the successful outcomes of initiatives set out in the earlier Arts and Heritage policy document “Towards an international city of culture”, published in 2008, Southampton’s arts and heritage community has been placed in a strong position. Significant investment from the Heritage Lottery

Fund, Southampton City Council, and a number of external trusts and foundations have contributed to a thriving cultural offer in the city, with the opening of Tudor House and Garden in 2011, and SeaCity Museum in 2012 to complement the internationally acclaimed Southampton City Art Gallery. With backing from the Arts Council England (ACE), plans for Southampton's New Art Centre continue to progress, which will further complement the already active Cultural Quarter.

2.3 The two museums and art gallery provide engaging and inspiring venues within which Southampton's outstanding designated art and archaeology collections, and the extensive archive and maritime and local collections are showcased. The interpretation at Tudor House and Garden focuses on the story of the house itself and the lives of those who have lived and worked there. These stories are complemented with artefacts from the collections, for example the lives of the wealthy Tudor owners are illustrated by ceramics, glass and metalwork from the archaeology collection, while items from the maritime and local collections reflect domestic life there in the 19th century, and illustrate the importance of trade and shipping. Copies of archive material provide political and historical background throughout. A fine selection of 18th and 19th century oil paintings from the art collection showing local views put the house in its geographical context.

2.4 SeaCity Museum has two permanent galleries. One tells the story of the Titanic and its close associations with Southampton. This gallery showcases Southampton's outstanding Titanic collection, including iconic items such as the pocket watch whose hands stopped at the time the ship went down. The second gallery "Gateway" is populated with a range of artefacts from across all the collections, telling the story of the people who have passed through this area, from earliest prehistoric times to the present day. Both museums have temporary exhibition spaces providing opportunities to display more of the collections, as well as touring exhibitions from elsewhere.

2.5 Southampton City Art Gallery is the prime showcase for the designated art collection. It has a varied programme of exhibitions which provides the opportunity to both rotate and re-interpret our own extensive collections as well as bringing in innovative and exciting shows from outside.

2.6 However, the economic environment and financial challenges facing local government services mean that funding for cultural services provision is diminishing and Arts and Heritage has to reassess the way in which it manages its services. Consequently we will find different and innovative ways to be more entrepreneurial to ensure the "business" of arts and heritage is sustainable in an ever more competitive environment.

2.7 One way in which we are exploring new ways of working, is in partnership with Hampshire County Council and Winchester City Council, to provide a countywide programme of exhibitions and (with Bournemouth and Southampton Solent Universities) digital innovations to both engage existing audiences and reach new and emerging ones.

2.8 In May 2011, the Hampshire-Solent Alliance of museums was established to deliver a range of projects that explore the intellectual and practical benefits of understanding our collections as an inter-connected resource, telling a nationally and internationally significant story of shared identity. The Alliance members consist of Hampshire County Council, Isle of Wight Council, Mary Rose Trust, National Motor Museum Trust Beaulieu, Portsmouth City Council, Southampton City Council and Winchester City Council. Joint collections narratives in the areas of archaeology, maritime history and transport and technology were commissioned, all of which demonstrated synergies and the strong contribution that Southampton's collections could make to the Alliance. A joint collections storage options appraisal was prepared by Drivers Jonas Deloitte, with particular reference to the requirements of Southampton, Portsmouth, Winchester and Hampshire. Digital preservation needs of the alliance were reviewed by external specialists and recommendations prepared for action.

2.9 This preparatory work will inform the development of a proposed joint collections centre initiative currently called "The Engine Room Project." The aim of this project is to consider bringing together collections and associated expertise and transforms our ability to generate stories for customers to enjoy in the physical and digital environment. The project is focused on the Maritime, Social History and Archaeology collections. An activity plan for this project has been developed, working with a range of current and potential customers to explore how such a project can bring collections and their stories alive.

2.10 An example of recent effective partnership working by Hampshire, Winchester and Southampton councils is our successful application to ACE, for a project entitled 'Stronger and Bolder Together', for £625,000 over two years. This will support our joint 2014 Big Theme programme on the Soldiers Journey (with Southampton's big story being embarkation of troops for the Front) and an art exhibition of works by members of the Artists Rifles Association serving in the First World War, as well as some digital and viral marketing in partnership with the National Motor Museum Trust and wider Alliance/ museum development partners.

3. An Overview of Current Arts and Heritage Collections

3.1 Our collections range from archives to archaeology, fine art to ship models, steam engines to corsets. We hold well over a million items, ranging in date from prehistoric stone axes to 21st century art installations, and in size from a Victorian farthing to a steam engine. We hold items of great beauty and intrinsic value such as the 14th century Nuzio altarpiece contrasting with items of insignificant appearance and of little financial worth yet huge historic value such as the earliest known fragments of manufactured steel, from Saxon Hamwic. They provide us with links both to prominent local individuals such as Hubert Scott –Paine, who developed the record-breaking British power boats of the 1920s and 30s, or Walter Taylor, inventor of the circular saw which revolutionised the production of wooden blocks for the British navy, and to

lesser known people such as the hundreds of merchant seamen who sailed from the port, recorded in our crew lists.

3.2 The collections are nationally and internationally significant because they have been shaped by the people of Southampton as a vital record and symbol of Southampton's importance as an international 'settlement' for over 2000 years. They demonstrate the:

- Civic importance of Southampton as a national and international city
- Role of Southampton as an international port and gateway to the world for over 2000 years, based on its sheltered and strategic geographic location and unique double tide.
- Depth of human occupation and activity in the area of the city from the period before an urban settlement existed, with surviving evidence from at least 800,000 BC
- Constant movement of diverse peoples through the port from earliest times, arriving as immigrants or invaders and departing as travellers to exotic locations, emigrants embarking on new lives or soldiers embarking on military campaigns.
- Role of Southampton as an international centre of merchant trade, enterprise and innovation
- Rich and varied stories of the people who settled or were born and lived here, from all walks and classes of life, helping with our understanding of how they lived, worked and played, giving a fascinating insight into the development of our city and providing a real sense of civic pride as well as insight and inspiration for the future.

The collections can tell these stories through the huge range of material culture they contain, comprising artefacts, documents, photographs and recorded and digital media. They offer real and tangible links with the past, and unique "first hand" experience which only original artefacts, documents or artworks can provide.

The national and international significance of our collections were officially recognised in 1998, when the art and archaeology collections were awarded Designated status.

3.3 The collections are currently grouped into four disciplines: Fine Art, Archaeology, Archives, and Maritime and Local History. Each is managed by a specialist curator or archivist. The content and main strengths of each collection is summarised here but please see Appendix A for a more detailed description of each collection area. The range of the audiences that we reach can be found in Appendix B.

3.3.1 The **archaeology collection** contains an extensive archive from excavations carried out within the city from the 19th century through to the present day, and particular strengths are:

- Material from Hamwic (Saxon) and medieval Southampton, including an extensive archive from archaeological investigations, providing unique evidence for the domestic, industrial and trading activities of one of the foremost towns of the period. The range of domestic and imported goods, particularly pottery and glass, from the households of the wealthy cosmopolitan merchant class of medieval Southampton, is second to none.
- Roman material from limited excavations of the Roman settlement at Bitterne Manor and a hoard of over 4000 late 3rd century coins discovered in Millbrook in 2008; a large amount of prehistoric stone artefacts, mostly stray finds, but including some excavated sites; Bronze Age and Iron Age pottery and metal artefacts; and a range of post-medieval material from excavated sites.
- A small collection of ancient Egyptian material, some of which was collected by Flinders Petrie, and including an internationally renowned ancient Nubian statue of the black pharaoh Taharqa.

3.3.2 The **fine art collection** is designed to be an inspirational learning resource that:

- Is on a par with national collections
- Tells the story of post-1900 British art through to the present day
- Provides context for this story by holding a strategic selection of key relevant European and pre-1900 works
- Reflects Southampton's contribution to the evolution of this story
- Focuses primarily on fine art, with a very substantial collection of works on paper, and a strategic selection of sculpture, ceramics and video and digital media

It therefore comprises:

- A small collection of old masters including Impressionists
 - A representative collection of French and British 19th works
 - A growing collection of 20th century and contemporary progressive British works – this is the main strength of the collection recognised as one of the most outstanding collections outside London in the UK.
- These works form 4 primary clusters:
- The Camden Town Group and related British Post-Impressionism
 - Surrealists
 - St. Ives
 - Contemporary art from 1976 onwards (including many Turner Prize winners and nominees)
- Occasional modern and contemporary works by international artists that provide strategic connections between the work of British and non-British artists

Within the constraints of resources, the emphasis is placed on high quality works and emerging significant artists. Historical collections bequeathed by

key individuals such as Robert Chipperfield, Eric Milner-White, Arthur Jeffress and Dr David Brown in the history of Southampton City Art Gallery are considered of interest and importance in their own right.

NB Art works are also found in the Maritime and Local History collection, but these have been collected for their topographic or local interest, rather than their artistic quality. Another, separate, collection of artworks is held within the civic collections, housed in the Mayor's Parlour.

3.3.3 The Maritime & Local History collection contains objects, pictures, drawings, photographs, ephemera, film, video and archives that have strong associations with the maritime and local history of Southampton and Southampton Water.

The national and international importance of our maritime and local history collections is widely recognised:

- Southampton's role as one of Britain's primary merchant ports from the medieval period through to the present day ensures the collection's particular strength lies in recording the history of Britain's merchant navy and the associated life of a port city.
- The collections also record how Southampton has been and is an international place of maritime innovation and technology
- The unique holdings of material relating to the Titanic disaster, with their particular focus on the crew of this ship and the Southampton aspects of this global story
- The collection includes a significant proportion of liner interiors, particularly furniture, relating to liners with a connection to Southampton, particularly in the mid-20th century.

We will investigate seeking Designated status for the maritime holdings (including archives), when the scheme, currently under review, is re-launched, as this would provide national recognition for this important part of our collection, and bring additional benefits to the service, for example grant funding opportunities.

3.3.4 The City Archives collection contains records relating to Southampton and its people. It includes a wide range of source material, including Oral History, for Southampton's history, development and governance from 1199 to the present day. We possess:

- Southampton City Council's own archives and those of its predecessors
- Archives of statutory bodies operating in Southampton
- Public Records offered under the terms of the Public Records Acts 1958-67 relating to Southampton and its interests
- Southampton manorial and tithe documents offered under the Manorial Documents Rule 1960 and Tithe Act 1936
- Ecclesiastical records for Southampton parishes under the Parochial Registers and Records Measure 1978 and a 1966 agreement with the Diocese of Winchester

- Archives of individuals, organisations, businesses, institutions etc. germane to the history of Southampton

It is an outstanding collection featuring material of national and international importance, for example the Brokage Books (1430-1566) and Port Books (1426-1803), which provide a unique record of traded goods entering and leaving the town by land and sea. We will seek Designated status for the collection, in conjunction with the maritime collections, once the revised Designation Scheme is open for further applications. The City Archives do not usually collect records outside Southampton's boundaries: one notable exception is the Central Index of Merchant Seamen, which contains details of personnel serving on British registered ships between 1918 and 1941.

4. Themes and priorities for future collecting

4.1 We will continue to collect items and associated information relating to the four collection areas (Archaeology, Fine Art, Archives, and Maritime and Local history) that have a strong connection with Southampton, and with existing collections, according to the principles and procedures in Section 6 below.

4.2 Decisions relating to future acquisitions are made by senior Arts and Heritage management based on specialist advice provided by the relevant curator or an external advisor. Fine Art acquisitions follow a different route; potential acquisitions are taken to the Chipperfield Bequest Advisory Committee by the Head of Leisure and the Curator. The Committee make recommendations to the Trustees (who are the city councillors) of the Chipperfield Art Gallery and School of Art charity. The trustees have delegated acquisition powers to the Head of Leisure for works up to £125,000. Acquisition of works above that level will need to be ratified by the Trustees at Full Council. The Terms of Reference for the Chipperfield Bequest Advisory Committee are attached as Appendix C.

4.3 The following criteria will be considered before deciding whether to add material to the collections:

- Relevance, importance and long-term value of the item in the context of existing collections
- Potential use for all levels of museum and gallery activities
- Condition and completeness
- Cost of acquisition, including purchase price and availability of external funding if appropriate, transport and packing, storage provision, conservation, documentation and research
- Ability to provide long-term care and access
- Options for preservation *in situ*
- Interests of other Accredited museums and public institutions
- Quality of supporting documentation, particularly contextual information and provenance
- Confirmation of legal title of the present holder and the right of the holder to transfer title to Southampton City Council.

4.4 Objects may be acquired as gifts or bequests, purchased or collected through fieldwork. No person or organisation with any possibility of financial or personal gain should be involved in the decision-making process as there should be no conflict of interest during the acquisition process. Where a conflict of interest might arise, public interest should always prevail and a written declaration be made and kept on record by the Arts and Heritage service.

4.5 Whenever possible legal copyright and other rights to the items are to be transferred to the Arts and Heritage service at the time of acquisition. This is particularly important in the context of photographs and works of art.

4.6 There will be a presumption against collecting duplicates of items already in the collection unless a case can be made, for example, to replace a similar item of poorer quality. In this case, the original item will be disposed of in accordance with the Disposal Procedures outlined in Section 6 of this policy. Duplicate material might also be collected for handling purposes, or as group value for display purposes.

4.7 The acquisition of material for handling will conform to the same standards as material in the permanent collections. Potential donors of such material will always be advised and their agreement obtained at the time of acquisition.

4.8 With the exception of City Archives, loans will only be accepted in exceptional circumstances as a research or temporary exhibition loan, or when the loaning body cannot legally dispose of the item. The loan will always be for a specified time although it may be subject to renewal.

4.9 Specific collecting priorities for the individual collection areas are detailed below:

4.9.1 Archaeology Future Collecting, 2014-17

We will continue to collect archaeological archives created during systematic archaeological investigations carried out in Southampton and, on occasion, individual provenanced finds of archaeological interest found within the city boundaries. The City Council is designated through the planning process as the appropriate recipient body for the archives from all developer-led archaeological investigations within the city. For larger archives, a collection assessment process is applied, which identifies only archaeologically significant material for inclusion in the permanent archive. Detailed guidelines, setting out processes and procedures, have been produced for archaeological contractors depositing archives with Southampton City Council.

4.9.2 City Archives Future Collecting, 2014-17

We will continue to collect the archives of Southampton City Council and its predecessor authorities, those of relevant statutory bodies, Public Records, manorial and tithe documents, ecclesiastical and organisational/ business records as they become available, as consistent with this Development Policy and our position as a recognised place of deposit by the National Archives. The accreditation scheme for Archives is administered by the National

Archives and is shortly to change to be more in line with the Accreditation scheme for museums and galleries. This Collections Development Policy will be submitted for that new scheme.

4.9.3 Maritime and Local Future Collecting, 2014-17

We will continue to collect maritime material related to Southampton and Southampton Water and local material from Southampton, adopting a thematic, interdisciplinary approach with the City Archives collection.

We are keen to develop our contemporary collections and have begun work towards this, with our partners in the Hampshire-Solent Alliance. We will invite and encourage community participation in contemporary collecting activity to support specific exhibitions and themes, and also explore broader themes across the region with our Alliance partners.

4.9.4 Fine Art Future Collecting, 2014-17

The Tate continues to be our National Advisor on all Fine Art acquisitions. In December 2012 the City Council set up the Chipperfield Bequest Advisory Committee to advise the Trustees of the Chipperfield Art Gallery and School of Art charity (charity number 307096), who are also members of the City Council, utilising the expertise of the Tate, on acquisitions to the fine art collection, including all potential purchases, gifts and bequests as well as giving advice on other Art Gallery related matters. The Trustees have delegated their power to acquire work to the Head of Leisure for works under £125,000 in value. The committee consists of 7 members of the public with considerable knowledge and experience of the visual arts, gallery management and local cultural affairs, and includes a chair and vice-chair. The members will be elected every 4 years. City Council officers and the Tate advisor will report to the committee as required.

Within this context, we will continue to acquire progressive contemporary art in all media (often within two years of their making) by artists, notably rising stars, who are universally deemed to be advancing British art practice, continuing the founding tradition of creating a nationally significant collection for the people of Southampton. We will continue to make funding applications to both the Art Fund, and the V&A Purchase Fund (and others as appropriate) to provide matched funding to the Chipperfield and other bequest funds for the purchase of works.

We will also continue to respond to opportunities to enhance strengths in the historic elements of the collection, especially British 20th and 21st century art and existing clusters such as Surrealists.

We will also collect works that can contribute significantly to the Art Gallery's future exhibition programme.

5. Themes and priorities for rationalisation and disposal

5.1 Responsible, curatorially-motivated disposal will take place during the life of this Collections Development Policy, in order to increase public benefit

derived from museum collections and to prepare the collections for a move to new storage at some stage in the foreseeable future.

5.2 All rationalisation and disposal of items from the Arts and Heritage collections will be undertaken in strict accordance with the Disposal Procedures in Section 6 of this policy.

5.3 Each collection area will continue to be audited to identify priority areas for rationalisation and disposal. Particular attention will be given to the following areas as detailed below.

5.3.1 Archaeology

Rationalisation of the archaeology bulk collections has already seen the recent recording and discard of archaeologically insignificant marine and terrestrial shell. Other materials have been identified as suitable for similar processing, and resources are being sought to carry out this work. These materials are:

- Unworked stone
- Mortar and plaster
- Ceramic building material
- Burnt clay
- Clay pipe
- Smithing slag

5.3.2 Fine Art

A major review of the fine art collection was carried out in 2009. Each work of art was classified against the existing collecting policy. The categories were:

- 1) highly significant
- 2) significant to core collection
- 3) of low significance to the core collection.

Within the 3rd category, given their low level of contribution to the purpose of the collection, will be de accessioned. They include primarily:

- Duplicate prints (etchings, screen-prints and lithographs) where there are more than 2 examples.
- The collection includes 187 drawings and 256 small etchings by Vernon Hill (1886 – 1972), a gift from the artist's widow in 1972. Twenty Five of the etching subjects include duplicates though these are on different coloured papers with varied aesthetic qualities. Surplus duplicates will be transferred to other public collections such as Halifax where Hill was born or Guildford where Hill produced decorative work for the cathedral.
- Non fine art material.

The principles set out in paragraph 6.9 will be applied. Any further disposals from the Fine Art collection will have to be discussed by the Chipperfield Advisory Committee, who will make their recommendations to the Trustees.

5.3.3 City Archives

The following categories have been identified for City Archives:

- Duplicate and non-Southampton books
- Multiple duplicates of printed material
- Rationalisation of some Council departmental records (notably Treasurer's records and Town Clerk's files)
- Distribution of material without a Southampton connection to more suitable repositories.

5.3.4 Maritime and Local Collections

The following categories have been identified for the Maritime and Local Collections:

- Duplicate objects with no additional distinct information
- Natural history specimens with no data
- Items in a poor condition that cannot reasonably be conserved or which pose a risk to other items in the collection
- Items with specific curatorial requirements which would be better met in other collections or by other institutions
- Any loaned items which are not required for current research or exhibitions

6. The Legal and Ethical Framework for Acquisition and Disposal

This section outlines the legal and ethical framework set down by ACE as a requirement under the Accreditation Scheme for Museums. It also incorporates sections on ACE and The National Archives requirements regarding Archives.

6.1 Limitations on collecting

Southampton City Council (SCC) recognises its responsibility, in acquiring additions to its collections, to ensure that care of collections, documentation arrangements and use of collections will meet the requirements of the Accreditation Standard. It will take into account limitations on collecting imposed by such factors as staffing, storage and care of collection arrangements.

When material is offered for acquisition that falls outside of our collecting policy we will refer, when possible, the potential donor, vendor etc. to an appropriate alternative museum.

6.2 Collecting policies of other museums and archives

SCC will take account of the collecting policies of other museums and other organisations collecting in the same or related areas or subject fields. It will consult with these organisations where conflicts of interest may arise or to define areas of specialism, in order to avoid unnecessary duplication and waste of resources.

Specific reference is made to the following museum(s):

Tate

National Maritime Museum and UK Maritime Collection Strategy

Solent Sky Museum

Hampshire Museums and Records Service

Portsmouth Museums and Records Service

National Museum of the Royal Navy group of museums

Winchester Museums Service

St. Barbe Museum, Lymington

Russell-Cotes Museum and Art Gallery, Bournemouth

Borough of Poole Museum Service

University of Southampton Archives

6.3 Policy review procedure

The Collection Development Policy will be published and reviewed from time to time, at least once every three years. The date when the policy is next due for review is November 2017. Arts Council England will be notified of any changes to the Collection Development Policy, and the implications of any such changes for the future of existing collections.

6.4 Acquisitions not covered by the policy

Acquisitions outside the current stated policy will only be made in very exceptional circumstances, and then only after proper consideration by SCC itself, having regard to the interests of other museums.

6.5 Acquisition procedures

- a. SCC will exercise due diligence and make every effort not to acquire, whether by purchase, gift, bequest or exchange, any object or specimen unless the governing body or responsible officer is satisfied that the museum can acquire a valid title to the item in question.
- b. In particular, SCC will not acquire any object or specimen unless it is satisfied that the object or specimen has not been acquired in, or exported from, its country of origin (or any intermediate country in which it may have been legally owned) in violation of that country's laws. (For the purposes of this paragraph 'country of origin' includes the United Kingdom).

- c. In accordance with the provisions of the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which the UK ratified with effect from November 1 2002, and the Dealing in Cultural Objects (Offences) Act 2003, the museum will reject any items that have been illicitly traded. The governing body will be guided by the national guidance on the responsible acquisition of cultural property issued by the Department for Culture, Media and Sport in 2005.
- d. SCC will not acquire any biological or geological material.
- e. SCC will not acquire archaeological antiquities (including excavated ceramics) in any case where the governing body or responsible officer has any suspicion that the circumstances of their recovery involved a failure to follow the appropriate legal procedures.
- e. In England, Northern Ireland and Wales the procedures include reporting finds to the landowner or occupier of the land and to the proper authorities in the case of possible treasure as defined by the Treasure Act 1996.
- f. Any exceptions to the above clauses 6.5a, 6.5b, 6.5c, or 6.5e will only be because SCC is either:
 - acting as an externally approved repository of last resort for material of local (UK) origin; or
 - acquiring an item of minor importance that lacks secure ownership history but in the best judgement of experts in the field concerned has not been illicitly traded; or
 - acting with the permission of authorities with the requisite jurisdiction in the country of origin; or
 - in possession of reliable documentary evidence that the item was exported from its country of origin before 1970.
- In these cases the museum will be open and transparent in the way it makes decisions and will act only with the express consent of an appropriate outside authority.
- g. As SCC holds or intends to acquire human remains from any period, it will follow the procedures in the “Guidance for the care of human remains in museums” issued by DCMS in 2005.

6.6 Spoliation

SCC will use the statement of principles ‘Spoliation of Works of Art during the Nazi, Holocaust and World War II period’, issued for non-national museums in 1999 by the Museums and Galleries Commission.

6.7 The Repatriation and Restitution of objects and human remains

Southampton City Council, acting on the advice of the museum's professional staff, may take a decision to return human remains (unless covered by the "Guidance for the care of human remains in museums" issued by DCMS in 2005), objects or specimens to a country or people of origin. The museum will take such decisions on a case by case basis; within its legal position and taking into account all ethical implications and available guidance. This will mean that the procedures described in 6.9a-d, 6.9g and 6.9s below will be followed but the remaining procedures are not appropriate.

The disposal of human remains from museums in England, Northern Ireland and Wales will follow the procedures in the "Guidance for the care of human remains in museums".

6.8 Management of museum archives

As the museums owned and managed by the Council hold archives, including photographs and printed ephemera, its governing body will be guided by the Code of Practice on Archives for Museums and Galleries in the United Kingdom (3rd ed., 2002). There are additional arrangements for archive collections held by a Record Office or Public Archive collated in the TNA Standard for Archival Repositories^{1st} edition 2004. See sections 8.10 and 8.11 for management of archives with specific reference to acquisition and disposal.

6.9 Disposal procedures

- a. SCC will ensure that the disposal process is carried out openly and with transparency.
- b. By definition, the Council's museums and galleries in SCC have a long-term purpose and hold collections in trust for society in relation to its stated objectives. The governing body therefore accepts the principle that sound curatorial reasons for disposal must be established before consideration is given to the disposal of any items in the museums and gallery collections.
- c. SCC will confirm that it is legally free to dispose of an item and agreements on disposal made with donors will be taken into account.
- d. When disposal of a museum or gallery object is being considered, the Council will establish if it was acquired with the aid of an external funding organisation. In such cases, any conditions attached to the original grant will be followed. This may include repayment of the original grant and a proportion of the proceeds if the item is disposed of by sale.

e. When disposal is motivated by curatorial reasons the procedures outlined in paragraphs 6.9g-6.9s will be followed and the method of disposal may be by gift, sale or exchange.

f. In exceptional cases, the disposal may be motivated principally by financial reasons. The method of disposal will therefore be by sale and the procedures outlined below in paragraphs 6.9g-6.9m and 6.9s will be followed. In cases where disposal is motivated by financial reasons, the governing body will not undertake disposal unless it can be demonstrated that all the following exceptional circumstances are met in full:

- the disposal will significantly improve the long-term public benefit derived from the remaining collection,
- the disposal will not be undertaken to generate short-term revenue (for example to meet a budget deficit),
- the disposal will be undertaken as a last resort after other sources of funding have been thoroughly explored.

g. Whether the disposal is motivated either by curatorial or financial reasons, the decision to dispose of material from the collections will be taken by the governing body only after full consideration of the reasons for disposal. Other factors including the public benefit, the implications for the museum's collections and collections held by museums and other organisations collecting the same material or in related fields will be considered. External expert advice will be obtained and the views of stakeholders such as donors, researchers, local and source communities and others served by the museum will also be sought.

h. A decision to dispose of a specimen or object, whether by gift, exchange, sale or destruction (in the case of an item too badly damaged or deteriorated to be of any use for the purposes of the collections or for reasons of health and safety), will be the responsibility of the Council acting on the advice of professional curatorial staff, and not of the curator of the collection acting alone.

i. Any monies received by SCC from the disposal of items will be applied for the benefit of the collections. This normally means the purchase of further acquisitions. In exceptional cases, improvements relating to the care of collections in order to meet or exceed Accreditation requirements relating to the risk of damage to and deterioration of the collections may be justifiable. Any monies received in compensation for the damage, loss or destruction of items will be applied in the same way. Advice on those cases where the monies are intended to be used for the care of collections will be sought from the Arts Council England.

j. The proceeds of a sale will be ring-fenced so it can be demonstrated that they are spent in a manner compatible with the requirements of the Accreditation standard.

k. Once a decision to dispose of material in the collection has been taken,

priority will be given to retaining it within the public domain, unless it is to be destroyed. It will therefore be offered in the first instance, by gift or sale, directly to other Accredited Museums likely to be interested in its acquisition.

- I. If the material is not acquired by any Accredited Museums to which it was offered directly as a gift or for sale, then the museum community at large will be advised of the intention to dispose of the material, normally through an announcement in the Museums Association's Museums Journal, and in other specialist journals where appropriate.
- m. The announcement relating to gift or sale will indicate the number and nature of specimens or objects involved, and the basis on which the material will be transferred to another institution. Preference will be given to expressions of interest from other Accredited Museums. A period of at least two months will be allowed for an interest in acquiring the material to be expressed. At the end of this period, if no expressions of interest have been received, the museum may consider disposing of the material to other interested individuals and organisations giving priority to organisations in the public domain.
- n. The nature of disposal by exchange means that the museum will not necessarily be in a position to exchange the material with another Accredited museum. SCC will therefore ensure that issues relating to accountability and impartiality are carefully considered to avoid undue influence on its decision-making process.
- o. In cases where SCC wishes for sound curatorial reasons to exchange material directly with Accredited or unaccredited museums, with other organisations or with individuals, the procedures in paragraphs 6.9a-6.9d and 6.9g-6.9h will be followed as will the procedures in paragraphs 6.9p-6.9s.
- p. If the exchange is proposed to be made with a specific Accredited museum, other Accredited museums which collect in the same or related areas will be directly notified of the proposal and their comments will be requested.
- q. If the exchange is proposed with a non-accredited museum, with another type of organisation or with an individual, the museum will make an announcement in the Museums Journal and in other specialist journals where appropriate.
- r. Both the notification and announcement must provide information on the number and nature of the specimens or objects involved both in the museum's collection and those intended to be acquired in exchange. A period of at least two months must be allowed for comments to be received. At the end of this period, the governing body must consider the comments before a final decision on the exchange is made.
- s. Full records will be kept of all decisions on disposals and the items involved and proper arrangements made for the preservation and/or transfer, as appropriate, of the documentation relating to the items concerned, including photographic records where practicable in accordance with SPECTRUM (the

UK Museum Documentation Standard) Procedure on de-accession and disposal.

6.10 Acquisition of material for the archive collections

6.10.1 The acquisition of and disposal of much archival material – particularly public archives and Anglican church records - is governed by a number of pieces of legislation and legal agreement, and two national standards. These outline what material can be accepted and what (eg public records of a local nature) must be accepted, the environmental conditions they should be held in and the provision of access to them. Key framework documents are:

- The National Archives (TNA) Standards for Record Repositories (1st edition 2004)
- BS5454 Recommendations for the Storage and Exhibition of Archival Documents
- Freedom of Information legislation
- Recognition by TNA as a Place of deposit for public records of a local nature
- Local Government Act 1972 s.224
- Agreement with Diocese of Winchester 1967

6.10.2 The Code of Ethics on Acquisition and the Standard for Record Repositories identifies various points to apply to possible acquisitions. Chief among them:

- Collect according to detailed published policies
- Due diligence to ensure holder has the legal right to sell, give or loan the item
- Diligence in establishing ownership history
- Strict geographic collecting areas to avoid conflict and duplication
- Respect the principles of archival integrity (provenance and archival group)

6.11 Disposal of material from the archive collections

6.11.1 Disposal from archive material is handled either at the point of receipt, or later on (sampling or other suitable techniques) sanctioned by power of disposal that is obtained when material is deposited.

6.11.2 The Standard also requires the archivist to seek the authority of the depositor at the time of deposit (or subsequently for older deposits) for any destruction or transfer of material

6.11.3 SCC shall have authority to transfer archive material to a more appropriate archives repository should it be beneficial to the documents and their users.

APPENDIX A

Describing the individual Arts and Heritage Collections and Collecting Policies

A1 The Arts and Heritage Collections

The individual Arts and Heritage Collections are:

- Archaeology
- City Archives (including oral history)
- Art
- Maritime and Local History

A1.1 Archaeology

A1.1.1 Archaeology: collection beginnings.

The archaeology collections are founded on material collected by 19th enthusiasts including William Dale and Rev. Edmund Kell. These pioneer archaeologists recorded and collected archaeology disturbed by developments including brick-earth digging in the St Mary's area, building in Bitterne Manor and gravel extraction in the Test Valley. They have developed as a result of systematic archaeological investigation carried out within Southampton over the last century, and the city council is now designated as the appropriate recipient body for the archives from all archaeological investigations within the city. The collections also include smaller groups of foreign archaeology and ethnographic material. These collections now comprise over half a million items, and their national significance was officially recognised in 1998 when they were awarded Designated status, positioning them within the country's top ten archaeological collections outside London. Many of these collection items are now showcased in the displays at Tudor House and Garden, and SeaCity's Gateway gallery. They supercede the Museum of Archaeology at Gods House Tower, opened in 1963 to show off the city's rich archaeological finds, which closed in 2011.

A1.1.2 Archaeology Content and Strengths The archaeology collections include a wide range of material collected prior to the beginnings of formal excavation programmes in the 1950s. This material, much collected by enthusiastic local people, includes large numbers of prehistoric stone and flint objects, Roman coins, pottery and metal objects, an eclectic range of Saxon and medieval objects, all from the city, as well as material from other parts of southern England and from abroad. Much of this material is poorly provenanced, but provides important evidence of early archaeological recording and is a rich source of stories from all periods of Southampton's past.

The major element of the collection consists of the archives from over 1500 formal archaeological investigations (excavations, watching briefs, building and photographic surveys) carried out within the city since the 1950s. These

archives include plans, photographs, paper and digital records as well as environmental samples and the artefacts themselves.

These archives include significant evidence of life in both Saxon Hamwic and the medieval town of Southampton, which are the core of the collections. The Saxon town is one of the best preserved in the country, with roads, alleys, houses, rubbish pits and wells recorded, and large amounts of associated finds. The medieval town has significant standing remains and important archaeological evidence from the late Saxon period onwards. The collections are rich in imported objects, demonstrating the town's importance as an international trading centre and port, and domestic objects and industrial waste which reflect the every day life and technological achievements of its inhabitants. The pottery collections are particularly important, including a broad range of local and imported wares, which are of international significance.

These archives also provide increasing evidence of prehistoric, Roman and post medieval activity in the town. Prehistoric worked flints and pottery sherds have been found across the city, associated with ditches, pits and other features. The poorly recorded Roman material recovered earlier at Bitterne Manor has been enhanced by better recorded excavations, including that of a pottery warehouse burnt down in the late 2nd century AD and a hoard of over 4000 3rd century AD coins found in Millbrook in 2008. Increasing amounts of post medieval material includes 18th century pottery from Georgian rubbish pits, 19th century material from artisan housing and evidence of 18th century sugar refining. These archives broaden the range of the collections and of the stories they can tell.

The collections are well documented and appear in many local, national and international publications. There is a searchable database of over 15,000 archaeological items from the Southampton City Council Arts and Heritage collections available online.

The archaeology collections also include small groups of foreign archaeology, particularly Ancient Egyptian material, including an important statue of the Nubian Pharaoh Taharqa. There is a small collection of ethnographic objects, collected by people from Southampton travelling or working abroad in the 19th and early 20th centuries.

A1.2 City Archives (including Oral History)

A1.2.1 City Archives: collection beginnings.

During the early 20th century there had been increasing pressure from citizens and historians throughout the country worried about a lack of access to and safe provision for written historical material. In Southampton the main demonstration of the interest in local archives came via the newly formed Southampton Record Society under the editorship of Professor FJC Hearnshaw. Members of the Society began publishing editions of early borough records, starting with Court Leet records, borrowing material from the

Audit House and working on them at home. Southampton opened its Record Office to the public in 1953. It was staffed by one archivist and was used by only a handful of researchers a year. At that time the collections were small and included only the records of the local authority and its predecessor bodies; collections, staff and visitors were all housed in one windowless, basement room. Now the collections have greatly expanded to include material from private individuals, public bodies, institutions, societies, churches etc and are consulted by some 2500 individuals each year. Visitors come not only from Southampton, but from the rest of the UK and abroad to pursue their interest in family history, educational projects, social and economic history and maritime history. This commitment to Southampton's history was one of the grounds on which Southampton petitioned for and was awarded City Status in 1964. The reasons for the successful application included the 'importance of the town in the shipping world' ... 'public spirit'....'maintenance of historical records and customs, and the existence of a true sense of citizenship'. Special mention was also made of the 'long history of public administration and the efficiency of municipal services' – still reflected today in the provision of a records management service to the authority to improve and maintain this efficiency and to meet demands of new legislation such as Freedom of Information.

A1.2.2 City Archives: content and strengths

The City Archive collections include a wide range of unique records pertaining to Southampton's history and governance, from a 12th century royal charter and the 14th Oak Book to current day records. The duties and responsibilities of the local authority in Southampton have changed over time but have been vast – the extant records include charters, burgess admissions, electoral rolls, property deeds, court and trade records, licensing, rating from 1552 onwards, poor relief, the militia and much more. In addition, the local authority took over the functions (and therefore records) of many individual companies or bodies, such as school boards, bridge companies and waterworks. Public records of a local nature have subsequently been added, including records of hospitals, magistrates' courts and more recently maritime collections (crew lists and merchant seamen's records).

One of the collection's particular strengths is the series of borough archives dating from the 14th century onwards. These reflect the borough's extremely wide-ranging duties, for example defence of the town. A defence terrier of 1454 lists all the households in the town responsible for the upkeep of the walls. Brokage books (which survive for 1430-1566 and are unique to Southampton) are a series of accounts recording all goods and carriers passing through the Bargate. Petty Custom Books, also known as Port Books, (1426-1803) record all goods arriving and leaving by sea. These books list all kinds of trade from precious luxury goods such as silk and spices from the east, to the more mundane import of herring. They also give information about the merchants and ships engaged in this trade.

The sea is a major theme in the collections: nineteenth century crew lists and twentieth century merchant navy records provide information on ships and the men and women who sailed on them. These sources attract researchers from

all over the world. The City Archives document stories of the various communities who came to Southampton: traders who settled here, people seeking refuge from religious persecution such as the Huguenots, and more recently immigrants settling for economic reasons, for example the post-war African Caribbean community.

Law and order was vital to ensure a safe place to live and trade, and court records from 1374 onwards document crimes and offenders, providing personal, social and economic information. The series of Court Leet records (beginning in 1549) also records 'strangers and aliens' trading here in the Medieval and Tudor periods in the quaintly named 'Stall and Art' lists. This is a growing collection since the court still meets annually – a rare survival of medieval practice.

There is a wealth of material available to research family histories both for established Southampton families and newly-settled families. Social and economic history is well represented in the collections, allowing research on 'ordinary' lives, e.g. poor relief, education and welfare of children, family papers, workhouses, crime and punishment, health, hospitals and housing conditions. Southampton is well known for its Second World War history and there is an important body of written and photographic material about the city in wartime. In anticipation of the major centenary commemorations of World War I, the City Archives have been particularly interested in collecting First World War material, for example, the Chine House collection of contemporary photographs and letters.

The format of records has changed over the last 800 years. Documents were originally handwritten on parchment and were often in Latin or Anglo-Norman French. As paper became more widely available it replaced parchment as a medium, and in most sources, English replaced Latin as the written language. The introduction of printing had an effect on the format of archives; the collections include examples of documents produced on early printing presses as well as modern-day typed or photocopied items. The development of photography and film has also shaped the collection: the Archives holds examples of early photographs, glass lantern slides, stereoscopic prints, negatives, postcards and other visual images, all with their own specific storage and access needs. In the 21st century, Archives faces the challenges of preserving and accessing digital records, including Word documents, databases, spreadsheets, digital images, film and sound files.

A1.2.3 Oral History: collection beginnings

In 1983 Southampton began a one year project to record the life histories of Southampton people. Further projects included memories of the city's African-Caribbean community, women in World War 1, and dock workers. This direct voice of the recent past complemented written and object collections and by 1986 oral history was an accepted part of the approach to documenting the recent past. The collections hold 800 recordings and over 5000 related photographs documenting the lives of seafarers, shipyard workers, Titanic survivors, and local communities.

A1.2.4 Oral History: content and strengths

The extensive oral history record created since 1982 captures the personal stories of people who served in the merchant navy, worked in the docks, immigrated to the UK, and those living in Southampton through the Blitz. It now contains approximately 800 interviews. The first two years recorded memories of the city's African Caribbean community, women in the First World War, dock workers and dockland communities. Subsequently projects on the Titanic, Chapel and Northam, Thornycrofts and many others have followed. These projects have resulted not only in the recorded interviews and transcripts, but also photographs from the participants and many successful publications. In the 25 years since the oral history recording began there has been a change in media. The recorded interviews were formerly made on reels, later cassettes and now digital media. There is an ongoing project to digitise the reels and cassettes to ensure that the material is readily available. The Oral History archive is now physically held with the Archives section, for easier public access.

A1.3 Fine Art

A1.3.1 Fine Art: collection beginnings.

The story of western art from the Renaissance through to 1900 and the British Modern Movement to the present day can be told using Southampton's fine art collection. It was founded through the bequest in 1911 of the visionary Cllr Robert Chipperfield, pharmacist, councillor, and JP who left funding to build an Art Gallery and a separate trust fund for the purchase of an art collection stating in his will...

'My fervent desire is..., the furtherance and encouragement of Art, in the town of my adoption – Southampton. I therefore bequeath the whole of my collection of oil paintings, water colour drawings and engravings to my Executors for the public exhibition in Southampton...'

Chipperfield also directed that any additions to the collection using the trust fund be made in consultation with the Director of the National Gallery (since 1976 our national acquisitions advisor has been a senior Tate curator) to ensure a gallery with a national aspiration from the beginning.

In 1936, Lord Clark (then Mr Kenneth Clark) advised a "definite policy as to the character and main features of the Chipperfield Collection" which identified four main groups of works: a small collection of old masters, a representative collection of nineteenth century paintings, a collection of watercolours and drawings, and a growing collection of modern paintings in oils. Since this date, gifts and bequests have enhanced the Collection considerably, guided by this overall policy.

Additional bequests have funded the acquisition of new works for the collection; among them Smith, Orris and Brown. Outside organisations such as The Art Fund and the Contemporary Art Society have also contributed substantially to the collection through the last decades, as have the Friends of Southampton's Museums, Archives and Galleries (FOSMAG).

A1.3.2 Fine Art: content and strengths

In 1998, the collection which now holds more than 3,900 works of art was “Designated” by the Museums, Libraries and Archives Council. It remains the finest public collection of art south of London.

The composition of the collection conforms closely to Clark’s original vision and currently comprises a small collection of pre-1900 European old masters including Impressionists, British 18th and 19th century and a collection of works on paper. The growing core element however, is British 20th century and contemporary progressive art with an emphasis on paintings.

The historic part of the collection was built up from the 1930s to 1975. Then the high cost of Monet’s “The Church at Vétheuil” necessitated a change of direction. From that time the priority switched to the purchase of work by rising star British contemporary artists.

The earliest work held, Allegretto Nuzi’s “Coronation of the Virgin” is from the mid-fourteenth century. The smaller old-master element of the collection has good clusters of work of the Renaissance, Baroque (notably Dutch 17th century), British 18th century and French and British 19th century (including Impressionism and Pre-Raphaelitism). The core of the collection however remains British 20th century and contemporary art. Within that are four strong clusters: the Camden Town Group and related British Post-Impressionism (one of the best world-wide outside Tate), Surrealists, St Ives School and Contemporary post 1976 (many Turner Prize winners and nominees). The collection includes paintings (over 1,000), works on paper, sculpture, studio ceramics, wall-drawings and film/video work.

The collection continues to grow and recent important acquisitions include the Philip Schlee Collection of 113 drawings, prints and paintings by 44 artists working in Britain between 1920 and 2004. As a collection, it was conceived with a very practical question in mind: what role does drawing play in the work of artists? The Chipperfield bequest has just celebrated its first 100 years with a successful centenary exhibition at the centre of which was a work purchased specially for the occasion: Alison Turnbull’s oil painting, *Moon-viewing Platform* 2010.

A1.4 Maritime and Local History

A1.4.1 Maritime and Local History: collection beginnings

The origins of the city’s museum collections date back to the early 20th century when an exhibition of “Relics of Old Southampton”, lent by local collectors and antiquarians was organised at the Hartley University College (the forerunner of Southampton University) in September 1904. This was intended to “have an influence for good upon the future life of Southampton and its sons and daughters” by demonstrating the important role the port had

played in both “the ancient and modern history of the Empire” and providing a stimulating educational effect on the town’s children. Many of the items displayed were later donated to Tudor House Museum, opened by Southampton Corporation in 1912 as its first civic museum. The first collections were very eclectic, representing a general interest in things historic or curious as well as those with particular local connections. They ranged from early musical instruments and African spears to letters of indenture, and prehistoric axes to watercolours of the Solent. The collections grew as more material was donated, for example, the widow and daughter of Captain Smith, who went down with his ship, the Titanic, presented his ceremonial sword. The significance of the rich maritime holdings was reflected in the opening of a new Maritime Museum in 1964 to showcase this aspect of Southampton’s history. This museum, in an attractive, but unsuitable historic building, was superceded in 2012, when the prestigious new SeaCity Museum opened, on the centenary of Titanic’s sailing from Southampton.

A1.4.2 Maritime and Local Collections: content and strengths The collections contain extensive material relating to the history of Southampton as a port and the many international shipping companies that have been based here. We hold the photographic archives of Associated British Ports, for example, and the unique collection of paintings and drawings of local shipping by Arthur Cozens completed at the end of the nineteenth century. Shipping lines represented include the Royal Mail Steam Packet Company, White Star, Cunard, Union Castle and P&O. These holdings contain rich detail of national and international interest on themes such as immigration and emigration, trade, war and conflict etc. The collection of furnishings and design fittings from many of the great Transatlantic Liners based in Southampton, and ephemera relating to life on board are also outstanding. The collections also record how Southampton was a place of maritime innovation and technology. For example, the archives of the British Power Boat Company record its contribution to the development of high speed craft. We also hold material relating to technological achievements, including the development of the reciprocating steam engine, and material from local shipyards like Thorneycroft. The ship model collection includes bone models made by French prisoners-of-war incarcerated in Southampton during the eighteenth century, and the large-scale builder’s model of the Queen Mary.

The collection contains unique material relating to the Titanic disaster, particularly to her crew, most of whom were local people, as well as the extensive material from around the world relating to the disaster. Oral history interviews with survivors and relatives of the deceased are a moving complement to this material. This important collection underpins the prestigious, state-of-the-art displays in the new Titanic gallery at SeaCity Museum.

Southampton’s local history as a town and city is reflected, with star collections including comprehensive collections of jewellery, costume and decorative costume accessories.

Important material includes items relating to the Spa period of the eighteenth century when Southampton attracted wealthy, aristocratic and notable visitors, including Jane Austen, to bathe and take the waters. This collection includes the stone fountain from the spa itself as well as ephemera relating to the balls and theatrical events of the day, a sedan chair and fine items of clothing including a gentleman's embroidered waistcoat and a woman's day dress from the 1770s.

Material relating to local celebrities is also held within the collection including the personal collection of the well-known nineteenth century Southampton artist and eccentric, Richard Cockle Lucas, and the spinet belonging to local composer Charles Dibdin.

APPENDIX B

Who are our collections for?

B.1. Our main target audience is the people of Southampton, although we reach out to national and international audiences through our websites and internet databases and loans of prestigious items to museums and galleries around the world. Our collections are consulted by researchers from all over the UK, and provide the basis of the engaging exhibitions in our three major venues: SeaCity Museum, Tudor House and Garden, and Southampton City Art Gallery, which attract both local people and visitors to the city. Within our audience, we seek to work with some groups in particular:

B.1.2 Children and young people

- reached through learning and education programmes for schools, tied in to National Curriculum requirements
- catering for the needs of home learning groups
- children's holiday events at our own venues and other locations, eg libraries, using objects as inspiration for creative work, with story tellers, or with historical re-enactors
- monthly art clubs, for different age groups from 3 to 12
- Arts & Heritage Youth forum ,for 13- 21 year olds, to discuss new ideas for exhibitions and projects
- as basis of local educational partnerships eg Schools Choice, where pupils curate their own art gallery displays choosing items from the collections, or using them as sources of inspiration to create their own art works
- through work experience placements, to have "hands-on" participation in collections work, from archives to archaeology
- student internships in partnership with local colleges and regional universities to provide more "in depth" experience of working in arts or heritage environment
- trainee placements for young people wishing to start a career in heritage, through the Skills for the Future Scheme
- specialist groups such as the Young Archaeologist Club, run by the Archaeology Unit, makes extensive use of the archaeology collections for their activities
- other youth groups, eg cubs and brownies, come on special visits
- Art4Schools allows schools to borrow original art works from our collections to take into their classrooms

B1.3 Older people

- There are many opportunities for active retired people to pursue their interests in local and family history through volunteer projects within collections. There are currently 45 people volunteering on a variety of collections tasks
- Talks and tours are targeted at specific groups such as U3A or local groups such as the Dynamo Club, or are run for specific events such as the city's Over 50's Festival

- Loan boxes for reminiscence sessions have been developed for those who cannot come to our venues for use in care homes, hospices and day centres, on topics such as the Blitz or the 1930's.

B1.4 Disabled People

- All our venues provide regular touch tours for visitors with visual impairments
- Museum displays include real objects for people to touch and audio guides and interpretation providing further information
- Handling boxes have been developed to meet the needs of children with special needs

B1.5 Families

- Collections can be used to support Family Learning initiatives and activities, developed with our Learning and Interpretation team
- Similarly, collaborative work can be done to ensure our venues and activities are Family Friendly
- Collections activities have been developed for events such as Museums at Night or SeaCity Museum's 1st Birthday celebration.

B1.6 Diverse communities

- Our collections need to constantly grow and develop to reflect the changing nature of the city and the new communities who have settled here
- The theme of diversity can be explored through Southampton's history and archaeology, using collections to demonstrate how new settlers brought in new technologies and material culture e.g. the Saxons, or why people came here e.g. to escape persecution – Basque refugees or Huguenots, or for economic reasons e.g. Windrush migrants or medieval Italian merchants, or as military occupiers - Romans
- Projects involving more recent incomers include oral history projects interviewing Asian women, and new Eastern European migrants in the city, or the collection of new archive material from Afro-Caribbean groups
- Material from the collections also celebrates national events such as Black History Month or the centenary of the abolition of slavery

B1.7 Researchers and enthusiasts

Our collections reach people locally, throughout the UK and Europe and all over the world from Iraq to Australia, America to Hong Kong:

- Overseas visitors to Southampton explore the collections through the exhibition programme, as evidenced by the scores of countries represented in our museums' visitor books
- Our events and exhibitions are supported by many enthusiastic amateurs coming from within the city and the wider region
- Visitors come from abroad on individual study visits to research particular topics
- Our collections form the basis of many PhD research projects, in partnership with learning institutions such as the University of Southampton

- We work within international partnerships and networks, for example with Cobh, Belfast, Cherbourg and Halifax, Nova Scotia on Titanic connections
- With the availability of online databases 24/7 people can, from their own armchair, consult, comment on and contribute to our collections on line, for example within the Heritage 100 collaborative project
- We receive e-mail enquiries from around the world
- Objects and pictures are loaned to other galleries and museums around the world, eg the Nubian statue of Taharqa has been displayed in Spain and France, while many of our artworks are in demand for international exhibitions all over Europe and further afield such as the United States, Canada and Japan.

APPENDIX C

Terms of Reference for the Chipperfield Advisory Committee

GENERAL

- a. This Committee is an advisory committee to the Council appointed by the Council under s102(4) of the Local Government Act 1972.
- b. The Committee comprises 7 independent members, quorate at 5, appointed by Council for a period of 4 years. Additionally, the National Advisor to the Gallery may attend Committee meetings at his/her discretion as a non-voting advisor to the Committee.
- c. Similarly, the Committee may invite a representative from the Museums Association, or any other outside experts agreed by a majority vote, to attend a meeting or meetings in a non-voting advisory capacity.
- d. The Committee shall meet in May and October of every year and on any further occasion as may be necessary to carry out the business of the Committee.
- e. Where a function or matter within the Committee's competence has been delegated to an officer, the Committee may exercise that function/matter concurrently with the officer to whom it has been delegated.
- f. The exercise of any function or matter within the Committee's competence is always subject to any relevant requirement of the Council's Constitution including any Special Procedure and Protocol drawn up and approved by the Head of Legal, HR and Democratic Services in pursuance of Council Procedure Rules.

TERMS OF REFERENCE

1. To identify, manage and resolve any conflicts of interest (or perceived conflicts of interest) occurring as a result of the Council's dual role as a corporate body and Trustee to the Chipperfield Bequest, with recommendations to Council as to an appropriate course of action in the circumstances.
2. Conflicts of interest are matters including but not limited to:

- a. determining which of those items acquired since the gallery was established belong to the Charity or to the Council corporately;
 - b. the apportionment of expenses of running, insuring and repairing the Art Gallery between the Council and the Charity (if not entirely funded by the Council);
 - c. the use of any admission fees charged for access to special exhibitions;
 - d. the ownership and exploitation of any intellectual property rights arising out of any publications associated with the Art Gallery or its collection;
 - e. questions as to whether the Charity should (for example) seek a scheme removing its existing obligations.
3. To conduct any investigation or enquiry necessary in furtherance of its functions under these Terms of Reference, and make recommendations to Council as to an appropriate course of action in the circumstances.
4. To take advice from council officers as necessary and have recourse to any Council facilities or resources necessary for the performance of its duties, other than in cases where a conflict of interest or other reason exists that renders use of such resources inappropriate whereupon the Committee will be entitled to seek its own independent advice.
5. To recommend the expenditure of Trust funds in relation to the acquisition of works of art, in consultation with the National Advisor.
6. To provide reports to Council (as Trustees) as necessary and at least annually in relation to the use of the Trust's collection, patronage, use of works loaned to other organisations, details of purchases made, and work of the academy.
7. To have sight of the Trust's accounts at least annually and, in conjunction with expert advice which to be sought as necessary, make any recommendations deemed appropriate to Council including recommendations as to the best investment strategies for the Trust's funds.
8. To consider and recommend to Council an Arts and Heritage Collections Policy in relation to acquisitions on its renewal every 3 years.
9. To contribute where necessary to the accreditation of venues process.
10. To advise on any other matters that the Committee deem relevant to the objectives of the Chipperfield Bequest and the well-being of the collection and Gallery, including compliance with the Chipperfield Scheme and the protocols of the Museums Association, particularly in the event of consideration of the sale or disposal of works of art (additionally for which the direct advice of the Museums Association

must be sought).

11. To consider additions to the Committee's Terms of Reference if deemed by the Committee to be necessary or in response to suggestions made by the Trustees to the Trust. Any recommended additions must be approved by the Trustees to the Trust before being incorporated into the Terms of Reference.

ANCILLARY TERMS OF REFERENCE

12. Supporting the Curator in planning future exhibitions of contemporary art.
13. Working with officers and Councillors on the Culture and Heritage Team to identify any improvements needed to the gallery's overarching operation, and proposing or assisting with fund-raising activities needed to facilitate such improvements.
14. Suggesting and developing work in any other areas where the Committee believes there is a need for its involvement, in order to further the best interests of the City Art Gallery

Agenda Item 9

DECISION-MAKER:	CABINET		
SUBJECT:	WASTE MANAGEMENT POLICY		
DATE OF DECISION:	17 DECEMBER 2013		
REPORT OF:	CABINET MEMBER OF ENVIRONMENT AND TRANSPORT		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY

Not applicable.

BRIEF SUMMARY

The draft Waste Management Policy brings together all aspects of waste management including local environmental quality issues such as litter, graffiti and fly tipping as well as domestic waste and recycling collections. It also provides an education and enforcement framework which will enable the council to take prioritised enforcement activity relating to enviro-crime and waste management offences.

RECOMMENDATIONS:

- (i) To approve the Waste Management Policy as attached at Appendix 1.
- (ii) To delegate authority to the Head of City Services following consultation with the Cabinet Member for Environment and Transport to take any necessary steps to implement the policy.

REASONS FOR REPORT RECOMMENDATIONS

1. The policy will support the Council in maintaining a clean city. The Waste and Recycling Service is currently undergoing a major transformation programme funded by a grant from the governments Waste Collection Support Scheme. The transformation programme has highlighted the need for an up to date Waste Management Policy that covers all aspects of waste management and the new and changed waste collection and recycling services.
2. Bringing waste and recycling collections and other local environmental quality issues into one policy document will hopefully make it easier for the public to understand the role of the council and the role of residents in helping to make Southampton more attractive and sustainable.
3. The policy will also enable the council to focus its limited education and enforcement resources to areas of high priority that are likely to have the biggest impact on improving behaviour, environmental quality and recycling performance.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

4. The policy will clarify a number of waste management and local environmental quality issues and will provide an education and enforcement framework to enable prioritised enforcement activity; to not have the policy would make any education and enforcement activity less focused and less successful.
5. To continue with the current Collection of Residential Waste and Recycling Policy. This was rejected as the policy will be out of date as new recycling services are rolled out and the policy does not include other areas of waste management such as litter and fly tipping. The previous policy does not include an education and enforcement framework which therefore makes it difficult to prioritise activity.

DETAIL (Including consultation carried out)

6. The Waste and Recycling Service is currently undergoing a major transformation programme funded by a government grant of £8.28 million from the Waste Collection Support Scheme. The transformation programme has highlighted the need to update the previous Collection of Residential Waste and Recycling Policy to include new services, reflect changes to existing services and to include all other aspects of waste management and local environmental quality. (Local environmental quality (LEQ) issues include litter, fly tipping, fly posting, graffiti and dog fouling.)
7. The transformation work has also identified the need for an education and enforcement framework that will encourage improved behaviours, increase recycling quality and quantity and enable the council to prioritise its limited resources to target education and enforcement activities to where it will have the biggest impact, and to take action against those who consistently fail to manage their waste properly.
8. The new policy builds on the previous service standards and policies and the most significant areas of change are around collection of side waste, the chargeable garden waste service, the new glass collection service and the new education and enforcement framework.
9. The education and enforcement framework provides a flexible approach to allow the council to take appropriate action for the appropriate offence. The council will determine enforcement action on a case by case basis. Movement between stages and escalation will be done at the discretion of officers. The policy includes a risk based prioritisation matrix that gives greater priority to high risk areas for example where there is a risk to public health or obstruction to the highway. The framework includes education and advice, informal and formal warnings and formal enforcement activity up to and including the issue of fixed penalty notices (FPNs) or in extreme cases prosecution.
10. The framework will allow the council to undertake a range of education and enforcement activities depending upon the nature and seriousness of the offence. This includes awareness activities for offences such as bin contamination, followed up with warnings and potentially alternative service provision for residents who are consistently getting it wrong; and on the spot

- fines for offences such as littering. Intelligence on enviro-crime hotspots will enable officers to use limited resources on specific, targeted interventions.
11. Generic Section 46 notices were issued to all households as part of the direct mail introducing the Bin it to Win it recycling rewards scheme. The notices set out the detailed legal arrangements for waste and recycling collections in Southampton (including what should and should not be placed in each kind of bin, where they should be placed for collection and when they should be taken back in etc.) and enables the council to consider action against those who do not comply with the notice. Any formal action against individual residents will require individual notices to be served as appropriate.
 12. The waste and recycling service are looking to move to a new 'sweep system' of collections which will greatly simplify and balance the collection rounds and will be area based. This will enable the service to focus collection, education and enforcement resources in one area on one day more effectively and hopefully reduce service failures. This new collection methodology may result in a change of bin collection day for some residents but this will be kept to a minimum where possible. A full communications plan will be developed to publicise these changes.
 13. Consultation with staff, unions, and the Cabinet Member has taken place and has informed the development of the policy. Targeted consultation has been undertaken with members of the public via the waste and recycling customer engagement group and customer distribution lists.
 14. The draft Waste Management Policy can be found at appendix 1.

RESOURCE IMPLICATIONS

Capital/Revenue

15. The policy does not have any significant financial resource implications. The transformation of the service is being funded by the government grant. Education and enforcement activity will be achieved by up skilling and training existing officers within relevant front line services.
16. There may be minimal financial costs in terms of promoting the new policy but where possible this will link to other planned promotional work and will be funded by the transformation programme.

Property/Other

17. None.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

18. The policy has been developed in line with the Council's duties under the Environmental Protection Act (1990) and Clean Neighbourhoods and Environment Act (2005). The policy will be reviewed and refreshed in light of any changes to legislation as necessary.

Other Legal Implications:

19. The policy has been developed having regard to the Council's duties under the Equalities Act 2010, together with the Human Rights Act 1998. Any

enforcement action that may be taken in pursuance of the policy will only be considered having regard to Article 6 of the European Convention on Human Rights (right to a fair trial) and where considered necessary to addressing a pressing social need and proportionate to the nature of the offence committed. The policy has also been developed having regard to the Council's duties under s.17 Crime & Disorder Act 1998 and the need to eliminate or reduce enviro-crime in the Southampton area.

POLICY FRAMEWORK IMPLICATIONS

20. The Waste Management Policy is in accordance with the Council's policy framework including the Council Plan.

KEY DECISION? Yes

WARDS/COMMUNITIES AFFECTED: All

SUPPORTING DOCUMENTATION

Appendices

1.	Waste Management Policy
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Documents In Members' Rooms

1.	None
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Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	Yes
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Other Background Documents

Equality Impact Assessment and Other Background documents available for inspection at: One Guildhall Square

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. None	

Southampton City Council

Waste Management Policy

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1. Introduction

- 1.1. We know that having a clean and attractive neighbourhood is important to you. That is why we are working hard to give you a quality service. This policy has been developed to inform residents of the services we, the council, provide, outline what we expect you to do and provide a framework of enforcement action that we can use when things go wrong.
- 1.2. Our purpose is to make Southampton a clean city and to help Southampton residents to recycle as much as possible and to minimise and manage their waste in the most cost effective and efficient way.
- 1.3. We aim to work with the local community to enable local people to participate directly in the development, improvement and maintenance of their own local environment. If you want to put forward a suggestion or report a problem with any of the services included in this policy please contact us via our website, Recycle for Southampton app or call Actionline (details at the end of this document).
- 1.4. Research has shown that an unattractive local environment can have a negative impact on local communities and people's perceptions of an area. The presence of graffiti, litter, fly posting, bins left on pavements and fly tipping has an impact on perceptions of safety, can encourage further vandalism and more serious crime and can impact on quality of life.
- 1.5. Everyone in Southampton has a personal responsibility to manage their waste responsibly and keep Southampton free of litter, graffiti, fly tipping, fly posting and dog fouling.
- 1.6. This policy has been written in accordance with the Council Plan.

2. Scope of policy

- 2.1. This policy applies to the management of waste across Southampton and includes all local environmental quality issues (LEQ- litter, graffiti, fly tipping, fly posting and dog fouling) and the collection of waste and recycling from all households in Southampton. (It does not cover commercial waste collection from businesses.)
- 2.2. The aim of this policy is to improve Southampton's local environmental quality and increase the quality and quantity of waste recycled.
- 2.3. The Environmental Protection Act 1990 places a duty on local authorities to ensure that the roads and highways for which they are responsible are kept clear of litter and refuse, as far as is practicable. The Act also imposes a duty on waste collection authorities to arrange for the collection of household waste in their areas. Southampton City Council is a waste collection authority.
- 2.4. The Clean Neighbourhoods and Environment Act 2005(CNEA) introduced a raft of powers for local authorities to use to help tackle LEQ problems and anti-social behaviour such as litter, graffiti, fly tipping and dog control.
- 2.5. This policy sets out how we will meet these duties and how we will use these and other powers and tools at our disposal, to ensure that within available resources, enforcement work is carried out in an effective, consistent, proportionate and fair manner across the city.
- 2.6. We have adopted the Cabinet Office's "Enforcement Concordat" which sets out the principles of good enforcement. In addition, all officers will consider and follow the Code of Practice for Crown Prosecutors, issued by the Crown Prosecution Service, when taking decisions on whether to prosecute.

3. Local environmental quality (LEQ)

3.1. Litter

- 3.1.1. Any rubbish dropped on the ground or disposed of inappropriately is littering. This includes, but is not limited to, cigarette ends, chewing gum, fast food/drinks containers and snack/confectionary wrappers. The act of littering is not only unlawful but it is also dangerous, can be harmful to ourselves and wildlife, attracts vermin and spoils the appearance of the city.
- 3.1.2. We provide over 1,000 litter bins on the streets of the city for members of the public to use.
- 3.1.3. We aim to remove reported build ups of litter within one working day.
- 3.1.4. We can issue fixed penalty notices to anyone caught dropping litter or chewing gum, discarding rubbish from a vehicle or throwing away cigarette ends.
- 3.1.5. Businesses have a responsibility to keep their waste tidy and safe and to pay for the disposal of their own waste. Trade or commercial waste should not be placed in litter bins. We may take enforcement action against businesses which fail to comply.

3.2. Graffiti

- 3.2.1. Graffiti is criminal damage and is defined as any illegal marking to walls or surfaces and can range from small scribbles or 'tags' to large spray paintings.
- 3.2.2. We are responsible for removing graffiti from public property and aim to remove racist and obscene graffiti within 24 hours of it being reported. Other graffiti will usually be removed within 2 to 4 weeks.
- 3.2.3. Racist and obscene graffiti will normally be removed from private property free of charge (we may look to recover costs from commercial properties). Graffiti of any other kind on private or commercial property is the responsibility of the landowner/ occupier. We may be able to offer a chargeable removal service for the removal of other graffiti from private and commercial property. Availability and cost of the service would be discussed with the property owner on a case by case basis.
- 3.2.4. A fixed penalty notice may be issued for minor graffiti offences. Hundreds of pounds worth of damage can quickly be done by a single "tagger". These prolific "taggers" could be prosecuted and could receive a fine of up to £2,500 or be imprisoned.

3.3. Fly tipping

- 3.3.1. Fly tipping or dumping is the illegal deposit of any waste onto land or a highway. This includes garden waste.
- 3.3.2. Everyone has a duty of care to ensure that anyone taking their waste away disposes of it correctly. If your waste is later fly tipped and traced back to you, then you could be prosecuted.
- 3.3.3. We may take enforcement action against anyone found to be fly tipping on public or private land. If a substantial quantity of waste is dumped or if it contains hazardous materials, offenders could be prosecuted which could lead to a fine of up to £50,000 and confiscation of the vehicle used to transport the waste.

3.4. Fly posting

- 3.4.1. Fly posting is the illegal display of advertising material generally on buildings and street furniture, without the permission of the owner. Fly posting can be unsightly and make an area feel unsafe and uncared for.
- 3.4.2. We are responsible for removing fly posting from public buildings and property. The owner of the property is responsible for removing fly posting from private property.
- 3.4.3. We may take enforcement action against businesses or individuals undertaking fly posting activity in the city.

3.5. Dog fouling

- 3.5.1. It is the responsibility of the dog owner or the person in charge of the dog to clear up any dog foul left by their dog. The regulations state specifically that being unaware that the dog has fouled, or not having a suitable means of removing the faeces is not a reasonable excuse for failing to clean up after your dog.
- 3.5.2. Dog faeces are potentially harmful to public health and should be disposed of appropriately. As long as it is bagged correctly, dog waste can be put in any public litter bin.
- 3.5.3. If you fail to clean up after your dog you can be issued with a fixed penalty notice, or if the case goes to court a fine of up to £1,000.
- 3.5.4. The council has in place Dog Control Orders which allow us to take enforcement action against irresponsible dog owners. The Fouling of Land by Dogs (the City of Southampton) Order 2011 enables us to take action against people who fail to clean up after their dog.

4. Waste and recycling

4.1. Household waste and recycling collections

- 4.1.1. Residents in all dwellings in the city will have their dry mixed recycling (blue lidded wheeled bin or clear sacks) and their general waste (green lidded wheeled bin or black sacks) collected at a time and schedule determined by us (details available on our website, including bank holiday arrangements). We also operate a chargeable collection service for garden waste (see section 4.2). From October 2013 we will be introducing a glass collection service (see section 4.3).
- 4.1.2. All properties that we consider can accommodate a wheeled bin anywhere within the boundary of the property will be required to use one unless we agree otherwise in writing.
- 4.1.3. Should you believe your property is not suitable for wheeled bins (due to space, access, steps etc.) you should contact Actionline. We will visit the property to decide upon the most appropriate container to be used for waste and recycling collections. Plastic sacks will be issued to those properties that we agree are not suitable for wheeled bins.
- 4.1.4. Plastic sacks of a type and number considered reasonable by us (usually one per scheduled collection) will be issued annually. Additional sacks will only be provided for recycling collections.
- 4.1.5. Wheeled bins and sacks should be placed where the public highway begins and private land ends (the edge of your property). In the majority of cases this will be where gates or drives meet the pavement.

- 4.1.6. Collection teams start work from 6.30am, so all bins or sacks are required to be put out in time, or the night before. Collections will be between 6.30am and 5pm. You should not rely on crews arriving at a set time.
- 4.1.7. Any bins/sacks not placed out for collection or placed out late resulting in a missed collection, will be emptied on the next scheduled collection day.
- 4.1.8. If a bin is placed out for collection in accordance with this policy and (save for circumstances beyond our control) we fail to empty the bin, we will rectify this within two working days of it being reported, or as soon as possible by arrangement with you. This might include occasions when access to a property is blocked.
- 4.1.9. There are occasions when collections may be missed due to circumstances beyond our control. These might include factors such as adverse weather (e.g. snow/ice) and industrial action. We will make every effort to minimise the disruption to residents but some collections may be missed. Where we are unable to recover missed collections due to circumstances beyond our control, you are asked to keep hold of your materials until the next scheduled collection or you can choose to take them to the household waste recycling centre (we will not be liable to reimburse the cost of any alternative disposal method that you choose to use).
- 4.1.10. If you move house, waste and recycling bins/sacks must be left for the new occupant of the property. Although the receptacles remain the property of Southampton City Council, they are allocated to individual properties. Residents who remove a bin from a property without our written permission may be charged for the provision of a replacement. If you move into a house in Southampton and the waste and recycling containers have been removed, please contact Actionline.
- 4.1.11. Waste and recycling from residents living in flats is collected via communal bins that are regularly emptied. Bin store areas are the responsibility of the landlord.
- 4.1.12. Bin cleaning is the responsibility of the householder or in the case of communal bins it is the responsibility of the landlord. Keeping bins clean reduces unpleasant odours, flies and vermin.

4.2. Garden waste

- 4.2.1. We operate a chargeable collection service for garden waste from households.
- 4.2.2. The service runs from April to March and there is an annual charge which needs to be renewed each year. A half year charge is available for new residents joining the scheme part way through the year, depending on the date they join the scheme.
- 4.2.3. The service offers a variety of bin sizes with 24 fortnightly collections throughout the year on a day specified by us. There are no collections over the Christmas and New Year period. More details can be found on our website www.southampton.gov.uk.
- 4.2.4. If you live in a property without a frontage you may be entitled to purchase disposable bags, this will be decided by us on a case by case basis.
- 4.2.5. No garden waste should be placed in your general waste or recycling bins (green and blue lidded bins). If garden waste is found in these bins we can ask you to remove it before we empty your bin and may take enforcement action as appropriate.
- 4.2.6. If you contaminate your garden waste bin, we may refuse to collect the bin until the contamination is removed, suspend or cancel the service or take enforcement action. In the

event that the service is suspended or cancelled due to improper use / contamination, you will not be eligible for a refund of the charge for the remaining period of the year.

- 4.2.7. Alternatively you can compost your garden waste at home or dispose of garden waste for free at the household waste and recycling centre at the City Depot and Recycling Park.

4.3. Glass recycling

- 4.3.1. From October 2013 we will be rolling out a glass collection service to all households (to be completed by summer 2014).
- 4.3.2. The majority of houses will be provided with a plastic box that will be collected at the same time as dry recyclables (the blue lidded bin).
- 4.3.3. All flats and some houses which we consider to have difficult access or to be inappropriate for collection of a box, will be allocated to a community glass recycling point consisting of a small glass bank or a communal wheeled bin. These properties will not be eligible for a glass recycling box.
- 4.3.4. Glass will only be collected from the container provided. Residents who are eligible for a glass recycling box can request additional glass recycling boxes via Actionline.

4.4. Side waste

- 4.4.1. Side waste is any waste that is put out for collection that is not contained inside the wheeled bin with the lid fully closed. All waste should be contained within the correct container or sack. Side waste attracts rats, causes obstructions and damages the local environment.
- 4.4.2. Recycling side waste will be collected with the blue lidded bin if suitably contained (see the council website for further advice).
- 4.4.3. Other side waste will not be collected and collection crews will empty the wheeled bin and place the side waste into the empty bin for collection on the next collection day.
- 4.4.4. If you persistently leave out side waste, we may take enforcement action.
- 4.4.5. Any side waste or bulky waste that is left out on non collection days may also be treated as littering or fly tipping and we may take enforcement action or a charge may be made for its removal.

4.5. Bins on pavements

- 4.5.1. Bins and containers should be put out for collection as stated in section 4.1.
- 4.5.2. Collection crews are instructed to return bins to the point they were collected from or a safer, more appropriate position. For example in certain circumstances where the pavement is particularly narrow, the collection crew may return the bin to the edge of the property as a safer position.
- 4.5.3. It is your responsibility to take your bins back in after collection. This should be undertaken by the end of the collection day. If you fail to return the bin to your property by the end of the collection day without reasonable excuse, we may take enforcement action.
- 4.5.4. If you are on holiday or working away from home, please make arrangements with a neighbour/someone else to present the bins/sacks for collection, and take the bins back in after collection.
- 4.5.5. We accept no liability for any obstruction, loss or damage, howsoever occurring, resulting from any bin left on the highway for collection unless directly attributable to the negligence of

our collection crew. Obstruction, loss or damage is, in the first instance, a matter for your household insurance arrangements.

4.6. Contamination

- 4.6.1. Contamination is when items of waste are placed in the wrong bin or container.
- 4.6.2. It is important that we collect good quality materials for recycling. Putting items that cannot be recycled in the blue lidded bin reduces the quality of our recycling and there is a risk that it will be rejected by the re-processors. This means that the waste is sent to landfill or other less environmentally sustainable forms of disposal and ultimately costs Southampton residents more to dispose of. A contaminated load of recycling costs us over £500 to deal with.
- 4.6.3. Items that can be recycled should be placed loose in the blue lidded bin (i.e. not in plastic or black bags.) Plastic and black bags cannot be recycled by us.
- 4.6.4. In order to improve our recycling quantity and quality and to reduce the cost of the collection service, if the recycling bin is contaminated it will not be emptied (blue lidded). If the contaminating materials are removed, the bin will be emptied on the next scheduled collection day.
- 4.6.5. If the green lidded household waste bin contains the wrong items (e.g. garden waste) the bin will not be emptied. If the contaminating materials are removed, the bin will be emptied on the next scheduled collection day. Garden waste cannot be processed with general household waste.
- 4.6.6. If garden waste bins are contaminated (brown lidded) we may remove the bin and no longer provide the service. (Customers would not be eligible for a refund for the remaining period of the collection year.)
- 4.6.7. If you persistently contaminate your bins (green lidded bin, blue lidded bin, brown lidded bin and glass recycling box) we may take enforcement action (see section 6).
- 4.6.8. You should make every effort to put the right materials in the right container. If you need help or advice, please contact Actionline or visit our website to check what can be recycled
www.southampton.gov.uk/recycle.

4.7. Bin and container sizes (smaller, larger, additional)

- 4.7.1. A 240 litre capacity wheeled bin is the standard bin issued to all properties for the collection of recycling and household waste (one bin for recycling, one for household waste).
- 4.7.2. If you require a smaller household waste bin (140 litre capacity) because you only produce a small amount of waste, please contact Actionline. Requests will normally be processed within seven working days.
- 4.7.3. Families of six or more permanently residing at the property may, at our discretion, qualify for a larger 360 litre capacity wheeled bin. In exceptional cases a second household waste bin may be offered.
- 4.7.4. If a larger/additional bin is required you should complete an application form and you must be able to demonstrate that you are maximising use of the recycling facilities provided.
- 4.7.5. Larger/additional recycling bins will be provided for residents if requested as long as there is space to store them in the front of property and if we consider the request reasonable having regard to the waste collection needs of the household.

4.7.6. Support is available to help you recycle and manage your waste and we may undertake 'waste audits' to help residents who are struggling.

4.8. Replacement bins and containers

4.8.1. If a bin or container goes missing or is stolen it will be replaced the first time free of charge, thereafter a charge may be made. Replacement bins should normally be delivered in seven working days, subject to availability.

4.9. Assisted collections

4.9.1. Assisted collections can be provided to residents who have difficulties moving their wheeled bins/sacks to the edge of the property. This could include residents who are elderly, or who have a physical or mental disability, which could be short or long term. There should be no-one in the property able to present bins/sacks for collection. We will assess applications on a case by case basis.

4.9.2. Residents should contact Actionline in the first instance. Each application will be dealt with confidentially and sensitively and a home visit may be required. We will determine the type, size and number of collection containers.

4.9.3. The register of assisted collections will be reviewed regularly. Residents must contact Actionline when this service is no longer required. We reserve the right to cancel an assisted collection, having given notice to the registered service user, if we believe it is no longer required.

4.10. Bulky household waste

4.10.1. We are not required to collect bulky waste items such as beds, washing machines, furniture etc. free of charge. These should not be left out for the domestic waste collection. It is your responsibility to organise the disposal of these items by either taking them to the City Depot and Recycling Park (Household Waste Recycling Centre) or asking the Council or another organisation to collect these items (for which there will be a charge).

4.10.2. We provide a chargeable bulky household collection service for residents to dispose of large household items which cannot be disposed of through the normal domestic collection service.

4.10.3. For information about this service and current charges please visit
www.southampton.gov.uk/recycle or contact Actionline.

4.11. Developers and new property

4.11.1. We expect the developer to meet the cost of providing bins to housing developments and apartment blocks. Prior to purchase of the bins the developer is to contact us to request a detailed specification. Bins that do not meet our specification will not be collected and developers that fail to meet their obligations in this regard may be subject to enforcement action. Waste storage areas should be sited and designed to enable residents and collection workers to conveniently and safely access waste containers.

4.11.2. Please check the Planning Design Guide for further details www.southampton.gov.uk/planning

5. Household waste recycling centre

- 5.1. You can use this facility to dispose of items not collected via the domestic waste and recycling collection service. Such items include side waste, wood, small quantities of soil and rubble, garden waste, car engine oil, car batteries, furniture, electrical goods and household effects. Where possible items are resold or recycled.
- 5.2. The centre also accepts hazardous waste such as paint, pesticides, specialised cleaning materials and fluorescent light tubes. The centre also accepts and recycles low energy light bulbs.
- 5.3. The centre will not accept trade or commercial waste. Southampton City Council and Hampshire County Council have jointly introduced a permit scheme at Household Waste Recycling Centres across the county to prevent traders using commercial vehicles to deposit trade waste.
- 5.4. If you only have access to a commercial type vehicle for your domestic use, you can still use the HWRC free of charge by obtaining up to 12 permits a year. To obtain a van or trailer permit please contact Hampshire County Council on 0845 603 5634.
- 5.5. A height barrier (5ft 9"/ 1.75 metre) is in place to prevent misuse of the centre by trade vehicles. Please check your vehicle will be able to get under the barrier prior to visiting the site to avoid disappointment. If you have a people carrier, 4 x 4 or transit type van it is unlikely you will be able to access the site except on Saturday and Sunday, when the height barrier is raised to allow access for this type of non commercial vehicle.

6. Education and enforcement framework

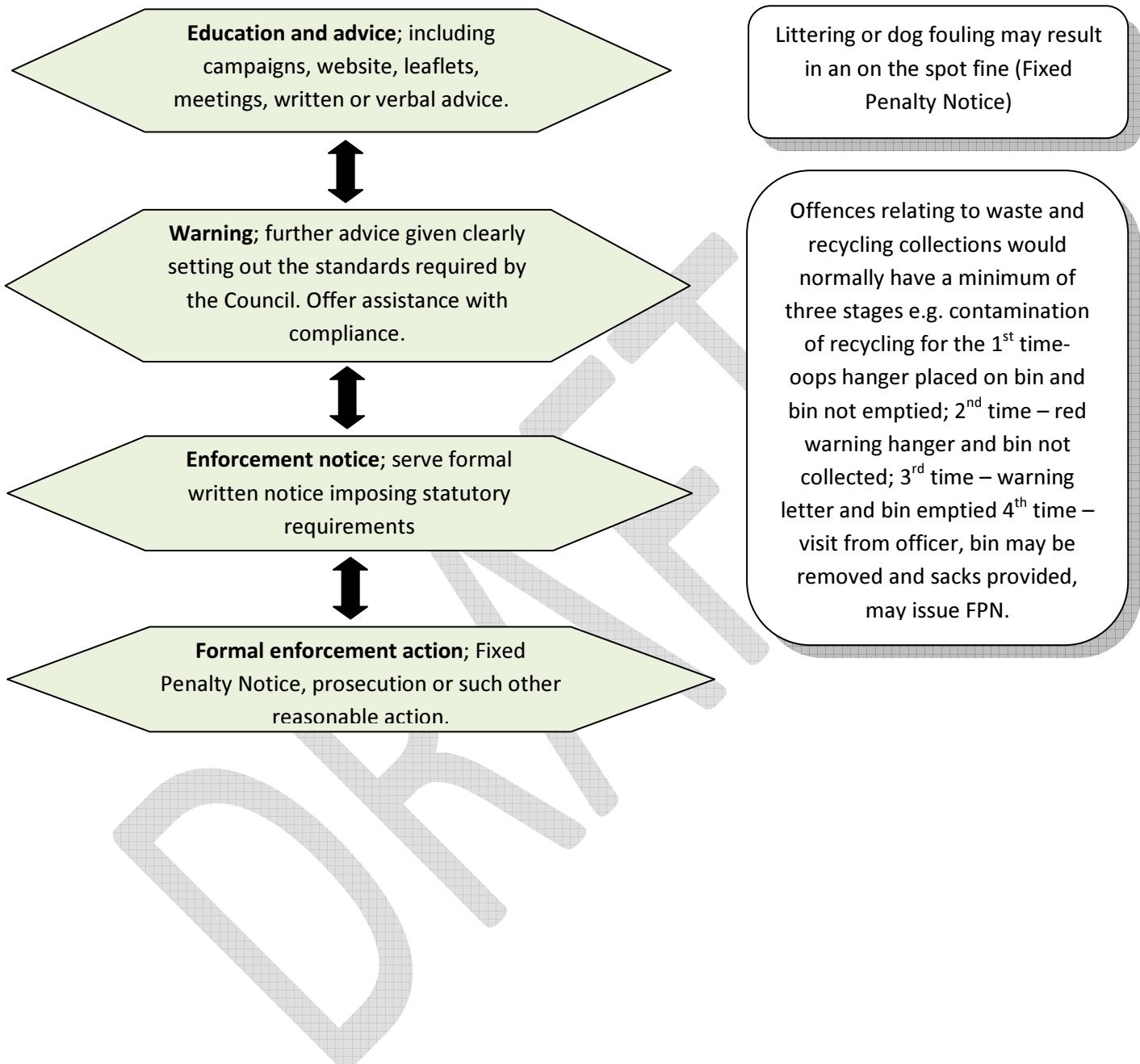
- 6.1. Everyone should take responsibility for the waste they produce. We aim to educate local residents, businesses and visitors to the city to increase awareness and understanding of their role in responsible waste management. This may be through targeted campaigns, the council website, leaflets, posters, events and working with community groups.
- 6.2. Where education has failed to improve behaviour, we may take enforcement action and will generally prioritise waste management enforcement activities on a risk basis as per the risk rating matrix below. Issues which are considered high risk by us will be prioritised for enforcement action. Offences causing a danger to public health will be given highest priority. Other factors that will be considered include, but are not limited to, offences which cause a public nuisance or harm to the local amenity. These may include causing an obstruction to the highway, damage to property or causing a detrimental impact to the quality of the local environment. (Wider highway enforcement issues are not covered by this policy.)

LIKELIHOOD (of causing public nuisance or harm to local amenity)	Very High	A						High priority
	High	B						
	Significant	C						
	Low	D				Medium priority		
	Very Low	E						
	Almost impossible	F	Low priority					
	RISK RATING MATRIX		5	4	3	2	1	
			Negligible	Marginal	Significant	Critical	Catastrophic	
			IMPACT					

e.g. if a bin is left out on a narrow pavement the likelihood of this causing an obstruction is high and the impact of the obstruction would be significant, therefore the risk would be red and a high priority for us to take action.

e.g. if the bin contains a few of the wrong items the likelihood of being rejected is very low and the impact to the rest of the recycling load is marginal, therefore risk would be green and not a priority for enforcement action.

- 6.3. We have statutory duties under the Environmental Protection Act 1990 and the Clean Neighbourhoods and Environment Act 2005 to keep the streets clean and clear of litter and refuse. These pieces of legislation also give us powers to tackle local environmental quality issues and to undertake enforcement.
- 6.4. We issued city wide notices under Section 46 of the Environmental Protection Act 1990 in September 2013. These notices set out the legal duties and obligations of the council and residents alike and form the basis for the council's enforcement framework for waste and recycling collections.
- 6.5. The enforcement process will normally only take place where attempts to improve resident behaviour through education, awareness and alternative service provision are unsuccessful, although single high risk / impact offences may be considered for enforcement action where there is an immediate risk to public health and it is in the public interest to urgently remedy the matter.
- 6.6. We will determine enforcement action on a case by case basis and where resources allow.
- 6.7. When evidence of an offence is found, we will decide whether taking enforcement action is appropriate. The level of enforcement activity will be in proportion to the seriousness of the offence. The factors and questions that will be considered include, but are not restricted to;
 - a. The seriousness of the offence. Is there a danger to public health and safety or damage to property?
 - b. Is the offence spoiling the local environment or causing a public nuisance?
 - c. Can the offender be easily identified?
 - d. The quality of available evidence and probability of the enforcement action being successful
 - e. The past history of the offender and the probability of re-offending. Is there any reasonable excuse?
 - f. The likelihood that enforcement action and publicity would warn other people not to break the law
 - g. The availability of resources, and whether deploying them elsewhere would be more likely to have a greater impact on improving waste management or improving the local environment.
- 6.8. We will normally take enforcement action if it is supported by an assessment of the factors listed in 6.7, or appropriate warnings have proven unsuccessful. There is no requirement to have first provided education where the infringement is deemed by us to be of a serious nature.
- 6.9. Where an offence has been committed but the offender cannot be identified e.g. fly tipping in a greenway, we may carry out a leaflet drop or write to all properties in the area to inform residents of the problem and their responsibilities.
- 6.10. The enforcement process includes warnings, educational activities and formal enforcement activity up to and including the issue of fixed penalty notices (fines) or prosecution. The diagram below summarises the framework of education and enforcement, however we may take an incremental approach to education and enforcement and may move between stages or jump stages at our discretion depending on the nature and severity of the individual case.
- 6.11. In certain circumstances of environmental crime such as littering or dog fouling, an on the spot fine or fixed penalty notice (FPN) may be issued without prior warning or educational activities.



6.12. The table below outlines the environmental crimes, relevant legislation and potential penalties that may be applied should formal enforcement be justified. Charging levels are set in accordance with legislation. Other legislation and powers are available that may be used to deal with waste management issues. This will be assessed on a case by case basis.

Description of Offence	Act and Relevant Section	Full amount of penalty (FPN)	Amount of penalty (FPN) if paid within ten days	Maximum penalty on conviction
Litter (including discarded gum and cigarettes)	S88(1) Environmental Protection Act	£75	£50	£2,500
Street litter control notice and litter clearing notices	S94(2) Environmental Protection Act	£100	£60	£2,500
Graffiti and fly posting	S43 Anti-Social Behaviour Act 2003	£75	£50	£2,500
Failure to produce authority (waste transfer notes)	S34a(2) Environmental Protection Act	£300	£180	Summary £5,000 or indictment. £50,000 and/or imprisonment. Forfeiture of vehicle
Failure to furnish documentation (waste carriers licence)	S5b(2) Control of Pollution (amendment) Act 1989	£300	£180	£5,000
Offences in relation to waste receptacles (e.g. putting the wrong thing in the wrong bin)	S47za(2) Environmental Protection Act	£100	£60	£1,000
Offences under dog control orders (e.g. dog fouling)	S59(2) Clean Neighbourhoods and Environment Act 2005	£75	£50	£1,000
Fly tipping	S33 Environmental Protection Act 1990	No fixed penalty notice	No fixed penalty notice	Summary £5,000 or indictment. £50,000 and/or imprisonment
Distribution of handbills/leaflets	Southampton City Council byelaw	No fixed penalty notice	No fixed penalty notice	£500

7. Contacts and further information

Southampton City Council www.southampton.gov.uk

Download our Recycle for Southampton app for more information



Actionline 023 8083 3005

actionline@southampton.gov.uk

Household waste and recycling centre;

City Depot and Recycling Park
First Avenue
Southampton
SO15 0LJ

Keep Britain Tidy www.keepbritaintidy.org

Environment Agency www.environment-agency.gov.uk

Recycle now www.recyclenow.com

Agenda Item 10

DECISION-MAKER:	CABINET		
SUBJECT:	DOMICILIARY CARE RE-COMMISSIONING		
DATE OF DECISION:	17 DECEMBER 2013		
REPORT OF:	CABINET MEMBER FOR HEALTH AND ADULT SOCIAL CARE		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name: Kate Dench	Tel: 023 80834787	
	E-mail: Kate.Dench@southampton.gov.uk		
Director	Name: Alison Elliott/John Richards	Tel: 023 8083 2602/ 023 8029 6941	
	E-mail: Alison.Elliott@southampton.gov.uk John.Richards@southamponcityccg.nhs.uk		

STATEMENT OF CONFIDENTIALITY

None.

BRIEF SUMMARY

The purpose of this report is to seek authority to invite tenders for a city wide Domiciliary Care Framework Agreement and approval of the project timetable and selection criteria for the procurement exercise. The report details the proposed procurement process to award a framework agreement for domiciliary care and reablement services for adult and children services in Southampton Council (SCC) and Continuing Health Care for Southampton City CCG (SCCCG).

Due to its size and importance in terms of meeting service user needs and enabling the city to meet its strategic requirements, it is essential that domiciliary care provision achieves high standards of delivery, quality and value for money. Currently the service is variable and not sufficiently flexible to meet increasing demands.

The proposal is to jointly commission across care groups and organisations to support four main outcomes:

- To improve quality within domiciliary care services
- To ensure the best value available within the market
- To ensure services are able to respond to changing needs and demands
- Support the development of personalisation across the city

The design of the model of provision to be delivered through the framework agreement is proposed to address current areas of improvement by offering:

- Greater flexibility and capacity, whilst still maintaining the geographical focus which recognises the issue of travel time.
- Clearer quality standards and performance indicators (KPIs) linked to contract terms and conditions which will support the drive for quality.
- A more streamlined systems approach as outlined in the service specification with a strong emphasis on promoting personalisation and independence

- A requirement to deliver outcome based support using flexible care plans that shift away from minute by minute calls.
- A more generic approach focussing on need rather than diagnosis

RECOMMENDATIONS:

- (i) To approve the pre-tender considerations and the criteria to be used to evaluate tenders.
- (ii) To delegate authority to the Director, People to invite tenders and evaluate them in accordance with the recommended evaluation criteria.
- (iii) To note that the award of the contract will be considered by Council or Cabinet as appropriate as detailed in the procurement timetable listed in Section 13 of this report.

REASONS FOR REPORT RECOMMENDATIONS

1. The changes will:
 - Improve quality within domiciliary care services
 - Ensure the best value available within the market
 - Ensure services are able to respond to changing needs and demands.
 - Support the development of personalisation across the city
2. A framework agreement is advantageous because it offers a structured legal framework to contract over a 4 year period. This provides stability to the successful providers enabling officers to work with them to build capacity within the market. The framework would therefore also provide:
 - Increased flexibility with changes in demand.
 - Support of personalisation and Individual Service Fund (ISF) approaches, thereby creating more choice and control for users.
 - Offers better value for money

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. To take no action would mean we are not working within the Council's Contract Procedure Rules.
4. To undertake a cost and volume contract would not be in line with the personalisation agenda, nor would it provide commissioners with flexibility across the city to meet additional capacity demands as they arose.

DETAIL (Including consultation carried out)

5. Snapshot data provided in July 2013 identifies that the domiciliary care market within Southampton currently provides care for approximately 1,810 people in any given week (1,750 SCC and 60 SCCC). It accounts for a £20M spend (£15M SCC and £5M SCCC). There are currently up to 75 providers (65 spot purchased and 10 framework providers contracted) working in the city and delivering care packages on behalf of SCC and the

CCG.

6. The Integrated Commissioning Unit's (ICU's) commissioning intention is to purchase domiciliary care via the new framework agreement or via personal budgets. This will reduce the current 'spot' purchased arrangements that currently exist within the city. SCC will be the lead authority for the framework agreement, and awarding the overarching contractual arrangement on behalf of SCCC, who will use it through an access agreement.
7. SCCC currently purchase their domiciliary care provision under spot contracted arrangements. Although there has been an increasing drive to implement enhanced quality of provision, there has not been a formalised tendering process. There is scope for achieving better value and ensuring quality is improved through joint commissioning arrangements. SCC use a mixture of spot and current framework contracts. The framework was awarded in 2007/8 and therefore requires recommissioning.
8. The specification to be used in the procurement is intended to drive quality and consistency. This, supported by key performance indicators (KPIs) with a direct read across into the contract terms and conditions, will provide clarity for providers and a strong framework for effective implementation. For example, minute by minute calls are highlighted as an area that authorities will need to reduce; this will be reflected in the specification by introducing flexible weekly care plans that are agreed and implemented by the user and provider. Additionally there is an emphasis on providers to demonstrate how they will support their workforce, as we know this generates positive outcomes for our population. All providers will maintain a focus on reablement and helping individuals achieve their own independence.

9. Proposed Lots

It is proposed that the framework agreement will be created with the following Lots:

Lot 1 – Adults

Providers awarded onto this Lot will provide domiciliary care services to adults over the age of 18 who meet the respective Council's eligibility criteria for funded support in their own home. This lot will cover the following care groups;

- people with physical disabilities
- people with learning disabilities
- people with mental health problems
- older people
- acquired brain injury

Lot 2 – Accommodation with Care and Support

Providers awarded onto this Lot will provide domiciliary care services to adults in care schemes, for instance extra care and supported living services.

Lot 3 – Continuing Healthcare (CHC)

Providers awarded onto this Lot will provide continuing health care services

to those meeting CHC eligibility criteria. This Lot will also include providers who can provide case management and the option of BiPAP (Bilevel Positive Airway Pressure) alongside continuing health care if required.

Lot 4 – Children and Young People

Providers awarded onto this Lot will provide services to children or young adults from 0-25 years. This Lot is proposed to support effective transitions into adult services and deliver the principles set out within the Children and Families Bill and Southampton's developing service structures. Individual need will drive which lot will be most appropriate for 18-25 year olds.

Lot 5 – Reablement

Providers awarded onto this Lot will provide, if required, reablement provision. The increasing demographic changes and the emphasis on recovery and prevention within the city's transformational change programme, requires the option to potentially award reablement services to external providers, should it be identified that meeting demand and improving outcomes will be more effectively achieved through this arrangement.

10. It is proposed that a number of Call Off Contracts will be award under Lot 1 once the framework agreement goes live. The Call Off process will award contracts to select a Primary and Secondary provider across the following geographical areas:

- Central
- North East
- North West
- South East
- South West

Flexibility will exist with the providers to make inconsequential changes to the boundaries, should this be in line with city wide strategic shifts in structure of resources.

The Primary and Secondary providers will be allocated a percentage of service user hours. The percentage value will be dependent on the specific geographical area requirements and the needs of service users whilst ensuring it is attractive to the providers to drive value for money. The percentage allocated to the Primary and Secondary providers will be approximately 80% of all service user hours throughout the term of the call off contract. This will leave up to 20 percent to be procured through a call off process from the remaining providers on Lot 1. The monitoring of percentage share and broader contract management will be undertaken within the Provider Relationship arm of the Integrated Commissioning Unit structure.

The design of the Call off Protocol for lots two – five are currently being developed, pending legal and procurement advice by Head of Property, Procurement and Contract Management. Any call offs will be carried out in

accordance with Council Contract Procedure Rules.

11. The market within Southampton is currently split for adults with learning disabilities and it has a long history of segregation from the rest of market. It is our intention to shape the market further through the procurement process so that individual needs are more strongly emphasised rather than diagnosis. Procuring the adult service under one Lot (Lot 1) is the first step in achieving this. Providers will be required to identify under this Lot if they wish to provide all service types or just Learning Disability.

12. **Pre Tender Considerations**

Subject to Cabinet and Council approval , and CCG Governing Body agreement , the Pre Tender considerations are as follows:

Requirement	Response
Nature of Service	Provision of a range of Domiciliary Care Services to all client groups across Southampton.
The future estimated value of the framework agreement	An approximate annual spend for the combined elements of the framework agreement is £20.39m, therefore a combined value over the 4 years framework agreement will be £81.56m. Southampton can expect to see growth within the Continuing Health Care area of need over the next four years. Anticipated growth is £2.5m.
The contract term (Framework Agreement term)	4 years
The tender procedure to be adopted	The framework agreement will be created following a two stage restricted tender process in accordance with the Council's Standing Orders.

13. **Procurement**

The procurement timetable will support the new framework being available from August 2014:

Actions	Timeline
Adverts placed	04.03.14
Expressions of interest (Pre Qualification Questionnaire) returned	08.04.14
Shortlist drawn up in accordance with pre - determined minimum standards as to financial standing and technical competence	22.04.13
Invite to tender	23.04.14
Deadline for tender submissions	03.06.14
Panel evaluation	03.06.14

Report recommending Contract award circulated internally for comment	20.06.14
Cabinet approval	15.07.14
Full Council approval	16.07.14
Framework agreement start date	28.08.14

14. The framework agreement will be created following a two stage restricted tender process in accordance with the Council's Contract Procedure Rules.

Stage 1: pre-qualification stage:

Shortlists are to be drawn up in accordance with the Council's Contract Management Guidelines by a pre-qualification questionnaire (PQQ). The pre-qualification will test the capacity and capability of potential bidders, including quality, as well as potential bidder eligibility to take part in the Procurement. There are a number of Pass/Fail questions within the PQQ stage. The outcome of this stage will be a list of pre-qualified bidders for the Procurement and a short-list of bidders to be invited to tender.

15. Stage 2: Invitation to Tender stage:

For those that are selected by Stage 1 there will follow an Invitation to Tender (ITT) stage. Tenders will be evaluated on the basis of the most economically advantageous tender in order to award providers onto the framework agreement using the criteria of 40% Quality and 60% price.

Quality will consist of 40% of the evaluation weightings. The quality assessment will be evaluated using a range of criteria. It is expected that providers must score at least 50% of the quality scoring to be eligible for award onto the contract. Any providers that do not meet the requirements of 50% of the quality scoring will fail this stage in the process. The quality assessment will be evaluated using the following criteria:

- Meeting the needs of the individual and customer focus,
- Approach to safeguarding, performance and safe environment,
- Approach to staff recruitment, retention and training,
- Mobility and capacity building,
- Business Continuity Planning,
- Information systems and its use for monitoring service provision,
- Approach to partnership working with the Council and others.

The relative weighting given to each individual evaluation criteria will be stated in the tender documentation.

16. **Consultation and Market Development**

There will be a provider event, prior to advertising the procurement, to encourage and support the shaping of the market to this integrated approach. The provider event will also include:

- Outline of specification/requirements of authority
 - Outline of procurement
 - Tender ready workshop
 - E-tendering system (Bravo)
 - Timescales
 - Final consultation on requirements
17. Consultation has been broad, for example using the feedback from the annual rolling programme regarding Domiciliary Care Satisfaction Questionnaire visits/reports per provider. This encompasses a sample of services users (proportionate to the level of activity each provider supplies to SCC) to gather views in relation to the individual support they are receiving from the provider. Additionally, all services have a programme of review, which is fed into the process. We have reviewed our complaints in relation to domiciliary care provision, and again have used this intelligence to inform the specification and our own commissioning processes.
18. The ICU are currently consulting more widely with service users and their families regarding their requirements for future service provision, so these are built into revised specifications. Details can be seen in Appendix 1.
19. There will be a need to manage the requirement to build in choice, based within existing resources and potential legal constraints.

RESOURCE IMPLICATIONS

Capital/Revenue

20. The approximate current annual spend for the combined elements of the framework agreement is £20M, therefore the combined value over the 4 year framework agreement is estimated to be £80M less any efficiencies that can be achieved.
21. The costs to SCC of the services to be tendered will be met from within the existing domiciliary care budget held within the Health and Adult Services Portfolio.
22. Through more efficient and effective commissioning and improved clarity with providers there is a potential for savings to be released through this tender. This has been modelled and could range from £500,000 to £800,000 per year for SCC and £400,000 to £600,000 for SCCCCG.
23. A proportion of the SCC saving has been included as a saving proposal for the 2014/15 budget. However an element of the anticipated saving will be used to offset the growing pressure within Learning Disability budget that has generated an overspend position in 2013/14.

Property/Other

24. There are no implications in relation to property

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

25. The design and the running of this procurement will be in accordance with the

authority's Contract Procedure and Financial Procedure Rules. Due to the size, value and complexity of this project, the appropriate procurement rule, with the necessary Governance outlined in the above will be followed. The procurement of these contracts will be run in accordance in the requirements outlined within The Public Contracts Regulations 2006 and the EU Procurement Directives 2006,

26. The Community Care Act 1990 outlines our requirement that community care assessments identify and evaluate an individual's needs and how these needs impose barriers to that person's independence and/or wellbeing. Information derived from individuals assessment should be used to inform decisions on eligibility. Where eligible needs have been identified, an appropriate support plan can then be put together in collaboration with the individual describing the support they will draw upon to overcome barriers to independence and well-being, both immediately and over the longer term.
27. National Health Service Act 2006 sets out the requirement to health bodies to undertake assessment of Continuing Healthcare needs. CCGs are required to assess individual's needs against eligibility criteria
28. The Council is working to implement The Social Value Act into procurement. Officers are seeking to develop opportunities of applying the principles against the procurement.

Other Legal Implications:

29. Additionally, the newly released Close to Home An Inquiry into Older People and Human Rights in Home Care (EHRC) outlines our commissioning responsibilities. Organisations must 'have regard' to Commission inquiry recommendations addressed to them. Therefore providers will be evaluated in a two tiered approach, with quality being tested first and pricing second. There will be a focus within the tender as to how providers will evidence practice that protects human rights at each stage.
30. The contract will be tendered and managed by the Council through the Integrated Commissioning Unit. SCCC will be referenced in the contract, and this provides an enabler for SCCC to have access to the contract. Requirements will be set out within the Call off Contract Process to ensure that SCCC has a contractual relationship with the providers

POLICY FRAMEWORK IMPLICATIONS

31. The proposals in this report are wholly in accordance with the Council's budget and policy framework.

KEY DECISION?

Yes

WARDS/COMMUNITIES AFFECTED:	ALL
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SUPPORTING DOCUMENTATION

Appendices

1.	Domiciliary Care Service User Engagement
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Documents In Members' Rooms

1.	
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2.	
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Equality Impact Assessment

Does the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out?	Yes
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Other Background Documents

Equality 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)
1.	
2.	

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Domiciliary Care Service User Engagement

1 Background

The scope for the procurement of domiciliary care has recently been extended to include all care groups. Some consultation has already been conducted with people with learning disabilities and their carers. It is now appropriate to consult with other care groups and at the same time update our information from people with learning disabilities.

2 Purpose

To ensure that the Domiciliary Care Service Specifications reflect how service users say they would like the service delivered in practice.

3 Care Groups

It is proposed that the following care groups are consulted:

- older people
- continuing health care
- extra care
- learning disabilities
- continuing health care
- mental health
- dementia
- acquired brain injury
- physical disabilities
- sensory impairment
- children & young people
- reablement
- carers: particularly those that care for people who do not have mental capacity for decision making or are particularly affected by the way domiciliary care is delivered.

4 Methodology

Two main consultation methods will be / have been employed:

- (a) Individual interviews
- (b) focus groups

4.1 Individual interviews

The Contracting and Commissioning Quality Assurance Officer has lead on regular domiciliary care service user satisfaction surveys and has written a report covering 2011 – 2012.

Both commissioned and spot providers were surveyed with approximately 10% of service users being interviewed per provider. Where improvements were needed the provider was requested to forward the commissioning team an improvement plan which was then monitored to ensure it was implemented.

The following are the main findings from the report.

4.1.1 Key requirements

The survey quite clearly identified the key features that ensure a good quality service. The two most important to service users was:

- Consistent, reliable care workers.

If Service Users have regular carers who they come to trust, the quality of the care they receive is good. Quality deficits very often occur because of organisational failings, for example when service users receive care from a large number of carers, and their service is not consistently programmed, the quality of the care received is much more likely to be poor. It is therefore vital that providers have:

- adequate office resources to ensure good communication and programming and an ability to thoroughly audit and update paperwork;
 - sufficient supervisory staff to support and monitor field workers; and
 - robust absence monitoring.
- Good communication by the provider to the service user, through the care worker where appropriate.

4.1.2 Other requirements

- Well trained staff, both during induction and throughout a carer's employment;
- Flexibility;
- Good recruitment and retention – deficits impact on the ability of providers to meet the demand for care;
- Positive working relationship with commissioning, where deficits are identified, a common positive approach to improving service delivery is vital;
- Service users feel they have choice and control over the service provided; and
- Service users are treated with dignity and respect.

4.1.3 Supply and availability of care

Supply of care from the framework providers can be poor, particularly at weekends. Almost all have had major organisational problems which have impacted on the ability to increase output. Despite this there is an overall 85 – 90% satisfaction rate amongst those interviewed.

The spot providers frequently deliver smaller volumes in more concentrated areas. They can be eager to support demand but realistic to the challenges when faced with covering a wider area. They appear to be more successful in recruiting and retaining staff. Smaller size probably enables a provider to know its staff and service users better. They are often more successful in meeting the needs of the more complex service user.

4.2 Focus groups

A Commissioning Manager will lead on the focus groups and is currently planning consultation events to take place between January 2014 and early February 2014. It is anticipated that some existing groups will be visited and that some one off focus groups will be formed. The latter will preferably take place within an environment that service users are familiar with e.g. a day centre that they attend.

The following services / organisations have been contacted and asked for assistance:

Choices Advocacy	SVS
Solent MIND	Spectrum
Southampton Sight	Carers Together
60+ Service (SCC housing)	Extra care (SCC housing)
Age Concern	Sensory impairment Team (SCC)
Continuing Health Care (CCG)	Children's services (SCC)

Sembal House
CCG Senior Commissioning Manager responsible for carers
Senior Practitioner/Commissioning officer responsible for ABI

Mencap

It is recognised that some care groups may not have many people who use domiciliary care services e.g. initial investigations for people with acquired brain injury indicates there is one person receiving domiciliary care. Where this position exists the service user will be asked if they would like to join another focus group or have an individual discussion.

4.2.1 Questions

Each focus group will be asked three main questions:

- What do you like about the domiciliary care you receive?
- What do you not like about the domiciliary care you receive?
- What would you change about the domiciliary care you receive?

Each group will be encouraged to discuss their opinions and, consensually, prioritise the outcomes from each question.

5 Commissioning Services

The findings from the individual interviews and focus groups will feed into the commissioning of services in three ways: questions in the pre-qualification and method statement stage and performance indicators specified in the service specification. This ensures the council:

- knows how organisations have developed their services to meet the key requirements of our service users;
- knows how they intend to develop them specifically for Southampton residents; and
- has specified required outcomes and monitoring details.

5.1 Pre-qualification questionnaires (PQQ)

There will be a specific question in the PQQ that covers identified key requirements. To date a question will require potential providers to describe:

- how they programme work schedules to ensure their care workers are consistent; and
- their communication procedures to both service users and care workers, and how they overcome barriers in implementing these procedures.

5.2 Method statement questions (MSQ)

There will also be a specific question in the MSQ covering key requirements and other findings will be covered within e.g. the organisational structure question or service delivery question. To date there will be a question regarding programming care workers and communications. The answers will then form part of the contract.

5.3 Service specifications

Key performance indicators (KPI's) will be specified that support delivery of identified key requirements, with monitoring details.

6 Timetable

The following is the proposed timetable:

Action	Date
Individual interviews	Continuous
Organise focus groups	November & December 2013
Attend focus groups	January & February 2014
Interim findings of interviews and focus groups	3 rd February 2014
Develop PQQ question	February 2014
Focus group report	February 24 th 2014
Individual interview report update	February 24 th 2014
Finalise PQQ question	29 th February 2014
Issue PQQ	3 rd March 2014
Develop Method Statement Questions for service user key requirements and incorporate other service user requirements into other Method Statement Question's as appropriate e.g. organisational structure or service delivery.	March & April 2014
Develop KPI's and monitoring requirements	March & April 2014
Issue ITT	23 rd April 2014

Agenda Item 11

DECISION-MAKER:	CABINET		
SUBJECT:	HOUSING PROVISION FOR PEOPLE WITH LEARNING DISABILITIES AND COMPLEX NEEDS		
DATE OF DECISION:	17 DECEMBER 2013		
REPORT OF:	CABINET MEMBER FOR HEALTH AND ADULT SOCIAL CARE		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name: Adrian Littlemore	Tel: 023 80296022	
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Director	Name: Alison Elliott	Tel: 023 8083 2602	
	E-mail: Alison.elliott@southampton.gov.uk		
STATEMENT OF CONFIDENTIALITY			
None.			

BRIEF SUMMARY

Following the Winterbourne View Hospital findings, the Government issued requirements to local authorities and health services. These requirements include a review of current hospital placements for people with a learning disability with complex needs, placements made out of area and those at risk of admission

Southampton City Council and Southampton City Clinical Commissioning Group (SCCCG) has taken this opportunity to review all current placements of complex individuals to ensure the most appropriate housing solutions for those individuals considered at highest risk are being identified.

Another requirement set by Government was that by April 2014 each area needs to have also developed a joint plan to ensure high quality care and support services for all people with learning disabilities or autism and mental health conditions or behavior described as challenging, in line with best practice.

A total of 58 individuals across the CCG and Council were identified from the joint review who would benefit from rehousing outside of residential care settings. These individuals form part of the development plan in response to the Winterbourne Concordant that needs to be in place by April 2014. The proposals are in line with the City Council's plan to reduce reliance on residential care and in more appropriate support settings.

This document provides the rationale for undertaking joint work with Southampton City CCG to meet these needs and to develop a Section 256 agreement to enable the transfer of £1,500,000 to support the development of housing for this group.

RECOMMENDATIONS:

- (i) To enter into an arrangement under S256 National Health Service Act 2006 to manage the transfer of financial resources from Southampton City CCG to Southampton City Council upon such

terms as the Director of People considers reasonable in line with the joint commissioning arrangements for learning disabilities.

- (ii) To allocate £1,500,000 that will transfer from SCCCg on housing developments for this group focused on those with continuing healthcare needs.
- (iii) Delegate authority to the Director of People to carry out all such ancillary matters to give effect to this resolution.

REASONS FOR REPORT RECOMMENDATIONS

1. Southampton City Council and Southampton City Clinical Commissioning Group (CCG) have similar agendas in relation to support to people with complex needs. A number of individuals identified within residential care settings are jointly funded and the development of a section 256 agreement will provide for a coordinated response to needs. The transfer of £1,500,000 from the CCG to the City Council will enable flexibility in the housing solutions found, and will benefit a number of Council clients.
2. The City Council will be undertaking a series of actions to better support individuals in the community, mainly within supported living arrangements, and the relationships already developed with housing providers will be utilised to maximise their positive impact. A single approach across the two agencies will provide clarity for the housing market and ensure there is no competition for limited resources. It also sends a strong message to the residential care market that Southampton is actively promoting the supported living model for people with complex needs, where this is appropriate.
3. The City Council and the CCG will share resources in relation to consultation with clients, families and carers to maximise their impact. This will create efficiencies in this approach and will ensure the resources of the Integrated Commissioning Unit are fully and appropriately utilised.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

4. For the City Council and CCG not to enter into a Section 256, and to make alternative arrangements for the provision for people with complex needs.
5. This was rejected because the failure to agree a section 256 arrangement will place at risk the funding from the CCG. This is only available for use/transfer in 2013/14, and will not be available to the CCG after March 2014. This will place developments at risk, and will therefore not benefit local people, including Council clients. In addition, this would not maximise the potential of the new Integrated Commissioning Unit, nor would it provide the necessary clarity to the housing market.

DETAIL (Including consultation carried out)

Background

6. Many individuals with a learning disability who have complex needs are currently cared for in residential care settings. This type of service provides support in communal arrangements. As a result, personalised services are difficult to deliver. Individuals with complex needs benefit from bespoke service designs to appropriately support their physical, social and psychological needs. It is recognised that individuals' health and wellbeing

can be more effectively supported if the person has control over who, where and how they live (DOH, 2007 Department of Health: Services for people with learning disabilities and challenging behaviour or mental health needs).

7. Approximately 200 clients with learning disabilities in Southampton already have their own tenancies. This includes 33 individuals who from 2008 were provided with accommodation through the Locally Based Hospital Unit reprovision; a joint arrangement between the City Council and Southampton City PCT (the pre-cursor to the current CCG). This involved significant investment from the PCT into housing stock jointly with Registered Social Landlords. These 33 make up the majority in supported living who have complex needs. The outcomes for these clients are positive, and there is an accepted need to ensure greater independence for more people, including those with similar and more complex needs by enabling more clients to reside in supported living.
8. Southampton City Council already has plans to both review clients in residential care settings and to provide more local community based and supported living options. This includes individuals living outside of the City and younger people in transition, who may traditionally have moved into high cost residential settings.
9. In addition, in response to the criminal abuse of residents at Winterbourne View Hospital near Bristol, there is now a Government requirement to review all such hospital placements, and to ensure moves to more appropriate settings are planned by April 2014 to enable the provision of local personalised care services.
10. The CCG are working under the same requirements and have reviewed not only the hospital clients but others in residential care settings.
11. The outcome from a review of those clients placed in residential care by the CCG and City Council has found
 - The City Council has initially identified 41 individuals with a learning disability who could benefit from their service being reprovided.
 - CCG has identified 17 individuals with a learning disability who would benefit from their service being reprovided.These figures target those identified as at risk (Winterbourne recommendation) as well as those who are in high cost residential care for whom a move to supported living is seen as achievable and more appropriate. The numbers above are not the totality of need as there are others outside of this group as well as those in transition who could benefit.
12. In the past change was achieved using similar partnership arrangements to those proposed here. However, since 2008's Local Based Hospital reprovision there have been many changes in the structure of Health organisations. The most significant has been the move from Primary Care Trusts to Clinical Commissioning Groups. Unlike Primary Care Trusts, Clinical Commissioning Groups do not have legal powers to transfer funding to Housing Associations directly and do not have powers to hold capital legal charges against asset. However, to support the development of appropriate housing for this current group the CCG has identified £1,500,000 non-recurring funding (available for payment to the Council in 2013/14. This can

be transferred as part of a Section 256 arrangement to enable the procurement of housing for individuals with Continuing Healthcare needs. A number of these clients are jointly funded by the Council, so there is an added benefit to the authority in this arrangement.

13. The City Council would hold a legal charge against any property made available due to making use of this fund. If the property was disposed of in the future by the housing agency then a percentage of the sale price would be returned to the Council.
14. To achieve a change to better and more appropriate care settings, liaison with housing agencies would also benefit from a single approach to both maximise options and prevent competition for limited resources. The Council already has strong links with housing agencies, including registered social landlords, the private sector and others, including the Council itself as the largest single housing provider in the city. In addition, the Council's Housing Strategy provides a framework for these discussions and liaison has already taken place with housing colleagues on this issue. It is therefore sensible that the authority is the lead agency in this process on behalf of both agencies.
15. While the initial focus of this work will be on individuals in Hospital settings, and individuals living outside of the city, this will also enable the identification of options to meet all the needs above. This will also develop housing and support for the long term, minimising the transferring of clients between residential and hospital units, and build on current good practice and resources in the city.
16. The work undertaken will further support the development of networks with housing providers in all sectors to enable longer term developments across all social care need groups.
17. A procurement process will need to be followed, with a preferred housing partner list being a potential solution. The City Council is working with Capita to identify the procurement resources to take forward the Project if approved. Any procurement process would use the £1,500,000 from the CCG so this cost would be nil to the Council.
18. Infrastructure requirements such as case management, occupational therapy and supported employment worker have been identified as being needed to deliver the business case. These workers will be responsible for assessment, service design and coordinating the delivery of the care and housing for the identified individuals. The financial share of the infrastructure costs have been divided between the Council and the CCG based on the number of individuals identified within the business case.
19. Consultation already undertaken with housing associations suggests there is a willingness to engage with this agenda and to provide suitable options for development.
20. The development of the Integrated Commissioning Unit brings together commissioners from both the CCG and Council in a single joint team. This development supports the approach outlined above, with a comprehensive structure of commissioners, contract managers, quality assurance and housing officers working together to provide appropriate housing for those

with additional care needs.

21. The City Council and CCG are in the process of jointly procuring qualified providers to provide domiciliary care for all in the City. These agencies will provide the care within supported living services, and will provide for control of quality and other standards. For individuals who do not wish to access a direct payment or a personal health budget then providers will be engaged to deliver care through this process.
22. While the initial focus of providing supported living to those with Complex Care needs in Hospital settings and individuals living outside of the city, this will also enable the identification of options to meet needs. All individuals will be provided with individualised care packages to support them 24/7. Care Managers and clinical staff will assess their needs individually and services designed specifically.

RESOURCE IMPLICATIONS

Capital/Revenue

23. It is estimated that this project will impact upon 57 clients. In addition to achieving better outcomes for these clients it has been estimated within the business case that there are potentially savings of £726,000 and £986,000 per annum to be achieved by Southampton City Clinical Commissioning Group (SCCCG) and the Council respectively.
24. An overall reduction in the ongoing cost of care is achieved as the cost of residential care is generally higher than the cost within the supported living arrangements clients will be moving to. The implementation of this project will require some additional one off funding. This funding is required in order to contribute towards the cost of the accommodation and the cost of the additional client reviews and assessments.
25. The cost of the staff required to undertake the reviews is estimated to be £340,000 in total over three years. It is proposed that this cost will be split between SCC and SCCC based on the number of clients to be reviewed. This equates to SCC funding 71%, (£240,000). This funding will be found from the savings achieved. The current profile of savings indicates that there will be sufficient SCC savings in each year to cover the costs of this team. The CCG will fully fund the infrastructure costs for the Continuing Healthcare and shared SCC funded users in recognition that these individuals may require more intensive assessment. It is currently undecided through which organisation this team will be employed / supervised.
26. In order for suitable accommodation to be available for the clients with most severe needs it has been agreed that a grant will be made available to the housing partner. It has been assessed that only 13 of the SCCC clients will need accommodation of this nature.
27. The estimated cost of the grants to housing providers is £1,500,000. It is proposed this will be met, in its entirety, from SCCC resources that are available in 2013/14. Legally SCCC are unable to enter into grant funding arrangements with Housing Associations. It is therefore proposed, as detailed within this report, to transfer this sum to the Council under a S256 agreement. This will enable the use of this sum for the purposes described and for use beyond 2013/14. Furthermore it will cover all procurement costs

- incurred by SCC.
28. Where a grant is awarded to a Housing provider, upon completion of the specified works, SCC will obtain a Legal charge on that property. Under the S256 agreement any sums SCC receive in relation to the legal charges will be reinvested at the discretion of the Council.
 29. Under the S256 agreement SCC will have no responsibility to fund any over spends, conversely if there are any under spends these will need to be returned to SCCCCG or used for an alternative purpose as directed by SCCCCG.
 30. It has been assumed following initial conversations with a number of housing providers, that to achieve the potential saving there will not be any costs associated with the accommodation of SCC clients and that the requisite accommodation will be available as required. Should this situation change and an additional resource be required, (that cannot be met from within existing Portfolio resources) a separate report will need to come back to Cabinet. Please note that without this new client accommodation the saving is not achievable.

Property/Other

31. Any property implications relate either to external providers or opportunities within the Housing Department to redevelop existing stock. Decisions relating to in-house accommodation changes will follow the usual routes.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

32. Section 256 National Health Service Act 2006.
33. CCGs can make payments (service revenue or capital contributions) to the local authority to support specific additional local authority services
This is a grant for additional local authority spend (a contribution to the other partner's costs for care delivery), not a transfer of health functions to the local authority. The provision can be used to create joint budgets for joint and integrated services. The CCG must ensure it offers a more efficient use of resources than if an equivalent amount were used directly for NHS purposes.

Other Legal Implications:

34. The Council will undertake a procurement process to appoint housing partners. The council will provide grant funding to housing partners on completion of the properties to defined specifications. On transferring the grant the Council will then place a Legal Charge for the grant on the property on a proportionate basis. If the property was sold by the housing provider then the proportionate percentage of the sale price would be returned to the Council for reinvestment.

POLICY FRAMEWORK IMPLICATIONS

35. None.

KEY DECISION? Yes

WARDS/COMMUNITIES AFFECTED:	None
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SUPPORTING DOCUMENTATION

Appendices

1.	None.
2.	

Documents In Members' Rooms

1.	<p>Business Case – Housing For Individuals With A Learning Disability and Complex Needs – November 2013</p>  <p>LD Housing Business Case draft 4.docx</p> <p>Presentation to Housing Providers</p>  <p>Housing for People with a Learning Disab</p>
2.	

Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	Yes
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Other Background Documents

Equality Impact Assessment and Other Background documents available for inspection at: SB to add

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.		
2.		

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Agenda Item 12

DECISION-MAKER:	CABINET		
SUBJECT:	HOUSING REVENUE ACCOUNT (HRA) CAPITAL PROGRAMME PROJECT APPROVAL 2013/14 AND 2014/15		
DATE OF DECISION:	17 DECEMBER 2013		
REPORT OF:	CABINET MEMBER FOR HOUSING AND SUSTAINABILITY		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name: Geoffrey Miller	Tel:	023 8083 4987
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	E-mail: Alison.elliott@southampton.gov.uk		

STATEMENT OF CONFIDENTIALITY

Not Applicable

BRIEF SUMMARY

This report seeks formal approval in accordance with Financial Procedure Rules for expenditure on various housing projects. These projects will contribute to the Council's strategic housing objectives through improving facilities of our estates, the wellbeing and the satisfaction of our residents in the areas where they live.

The proposals are consistent with the HRA Business Plan and Capital programme approved by Council in February 2013. As part of our approach to self-financing the Council is required to plan for longer term investment in our housing stock and as such Council agreed to a detailed 5 year Capital Programme. In order to deliver this programme and secure suitable procurement efficiencies, we now need to seek Scheme Approval to progress with planning, procurement and delivery of the associated projects, many of which are significant in nature and therefore require suitable lead-in time.

The proposed works cover elements under the headings of:

- Warm and Energy Efficient
- Well Maintained Communal Facilities

RECOMMENDATIONS:

- To approve a virement of £200,000 in 2014/15 from the unapproved provision for 'DN: Future Decent Neighbourhood Schemes', within the HRA Capital Programme, to provide a new budget for the 'DN: Estate Improvement Programme'.
- To approve a virement of £475,000 in 2014/15 from the unapproved provision for 'Communal Area works – Future Projects', within the HRA Capital Programme, to increase the budget for the 'Weston Court - Communal Area Works' scheme from £1.5M to £1.975M.

- (iii) To approve a series of virements, totalling £1,425,000, from the unapproved provision for Communal Area Works – Future Projects, within the HRA Capital Programme, to provide new budgets for specific schemes, as detailed in Table 1 below.

	2013/14	2014/15	TOTAL
	000s	000s	000s
Well Maintained Communal Facilities			
Ventnor Court Electric Scooter Storage	120	40	160
James Street Electric Scooter Storage and Canopy	200	155	355
Milner Court Electric Scooter Storage	30	130	160
Floor Coverings on Communal Corridors	250	250	500
Bassett Green Community Facilities Refurbishment	150	100	250
Total Well Maintained communal Facilities	750	675	1,425

- (iv) To approve, in accordance with Financial Procedure Rules, spend on schemes in the HRA Capital Programme as detailed in the table below.

	2013/14	2014/15	TOTAL
	000s	000s	000s
Warm and Energy Efficient			
Renewable Energy Sources (including solar PV and ground/air source pumps)	100	0	100
Total – Warm and Energy Efficient	100	0	100
Well Maintained Communal Facilities			
Ventnor Court Electric Scooter Storage	120	40	160
James Street Electric Scooter Storage and Canopy	200	155	355
Milner Court Electric Scooter Storage	30	130	160
Floor Coverings to Communal Corridors	250	250	500
Bassett Green Community Facilities Refurbishment	150	100	250
Communal Area Works	100	50	150
Weston Court – Communal Area Works	125	1,850	1,975
DN: Estate Improvement Programme	0	200	200
Total Well Maintained Communal Facilities	975	2,775	3,750
Total	1,075	2,775	3,850

REASONS FOR REPORT RECOMMENDATIONS

1. Financial Procedure Rules state that all schemes already in the capital programme up to the value of £500,000 require approval by the relevant Chief Officer, following consultation with the relevant Cabinet Member and Chief Financial Officer. Schemes between £200,000 and £500,000 also need to be published on the Officer Forward Plan. Schemes between £500,000 and £2 million will require Cabinet approval. The schemes in this report fall into all of these categories but are presented in one report to Cabinet for completeness.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. There have been various consultation meetings with tenant groups and leaseholder during the last 8 months with regard to the proposed programme of capital expenditure associated with the Housing Revenue Account (HRA) and the Self-Financing regime.
3. These works form part of the approved 5 year Capital Programme (formally approved in February 2013).
4. The alternative option of not undertaking the works identified would leave the Council's homes and surrounding areas in their present condition and would not accord with the view expressed during the consultation process or with the Council's policies of providing homes that comply with the four agreed headings of:
 - Safe Wind and Weather tight
 - Warm and Energy Efficient
 - Modern Facilities
 - Well Maintained Communal Facilities

DETAIL (Including consultation carried out)

5. This report seeks permission to proceed with the development, procurement and implementation of capital projects which form part of the HRA Capital Programme for 2013/14 and 2014/15. This report deals with those schemes that are currently ready for approval.
6. The programme outlined in this report is consistent with the HRA Business Plan approved by Cabinet and Council in February 2013.
7. A key role in the development of the Capital Programme has been the involvement of the Tenant Focus Groups, Block Wardens, Tenant Representatives, Leaseholders and staff. Tenants and Leaseholders have also been closely involved in the production of our long term business plan for future investment.
8. Under Self-Financing our Stock Condition Database is crucial to planning the works needed to our stock. As part of our approach to developing a business plan we have identified through the Stock Database the properties where work is required over the next 5 years and we are now in a position to strategically plan the investment needed to complete the work identified.

9. Therefore the budgets identified and seeking approval are determined by the detail from our Stock Database to which we have then applied an accepted industry calculation for estimated value which is based on known costs and Building Research Establishment (BRE) national average at this time.
10. The detail in the tables above is therefore provided based on the detailed property assessments undertaken and is presented in unit quantities with a more detailed description of the work to be undertaken in the paragraphs below.

Warm and Energy Efficient

11. **Renewable Energy Sources** – in both 2012/13 and 2013/14 a number of Photo Voltaic (PV) systems were carried out across the city. The energy provided by these devices was channelled into the communal services providing electrical supplies to lighting, lifts and door entry systems reducing the Council's utility invoices and provide long term savings to the Council. The intention is to provide more PV installations but also look at alternative energy sources i.e. ground/air source pumps where appropriate. These devices will be installed on medium rise blocks across the city following completion of roofing projects and be subject to structural engineers' reports.

Well Maintained Communal Facilities

12. **Ventnor Court Electric Scooter Storage** – following the successful lift refurbishment programme at this Court, the central core refurbishment works are due to commence. During consultation events with tenants and Supported Housing staff, the question of scooter storage/charging facilities was raised in line with the recent introduction of the Council's Scooter Policy. Housing Investment has reviewed the plans for central core works and identified locations on each landing for storage/charging which will remove the need for tenants to park their scooters in corridors causing an obstruction and also being of concern to the Hampshire Fire and Rescue Services (HFRS). The funds requested will see provision made on 3 floors to each of the 2 blocks.
13. **James Street Scooter Storage and Canopy provision** – there is currently a project being undertaken to provide an external lift fully compliant with the Equalities Act. This project was developed before the recent introduction of the Council's Scooter Policy. Housing Investment has identified that the adjacent shed/storage building is currently under-utilised and therefore the proposal is to adapt an area of this building to provide secure scooter storage/charging facilities. There will also be a requirement to provide a canopy linking the two buildings and enhance the existing CCTV coverage.
14. **Milner Court Scooter Storage** – following the successful external lift and central core refurbishment works, the need for a dedicated scooter storage/charging facility has been identified for each block. Housing Investment has investigated and can find no sensible solution for an internal system, therefore the proposal is to build two specialist scooter facilities adjacent to each block, removing the need for scooters to be parked on the landings causing obstruction to other tenants, visitors and will address HFRS concerns.

15. **Floor coverings to communal corridors** – Housing Investment, together with colleagues in Housing Operations and Housing Services have identified a number of locations where the existing floor coverings in communal areas are past the end of their serviceable life and require wholesale replacement. It is intended that these works will be carried out across the city with 10 tower blocks, 6 Supported Housing blocks and a number of medium rise blocks receiving new coverings.
16. **Bassett Green Community Facilities Refurbishment** – Following the completion of the walkway programme to individual blocks, residents requested decoration be carried out to the community room. Housing Investment has a budget to carry out these works but upon investigation there are a number of other works required prior to the decoration taking place. These include replacement windows throughout as these are currently wooden framed single glazed, new fire alarm as existing system is manual operation only with no automatic smoke detection, new floor coverings as the existing are passed their serviceable life, toilet upgrades and lighting improvements. These improvements will then enable this facility to continue to be utilised by numerous groups for the foreseeable future.
17. **Communal Area Works** – Following the successful introduction of LED low energy lights within communal areas of the tower blocks and some supported housing blocks, the intention is to continue this project, including new lighting control systems, across the city, thus providing additional savings for the Council via utility invoices and repairs. In addition to these works, there are a number of other improvements including replacement stair treads, replacement ceiling tiles, improved CCTV coverage with additional cameras as required and updating of the fire alarms.
18. **Weston Court Communal Area Works** – As part of the ongoing development of the Supported Housing Asset Plan and following the successful completion of works in recent years at Kinloss Court, Manston Court and most recently Graylings it has been identified with colleagues in Health and Social Care for the need of additional facilities on the East of the City. A particular need has been identified for transitional accommodation to support older people moving out of hospital settings before returning home to support their ongoing re-ablement.
Due to its location within the east of the City, the existing design and use of the building and the connection to Integrated Person Centred Care demonstrator project within Integrated Commissioning Unit / CCG Weston Court is the ideal location for the development of a new and innovative project which supports the principals of the Integrated Transformation Fund of helping move older residents out of acute medical settings such as the Hospital. It also provides the opportunity for a new 'hub' of care provision in this area of the city to better meet the growing care and support needs of older people in Weston / Sholing.
The works at Weston Court will comprise of the following:
The provision of a purpose-built 3 bedroom extension that can be used for older people returning from hospital as part of a rehabilitation programme. This facility will include a kitchen/lounge area, wet room and additional WC. There will be an office for staff and full Telecare and Telehealth provision.

The existing community room at Weston Court will also receive a major refurbishment and redesign to support the wide variety of activities that currently take place within the local older persons community, including:

- re-roofing;
- ensuring that all facilities are compliant with the Equalities Act;
- new CCTV;
- fire and security alarm;
- upgraded and more energy efficient lighting;
- New patio/French doors that can be opened in the summer to go out onto a new external seating/patio area; and
- There will be external covered scooter bays with charging points.

Externally, we will be providing increased parking spaces with clearly marked disabled bays near to the new entrance and an ambulance drop-off and pick-up point. The existing entrance/exit road will be made wider and vehicular gates installed to manage access, as well as the provision of an open canopy to link the community facilities with existing residents' properties.

Following completion of the detailed designs for the project and following a review of the works undertaken at Graylings a further allocation to the existing budget is considered prudent to ensure that the project can be delivered to meet the widest possible benefit to this area of the city.

Ongoing discussions are taking place with colleagues in Adult Social Care and Health regarding a contribution of funding to this project to reflect the potential longer term savings to Health budgets which may, if received, provide a saving to the HRA. However at this time full funding for the project is being provided as part of the HRA capital programme.

19. **Estate Improvement Programme** - This scheme is a continuation of previous successful projects which provide "quick wins" in response to complaints and concerns relating to a wide range of issues on our estates that have been raised by our residents. The work is also derived from "patch" plans that are developed by local housing staff, residents and Councillors. These works include:

- Replacement of shed doors / frames;
- CCTV to manage anti social behaviour;
- improvements to play area equipment ;
- new gates/fencing works;
- new footpaths;
- planters to encourage community growing projects; and
- re-lining of car parks to improve capacity.

These measures help increase local pride by making our neighbourhoods safer and more welcoming for both residents and visitors.

RESOURCE IMPLICATIONS

Capital/Revenue

20. There are sufficient funds available within the HRA Capital budget to meet the requirements of the proposed schemes. In addition a number of the items will represent an investment that will support an ongoing reduction in

revenue expenditure within the HRA. Obtaining Scheme Approval in this way minimises administration plus Officer and Member time, plus maximises the potential for wider procurement efficiencies from longer term planning.

Property/Other

21. The HRA Capital Programme is fully reflected in the Corporate Property Strategy.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

22. There are no specific legal implications in connection with this report. The power to carry out the proposals is contained within Part 2 of the Housing Act 1985.

Other Legal Implications:

23. None.

POLICY FRAMEWORK IMPLICATIONS

24. The proposed schemes in this report contribute positively to the Council's objectives set out in the Housing Strategy and HRA Business Plan to maintain and improve the condition of the City's housing stock.

KEY DECISION?

Yes

WARDS/COMMUNITIES AFFECTED:

All

SUPPORTING DOCUMENTATION

Appendices

- | | |
|----|------|
| 1. | None |
|----|------|

Documents In Members' Rooms

- | | |
|----|------|
| 1. | None |
|----|------|

Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.

Yes

Other Background Documents

None

Equality 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 13

DECISION-MAKER:	CABINET		
SUBJECT:	BETTING SHOPS, PAY DAY LOAN PREMISES AND FAST FOOD OUTLETS		
DATE OF DECISION:	17 DECEMBER 2013		
REPORT OF:	LEADER OF THE COUNCIL		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name: Chris Lyons	Tel:	023 8083 2044
	E-mail: chris.lyons@southampton.gov.uk		
Director	Name: Stuart Love	Tel:	023 8091 7713
	E-mail: Stuart.love@southampton.gov.uk		

STATEMENT OF CONFIDENTIALITY

Not applicable.

BRIEF SUMMARY

At Council on 17th July 2013 Cllr Vinson moved a motion that was subsequently amended. The final version stated:

“This Council deplores the unwelcome spread of betting shops, pay-day-loan premises, cheap off-licenses and seeks to bar the opening of fast food outlets near schools. This Council calls upon the Executive to undertake a thorough review of its planning policies (including the potential for additional Article 4 Directions and supplementary planning documentation), reporting back in six months, in order to minimise the harmful impact of these unchecked and unwelcome developments in the City’s district shopping centres, especially where they are likely to harm the health and wellbeing of our more vulnerable communities.”

The purpose of this motion was to ensure that the Council was considering if there were problems with these types of uses within the city and, if so, whether the planning system could influence these effectively. This report considers how the Council can progress consideration of these matters.

RECOMMENDATIONS:

- (i) That the Council assesses all new planning applications for hot food takeaways within 500m of schools and, if there is considered to be a overriding health implication, then opening hours are restricted during lunch times.
- (ii) That a cross departmental group is set up to explore whether there are opportunities to influence the spread of betting shops, pay-day-loan premises, and the opening of fast food outlets near schools over the longer term and reports back to Cabinet within six months. It is considered that cheap off-licence sales should not be considered further as this is not a planning issue.

- (iii) The report back to Cabinet should also consider whether an article 4 should be served to require planning permission for the conversion of pubs to any other use classes.

REASONS FOR REPORT RECOMMENDATIONS

1. It is considered that many of the issues raised in this report are legitimate concerns but are beyond the remit of the planning system and are better tackled in a more comprehensive way with input from various bodies. While there is a short term solution for new hot food takeaways that can be implemented immediately, the majority of the issues will require a longer term solution and should be assessed further.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. Do nothing. This is possible in the current economic climate where further work may be considered to not be cost effective but, on balance, it is considered that the small input of officer time is worth exploring these issues further.

DETAIL (Including consultation carried out)

3. There are effectively three different issues covered by this report – betting shops and payday loans (these are considered together as they have considerable overlap in planning terms); cheap off-licences; and fast food outlets near schools.

1. Betting Shops and Payday loan shops

4. These activities generally fall within Class A2 of the Town and Country Planning (Use Classes) Order 1987. This class covers banks, building societies, bureau de change, estate agents and employment agencies etc. Therefore, any change in a use in a building between these separate activities does not require planning permission. In addition, there is a permitted change from Use Classes A3 (restaurants and cafes), A4 (drinking establishments), and A5 (hot food takeaways) to Class A2 without planning permission. Lastly, the Government introduced further permitted development changes in May 2013 which allows a temporary change of use from an A1 Use (shops) and a B1 Use (business use) to an A2 Use. However, these new rights are only applicable for a two year period (and only apply to smaller units).
5. Therefore, the vast majority of units within the commercial centres can be converted to be used as a betting shop or payday loans use without requiring planning permission.

Planning Policy

6. Where planning permission is required, the Council's planning policies in the Core Strategy and Local Plan permit a change of use from shops (A1) to use class A2 within main shopping parades as these uses are recognised as appropriate uses for shopping centres. Policy REI3 of the Local Plan seeks to limit changes of use to non-retail activities within the primary retail frontage in the City so that no more than three adjoining units are in non Class A1 use.

1a). Betting shops

7. In addition to planning powers (where they apply), there is also a limited

scope to control the numbers of betting shops under the licensing regime. An applicant needs to have satisfied certain criteria, but once they are met and the application is made, the authority making a decision will be subject to the provisions of Section 153 of the Licensing Act. In exercising its function under this part a licensing authority shall aim to permit the use of premises for gambling in so far as the authority think it is –

- a) in accordance with any relevant code of practice
 - b) in accordance with any relevant guidance issued by the Gambling Commission
 - c) reasonably consistent with the licensing objectives, and
 - d) in accordance with the statement published by the authority.
8. The codes of practice or guidance do not contain much to assist with this matter. The statutory licensing objectives are:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
 - ensuring that gambling is conducted in a fair and open way, and
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
9. The first two objectives are primarily matters for the Commission and only on the third does the licensing authority have a potentially significant role, advised by the responsible authorities. Regrettably, the legislation fails to define “vulnerable persons”. Persons under 18 are barred in law from betting premises.
10. It does not appear that there has been a substantial increase in betting shops within the city. There have been seven new applications in the last five and a half years and none so far in 2013. Council officers are in regular contact with the police and there is a monthly licensing action group meeting with various partners. There has not been a concern about a rise in crime linked to betting offices.
11. From the authority's Gambling Statement of Principles the following reference is made to the location:
- “Locations for gambling premises, which may pose problems, include those in close proximity to premises frequented by children or other vulnerable persons e.g. schools or parks. Each case will be considered on its merits and if adequate measures are put in place in accordance with this policy to restrict access to children, protect vulnerable persons and prevent crime and disorder, there is no reason why one location poses substantively more risk than another. We recognise that the presence of gambling premises with a constant stream of trade in what may have formerly been an underused area may serve to reduce crime and disorder, however this will only be the case where necessary safeguards are put in place either by the operator or by the licensing authority in the form of licence conditions”.*

12. In summary, unless there is evidence an application will not adhere to either the codes of practice, guidance from the Gambling Commission, the licensing objectives, or the authorities statement of principles then the application has to be granted.
13. Parliament has debated the impact of betting shops and Mary Portas's High Street Review in December 2011 recommended putting betting shops into a separate use class. Umbrella group London Councils has also argued that betting shops restrict choice on the high street, add to perceptions of declining areas, and in some cases have increased crime levels. It has also called for betting shops and pawnbrokers to be moved from use class A2 into a use class of their own. There is currently no plan for the Government to change this.
14. The Public Health team has advised that betting shops are only part of the problem and the rise in on-line gambling is a greater concern but there would be some merit in examining this issue further so better information can be gained from other sources.

1b). Payday Loan shops

15. Current pay day loan premises in Southampton City Centre:

H&T pawnbrokers, 113a East Street
Speedy Cash, 83 Above Bar
Cash Converters, 378-380 Shirley Road

Pawnbrokers also offering Buy Back Loans / loans in Southampton

Cash Converters, 378-380 Shirley Road
Pawnbroker Southampton. 14 The Mall, Marlands Shopping Centre
Cash Recycle, 249 Portswood Road
The Money Shop, x3 (14 Shirley High St, 319 Shirley Rd, 25 Hanover Buildings)

There may be others that we are not aware off following our short survey and of course, there is a considerable amount of trade carried out on-line.

16. There are no additional controls open to the Council covering where a payday loan business can operate. SCC does not licence pay day loan shops as the licensing regime is currently run by the Office of Fair Trading and will be moving to the Financial Conduct Authority (FCA) in April 2014. Trading Standards will be notified of an application for a license.
17. There has been a review of Payday lending but this is likely to be overtaken by the structural review of the licensing regime. This will introduce a new licensing regime similar to that run by the existing FSA which itself will be split and part will go to the FCA. However the requirements of these licences and the Local Authority role has been reduced.
18. Local Credit Unions are also available which provide a reliable source of financial help. Two examples are the Solent Credit Union (153A High Street), and United Savings & Loans Hampshire (a service point is in Shirley Housing Office).

2. Cheap off-licences

19. Off-licences fall within use class A1 (shops) and many off-licence sales occur within much larger retail units. Cheap alcohol is sold within a very wide range of retail outlets and often only forms a portion of the overall business of that outlet. Any shop (also Use Class A1), financial and professional services outlet (Use Class A2), restaurants or cafes (Use Classes A3), drinking establishment (Use Class A4), or hot food takeaways etc. (Use Class A5) can be converted to an off-license without needing planning permission. Planning policy supports an A1 use in any commercial frontage, and so while most off-licences would not require planning permission, if they did, they would tend to be supported in planning terms.
20. The Public Health team have advised that off-licences are not the source of the main problem with underage or excessive drinking; supermarkets, corner shops, and garage sales appear to generate the majority of these drinking problems. Off-licences require a license for the sale of alcohol and are required to comply with the licensing objectives.
21. The issue appears to be more one around national policy on unit price of alcohol and health awareness campaigns rather than a local issue that the planning system can resolve. Therefore, it is considered that this matter should not be considered further as part of this work.

3. Takeaway (fast food) outlets near schools

22. Officers have analysed how many takeaways are situated near to secondary schools in the city ('near to schools' defined as within 500 metres of the school gates). Table 1 sets out the findings, and includes an analysis (where appropriate) of how the uses within the nearest local or district centre has changed since 2005. This shows that only two schools in the city (15%) are situated near to takeaway premises and have seen an increase in takeaways between 2005 and 2011. These schools are situated just outside the 500m distance (Cantell School near to Burgess Road Local Centre, and Sholing Technology College near to Merryoak Local Centre).
23. However, in those two instances the Council's regular Retail Surveys show that the proportion of (A5) takeaways have increased since 2005 (up 43% in Burgess Road Local Centre, and up 70% in the Merryoak Local Centre). Conversely the proportion of (A1) shops reduced by 8% and 10% respectively.
24. The Council has produced a "Fit 4 Life" Strategy for Southampton (2008-2013). This is clear that

"a significant proportion of the population does not eat the recommended amount of fruit and vegetables and fibre on a daily basis but eat more than the recommended amounts of fat, saturated fat, salt & sugar.... It is also critical to consider the wider cultural & social context to individual's behaviours such as food & drink access & availability and in particular food pricing, food availability (both purchasing power & ease of access to food outlets."

25. The report also highlighted that prevention of obesity requires changes in the environment and organisational behaviours as well as changes in group, family & individual behaviour. The action plan includes action that the Council can take in schools to provide an environment which positively promotes eating well and being active. For example through the school meals provided on site through school catering, including a Food in Schools Coordinator who will promote meal uptake. All children would be encouraged to choose a healthy school meal on a weekly or daily basis.
26. The Council also undertook an Obesity Inquiry through a Healthy City Scrutiny Panel in 2010. Among the recommendations were ones covering a wider environmental / whole system approach. This included ensuring that "*the Planning and Development Service takes opportunities, as they arise, to review the provision of fast food outlets in Southampton*". This has not been done in a systematic way but on a case by case basis.

27. Current planning policy

- Hot food takeaways fall with Class A5 of the Use Classes Order and are considered in current policy terms to be an acceptable use for a shopping frontage (Saved Local Plan Policies REI3 – REI7 / Core Strategy Policy CS3). The Council therefore has no current planning policy that would justify refusing planning permission for takeaways near to schools. It would also be difficult to establish if the presence of one has a detrimental health effect on children.
- From the planning perspective, a takeaway may serve unhealthy food, but not all takeaways will necessarily serve only unhealthy food. Therefore, the Council would need to look at these on a case by case basis to establish the potential harm to the health of children; this may be more appropriately provided by the Public Health team. An alternative approach could be to work with any new business to encourage the development of healthier menus, in line with the Government's responsibility deal for businesses.

The Government's attitude to the issue of hot food takeaways

28. The Town and Country Planning (Use Classes) Order 1987 (SI 764) puts hot food takeaways for consumption of food off the premises into use class A5.
29. In March 2009 the Health Select Committee reported on health inequalities. It recommended that local councils should be given greater planning powers to restrict the number of fast food outlets on high streets. Case law has shown that proximity to a school and the existence of a school's healthy eating policy can be a "material consideration" for a local authority taking a planning decision in relation to an A5 takeaway establishment. Further decisions on appeal by Planning Inspectors have shown, however, that in order to successfully refuse planning permission on these grounds a local authority must also show that there is an over-concentration of A5 establishments in the area and provide evidence to show a link between childhood obesity and the proximity of A5 establishments to schools. It was also found that a policy explicitly seeking to control proliferation of fast-food outlets near schools, would make it easier for a Planning Inspector to uphold a decision to refuse

an application. Following these decisions, several councils have now published supplementary planning documents relating to takeaway establishments.

Supplementary Planning Documents (Local Authorities)

30. Salford City council adopted a *Hot Food Takeaways Supplementary Planning Document* (SPD) in 2007. It provides additional advice to prospective takeaway operators about the development and use of premises in Salford as hot food takeaways. It also explains the Council's overall approach to such development, and sets out detailed advice on appropriate concentrations of hot food takeaway establishments, measures to protect the amenity of surrounding residential occupiers, appropriate standards for parking, and servicing for delivery and waste collection services.
31. Worcester City Council adopted its *Takeaway Food Outlets SPD (2011)* which included a requirement for applications to demonstrate the need for a takeaway facility in an area. Details of the number of other takeaway outlets in the surrounding area must be submitted as part of any application. A health policy also states that

"When applications for Takeaway Food Outlets within close proximity of schools, colleges and community centres (400m) are received, the relevant organisations should be consulted".

In its Local Plan (2004) Policy SH5 states that - Planning permission will be granted

"..for food outlets and hot food take-away shops where all of the following conditions are met:... The proposed use will not cause the proportion of units in food/drink (use class A3) use to exceed 20% in the areas defined as approach corridors and St John's district shopping centre as shown on the proposals map".
32. Sandwell Metropolitan Borough Council adopted a Hot Food Takeaway SPD (2012) with three 'Intervention Points' -
 1. Proximity to schools: No new Hot Food Takeaway (HFT) Developments will be permitted where they are within 400 metres of a secondary school or college as measured in a direct line from the school entrance.
 2. Vitality and Viability: A percentage limit for the appropriate number of Hot Food Takeaways in centres (Strategic, Town, District and Local) is as follows:
 - In centres with more than 40 units – there should be no more than 10 % of frontages occupied by HFTs.
 - In centres with less than 40 units – there should be no more than 15% of the frontages occupied by HFTs.Furthermore, a limit of two outlets together is the maximum appropriate. Should this be exceeded (e.g. three outlets or more together) then the application will not be permitted due to excessive clustering of these types of outlets together
 - 3) Environment: Development of new Hot Food Takeaways must not prejudice existing residential developments and must be designed in such a way that they do least harm to the environment, with a number of conditions set out.

- 33. Three appeals in Sandwell have tested this policy approach, and in all three cases of refusal the appeals were dismissed (one primarily on residential amenity, the other two primarily relating to the percentage limits).
- 34. Dudley Metropolitan Borough Council adopted its *Planning for Health* SPD in October 2013. This sets out that 10.2% of reception year pupils in Dudley are obese and the borough faces "rising levels of obesity" to which takeaways within walking distance of schools are "a contributing factor". More widely, the SPD argues that, while hot-food takeaways can complement other retail uses, they are "more likely to have a detrimental impact on amenity and on retail character and function of shopping centres". Within the Borough's protected frontages planning permission for hot food takeaways will only be granted where no more than 5% of the units will consist of A5 uses. In all the Borough's centres, retail parades and all other areas, no more than 2 A5 uses will be permitted adjacent to one another. Additionally, hot food takeaway shops will be resisted where the proposal will fall within 400m of the boundary of an existing school, or other youth centred facility (e.g. after school clubs, youth centres).
- 35. In Southampton, no planning policy exists that would justify refusal for a takeaway near to schools, if they are on a shopping parade (Local / District Centre). Outside shopping frontages, there are potential grounds for refusal. Any new policy for takeaways (including any new Supplementary Planning Document) would need to give clear evidence of direct harm arising from a business near a school – given the number and distribution across the city this may be difficult to establish. This would require *at least* 12 months to prepare, consult & adopt a policy and the policy would have to consider that there is a legitimate demand for takeaway food to be supplied and that these businesses generate jobs. The policy would have to be proportionate and consider restrictions during school lunchtimes rather than refusing planning permission.

4. Options

- 4a). Article 4 direction (restricting permitted change of use to A2 Use Class)**
- 36. An Article 4 Direction can be served which will remove current permitted changes of use from one use class to another so that a planning application is required to be submitted. However, this will not stop changes of use *within* a use class. Therefore, there would be no way to stop banks, estate agents and employment agency premises from going to betting/payday uses (as they are already in an A2 use class).
 - 37. In addition, to serve an article 4 direction, the Council would have to have clear evidence of harm that a particular use is causing in the city to take the step of serving an article 4 direction as this is seen by the Government as interfering with peoples' property rights and therefore, not something to be done lightly. It is not considered that there is clear evidence of directly attributable harm at this stage.

38. Consideration also needs to be given to the fact that even if an article 4 direction was served, it only requires a planning application to be submitted and the Council's current policies generally support A2 uses in commercial centres.
 39. Article 4 Directions must be made in accordance with national Government guidance given in the National Planning Policy Framework which directs that there must be a clear justification for removing national permitted development rights. The use of Article 4 Directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.
 40. There are circumstances in which local planning authorities may be liable to pay compensation having made an article 4 direction. Local planning authorities may be liable to pay compensation to those whose permitted development rights have been withdrawn if they: i) refuse planning permission for development which would have been permitted development if it were not for an article 4 direction; or ii) grant planning permission subject to more limiting conditions than the regulations would normally allow, as a result of an article 4 direction being in place.
 41. It should also be noted that before April 2010 the Secretary of State confirmed certain article 4 directions. It is now for local planning authorities to confirm all article 4 directions (except those made by the Secretary of State) in the light of local consultation. While article 4 directions are confirmed by local planning authorities, the Secretary of State must be notified, and has wide powers to modify or cancel most article 4 directions at any point.
 42. To avoid claims of compensation, the Council is required to give a year's notice of its intention to serve an article 4 direction. This can lead to perverse effects, with developers rushing to implement their plans ahead of the implementation of the new Direction. In parallel to this, evidence would have to be produced to support an SPD to consider how planning applications would be supported. This would require a relevant policy 'hook' in the existing Local Plan; without such a policy basis, an SPD would not be a valid approach.
- 4b). Article 4 direction (restricting permitted change of use to A1 Use Class)
43. This option to try to restrict the spread of off-licences would not be possible for the planning system to control as A1 uses are supported in commercial centres. Any existing premises in any A use class can automatically change to an A1 shop and it is considered that evidence does not exist that would show off-licences directly relate to health problems as a use, given the wide range of other outlets selling cheap alcohol. This is not considered to be a suitable option.

4c). Impose conditions on planning applications for takeaways within 500m of a school

44. It is possible to impose conditions restricting opening hours on a takeaway where it is located within 500m of a secondary school to ensure it does not open during school lunch times. This should be done on an individual basis where the hot food takeaway is examined where it is shown the menu will, on balance, focus on the sale of unhealthy food. There is some risk with this approach as it may prove difficult to argue the one takeaway is detrimental to the wellbeing of the local community and menus can change but it is considered this is possible.

4d). Set up a cross Council working group

45. It is considered that there is synergy between various departments across the Council and that there would be benefit in a cross-cutting team being set up to consider the relationship between public health, licensing, police, environmental health, trading standards, anti-poverty, schools, and possibly some other departments. The Council took on responsibility for public health on 1st April 2013 and the public health team have a vast amount of evidence and experience that would be useful to consider further and developing linkages would benefit all. It is likely that the Public Health team will also know more about these types of premises and so the evidence base would be improved as a result so options can be explored further.

4e). Do nothing.

46. This is possible but it is considered that for the small amount of work involved in pursuing options 4c and 4d would be worth pursuing.

4f). Investigate the harm caused to local communities from the loss of pubs

47. At Full Council on 18th September, a motion was passed to write to the Secretary of State for Communities and Local Government to request that the legislation was changed to require planning permission for the conversion of pubs. However, the Secretary of State has advised that the Council should instead consider the use of article 4 powers. Therefore, it has been suggested that consideration should be given to that as part of this work and so has been added to the recommendations.

RESOURCE IMPLICATIONS

Capital/Revenue

48. No significant impact on the recommended options 4c and 4d apart from officer time. Options 4a and 4b (not recommended) would involve a significant amount of officer time and potential risk of legal action and/or compensation.

Property/Other

49. No implications.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

50. Town & Country Planning Act 1990.

Other Legal Implications:

51. In undertaking any review the Council must have regard to the implications (if any) of the Equalities Act 2010 and the Human Rights Act 1998 when taking any action which may interfere with any protected characteristics of individuals or rights protection under the European Convention on Human Rights.

POLICY FRAMEWORK IMPLICATIONS

52. In accordance with the Council's Core Strategy, 2010 and Local Plan Review, 2006.

KEY DECISION? Yes

WARDS/COMMUNITIES AFFECTED: All wards

SUPPORTING DOCUMENTATION

Appendices

1.	Table 1 – Analysis of takeaways within 500m of Secondary School premises
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Documents In Members' Rooms

1.	None
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Equality Impact Assessment

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

Equality 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)
1. None	

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Table 1 – Analysis of takeaways within 500m of Secondary School premises

School	Take-away outlet within c.500m walk?	Details	Within or near a planning designation? (e.g. District / Local Centre / Retail area)	2005 Local / District Centre stats (from SCC Retail Survey 2011) - % of units in A class use	2011 Local / District Centre stats (from SCC Retail Survey 2011) - % of units in A class use	Change in A5 Uses from 2005 - 2011
1. Bitterne Park	No		No.	N/A	N/A	N/A
2. Cantell Maths & Computing College	Yes	- At least 3 premises along Burgess Road	The 3 premises are <u>within Burgess Road Local Centre (REI6</u> – comprising 26 ground floor units) - just over 500m away.	7 x A5 takeaways (27%) 12 x A1 shops (46%) 3 x A3 food /drink (11%) 15% empty	10 x A5 takeaways (38%) 11 x A1 shops (42%) 2 x A3 food /drink (7%) 7% empty	A5 = Up 43% A1 = Down 8% A3 = Down 30% 6% reduction in vacancies.
3. Chamberlayne College for the Arts	No		No.	N/A	N/A	N/A
4. Oasis Academy Mayfield, Ashley Crescent	No		Lords Hill District Centre (REI5 comprising 19 units) just over 500m away.	No A5's (takeaways) 9 x A1/A2 (shop /financial)	No A5's (takeaways) 6 x A1/A2 (shop /financial)	A5 - No Change A1/2 – Down 33%
5. Oasis Academy Lords Hill	No		No.	N/A	N/A	N/A
6. Redbridge Community School	Yes	1 premises on Kendal Avenue	No.	N/A	N/A	N/A
7. Regents Park Community School	No		No.	N/A	N/A	N/A
8. The Sholing Technology College	Yes	2 premises on Spring Road	The 2 premises are <u>within Merryoak Local Centre (REI6</u> – comprising 19 ground floor units) – just over 500m away.	3 X A5 takeaways (15%) 9 X A1 shops (47%) 21% empty	5 x A5 takeaways (26%) 8 x A1 shops (42%) 15% empty	A5 = Up 70% A1 = Down 10% 6% reduction in vacancies
9. Southampton Studio School	Yes	At least 5 premises along St.Mary's Street	Near to St Mary's Street Local Centre (REI6 – comprising 38 ground floor units) - just under 500m away Emerging CCAP AP37 (St.Mary Street)	5 X A5 (13%) 15 x A1/A2 (39%) 5 x A3/A4 (13%) 15% empty	4 x takeaways A5 (10%) 13 x shops /financial A1/A2 (34%) 5 x food /pubs A3/A4 (13%) 15% empty.	
10. St Anne's Catholic School, Carlton Road	Yes	At least 8 premises along Bedford Place - At least 2 premises along London Road	Immediately adjacent to Secondary Retail Frontage (REI4)	N/A	N/A	N/A
11. St George Catholic School	No		No.	N/A	N/A	N/A
12. Upper Shirley High	No		No.	N/A	N/A	N/A
13. Woodlands Community College	Yes	1 premises on Melchet Road (Exford Ave parade within 500 m but <u>currently closed</u>)	Near to Local Centre (Harefield REI6 – just over 500m).	Exford Ave parade currently closed	Exford Ave parade currently closed	N/A

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Agenda Item 14

DECISION-MAKER:	CABINET		
SUBJECT:	PROPOSALS TO DESIGNATE BASSETT NEIGHBOURHOOD AREA AND BASSETT NEIGHBOURHOOD FORUM		
DATE OF DECISION:	17 DECEMBER 2013		
REPORT OF:	LEADER OF THE COUNCIL		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name: Chris Lyons	Tel:	023 8083 2044
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Director	Name: Stuart Love	Tel:	023 8091 7713
	E-mail: Stuart.love@southampton.gov.uk		

STATEMENT OF CONFIDENTIALITY

NOT APPLICABLE

BRIEF SUMMARY

Under the Town and Country Planning Act 1990, Planning and Compulsory Purchase Act 2004 and Localism Act 2011, the Council has a statutory duty to assist communities in the preparation of neighbourhood plans. The first step in this process requires communities to apply to designate the neighbourhood area and the second step requires communities to apply to designate a neighbourhood forum for that area.

The Council has received applications to designate Bassett ward as a neighbourhood area and to designate Bassett Neighbourhood Forum to act as the neighbourhood forum for that area. The statutory requirement for a minimum 6 week public consultation has been carried out on the two applications by the Council and a decision is now required to be made on the two applications. The decision must be made on the neighbourhood area first, and then on the neighbourhood forum.

RECOMMENDATIONS:

- (i) To approve the application made for Bassett ward to be designated as a Neighbourhood Area under Section 61G and 61H of the Town and Country Planning Act 1990.
- (ii) Subject to approval of recommendation (i) above, to approve the application made for the proposed Bassett Neighbourhood Forum to be designated as a neighbourhood forum under Regulation 10 of the Neighbourhood Planning (General) Regulations 2012.
- (iii) To delegate to the Head of Planning, Transport and Sustainability the power to publicise the decisions on the Council's website in accordance with the Neighbourhood Planning (General) Regulations 2012.

REASONS FOR REPORT RECOMMENDATIONS

1. To fulfil the statutory requirements of the Council under the Town and Country Planning Act 1990, Planning and Compulsory Purchase Act 2004 and the

Localism Act 2011 in respect of Neighbourhood Planning.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. Not to progress the two applications. This would be contrary to the Council's statutory duties to assist communities in the preparation of neighbourhood development plans and is therefore not recommended. The Council could also take the view that the Neighbourhood Area is not the suitable area or the Neighbourhood Forum is not the suitable group for progressing this work and not to progress the applications but it is considered, for the reasons set out in the report, that they are suitable.

DETAIL (Including consultation carried out)

Bassett Neighbourhood Area

3. The area proposed by the community for the purposes of neighbourhood planning is the area covered by Bassett ward in its entire extent (see Appendix 1).
4. In accordance with Regulation 6 of the Neighbourhood Planning (General) Regulations 2012 the application was publicised to allow for representations to be made and considered before the application was determined. Details of the public consultation carried out for both applications are provided at paragraphs 21-22 below to avoid repetition.

Criteria for determining a neighbourhood area

5. In determining an application for the designation of a neighbourhood area there is very limited guidance. Sections 61G and 61H of the Town and County Planning Act 1990 only require Council's to consider:
 - How desirable it is to designate the whole of the parish area as a neighbourhood area, and
 - How desirable it is to maintain the existing boundaries of areas already designated as neighbourhood areas (as areas designated as neighbourhood areas must not overlap), as well as
 - Whether they should designate the area as a business area.

Public Consultation Responses

6. Of the total 184 respondents to the conjoined consultation process, only five related to the proposed neighbourhood area. This relatively low response rate was considered to relate to the complexity of the new neighbourhood planning process and the new terminology associated with the different elements. Whilst it is expected that those who reviewed the neighbourhood forum application also reviewed the neighbourhood area application, there were significantly higher responses to the forum application and a large number of general comments made in support of a neighbourhood plan for Bassett.
7. One objection was received in respect of the proposed area (see Appendix 3). The respondent raised concerns that the proposed area was too large and sweeping and would therefore create ambiguity. An additional concern also related to the fact that Bassett is a mixed area which has differing density ranges.

Statement of suitability of proposed neighbourhood area

8. It is considered that the entirety of Bassett ward is an appropriate area to be designated as a neighbourhood area for planning purposes. It is already a clearly defined administrative area and established as a community area for electoral purposes. The area has a distinct identity within the context of the City and has a strong sense of local community. Whilst predominately residential, the area is varied and contains local businesses, retail, educational and recreational facilities and open spaces.
9. The concern that the area is too large for neighbourhood planning purposes is not supported in this instance and it is noted that considerably larger neighbourhood areas are being supported elsewhere in the country than proposed at Bassett. Whilst the area does have differing character areas associated with existing densities, this is a matter for a future neighbourhood plan to appropriately address.
10. The proposed area is consistent with the concept of a neighbourhood area as intended by the Act and is considered to be an appropriate area for the purposes of neighbourhood planning. In accordance with section 61H of the Act it has also been considered whether it is suitable to designate the area concerned as a 'business area'. This is not considered appropriate in this instance, as the area is not wholly or predominately business in its nature.

Bassett Neighbourhood Forum

11. For non-parished areas, a 'qualifying body' for the purposes of neighbourhood planning is a designated neighbourhood forum. A forum designation expires five years from the day on which it was made, although this does not affect the validity of a Neighbourhood Plan made before the end of the period. The Council can also withdraw a neighbourhood forum designation when requested by that neighbourhood forum or if it considers the forum is no longer meeting the conditions of approval for designation.
12. In accordance with Regulation 10 of the Neighbourhood Planning (General) Regulations 2012 the application was publicised to allow for representations to be made and considered before the application was determined. Details of the public consultation carried out for both applications are provided at paragraph 21-22 below to avoid repetition.

Criteria for determining a neighbourhood forum

13. On receipt of the application to designate a neighbourhood forum, the Council carried out an initial review of the applications to ensure that they met the series of conditions required under Regulation 8 of the Neighbourhood Planning (General) Regulations 2012. Following these checks a delegated decision was taken by the Head of Planning & Sustainability to go out to public consultation. Having completed that exercise and reviewed the public consultation feedback, it is now appropriate for the application to be determined.
14. In determining such an application, the Council:
 - must have regard to the desirability of designating the forum organisation or body:

- a) that has taken reasonable steps to secure membership that includes at least one person from each of the three membership groups identified, people drawn from different places in the area and different sections of the community in the area, and
- b) whose purpose reflects the character of the area.
- must designate only one organisation or body as a neighbourhood forum for a neighbourhood area, and only if the body has applied to do so, and only where the area does not include part or all of a parish.

Public Consultation Responses

15. Of the total 184 respondents to the conjoined consultation process, 180 respondents commented specifically on the proposed neighbourhood forum. These responses were broken down into 179 responses of support and 1 response of objection (see Appendix 3).
16. The objection letter received raised concerns relating to the overall transparency of the plan making process. Concerns were also noted regarding the ability of local businesses to attend meetings unless by invite, which it was felt was an attempt to stop investment from local businesses whilst encouraging it from others. With particular regard to the Neighbourhood Forum application, the objection also stated that a quorum of three members is not enough to represent a large ward such as Bassett. It suggested that this may have been purposefully added to the written constitution to enable those involved in the plan to have ultimate power without transparency and without true representation of the residents of which a high number are students. The objection to the Neighbourhood Forum application is therefore very specific in its nature, as it relates to a detail contained within the forum's written constitution regarding meeting procedures for committee meetings. It should be noted that a different procedure applies for the Annual General Meeting and Member meetings where the quorum for open meetings should be eight members or one third of membership, whichever is the lower. A further element of the written constitution requires minutes to be taken of all meetings and made available to any forum member.

Statement of suitability of proposed neighbourhood forum

17. The Bassett Neighbourhood Forum has in excess of 25 members that are reasonably spread across the proposed Neighbourhood Area. Whilst the forum has been created through the collaboration of a number of active residents associations and its membership is therefore largely derived from those who run the associations, the constitution also enables individual residents to gain membership of the forum.
18. The proposed forum's constitution sets out the full terms of membership and the process regarding meetings. Whilst the constitution enables some decisions to be made by relatively small numbers of members in the interests of managing the day to day duties of the Forum, it is specifically noted that significant decisions such as approving the draft plan prior to submission to the Council, will need to be taken by the full Forum membership. The level of transparency provided in the plan making process, will also be an important matter for the independent Inspector to consider as part of the formal Examination of the plan. The representations received

during the required formal consultation periods, and the Forum's response to such comments, will be examined. It is considered that the written constitution and the requirements of the plan making process addresses the objection raised during the recent consultation process.

19. Taking into account the statutory statement submitted with the application, the details contained within the written constitution and the consultation responses received, it is considered that the community group have submitted an application which conforms to the Regulations and the Localism Act 2011.

Statutory Requirements on Determination of Applications

20. There are a number of statutory duties which must be performed following the determination of the two applications with regards to publicising the decisions. Recommendation (iii) of this report seeks delegated powers to produce and publicise the statutory information if the proposals are approved.

Public Consultation Undertaken

21. The statutory minimum 6 week public consultation period took place for the two applications between Friday 6th September and Monday 21st October 2013. Copies of the application documents were made available to view at Burgess Road Library and Portswood Library, Gateway and on the Council's website. Numerous letters and emails were also distributed to local residents groups, voluntary agencies, business associations, educational institutes and adjoining councils. A number of posters were also displayed in local shops and at a number of public buildings, with further copies being distributed to the University and residents associations (who carried out further publication of the consultation locally).
22. All comments received were recorded and considered. Given the nature of the applications which themselves provided limited detail compared with other planning policy consultations, this unsurprisingly resulted in particularly brief responses. A file of all supporting responses received is included in the Background Papers of this report and is available for public inspection. The objection letter is attached at appendix 3 and is also addressed within the main body of the report.

RESOURCE IMPLICATIONS

Capital/Revenue

23. Capital

This report does not commit the Council to any capital spending.

24. Revenue

The designation of the Neighbourhood Area and Neighbourhood Forum would give rise to further work for the planning policy team in providing assistance in the Forum's development of a neighbourhood plan. This is however a statutory function which the Council must undertake and the work would be carried out within the existing planning policy budget.

Property/Other

25. This report does not present any implications.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

26. The report is prepared in accordance with provisions pursuant to neighbourhood planning within the Town and County Planning Act 1990, Planning and Compulsory Purchase Act 2004 and Localism Act 2011.

Other Legal Implications:

27. The proposed applications comply with the requirements of the Human Rights Act 1998 and the Equalities Act 2010. Any plan prepared by the forum will be required to be produced having regard to an Equalities Impact Assessment in line with other development plan documents..

POLICY FRAMEWORK IMPLICATIONS

28. The designations of the neighbourhood area and neighbourhood forum are the first two steps in the development of a neighbourhood plan which once adopted would form part of the development plan. If progressed to adoption, planning applications would have to be determined in accordance with the neighbourhood plan and other policies.

KEY DECISION?

Yes

WARDS/COMMUNITIES AFFECTED:	Bassett.
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SUPPORTING DOCUMENTATION

Appendices

1.	Bassett Neighbourhood Area Application
2.	Bassett Neighbourhood Forum Application
3.	Objection Letter

Documents In Members' Rooms

	None.
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Equality Impact Assessment

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

Equality Impact Assessment and Other Background documents available for inspection at: Please contact Planning Policy

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.	Full file of consultation responses.
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APPLICATION TO DESIGNATE BASSETT NEIGHBOURHOOD AREA

Town and Country Planning, England The Neighbourhood Planning (General Regulations) 2012

Application is hereby made to Southampton City Council as the Local Planning Authority for designation of a Neighbourhood Area.

A map which identifies the area is submitted. (Regulation 5a). The name of the proposed neighbourhood area is the **Bassett Neighbourhood Area**.

Statement explaining why this area is considered appropriate to be designated as a Neighbourhood Area (Regulation 5b)

The proposed neighbourhood area (as identified on the map) covers the City Ward of Bassett.

The ward is considered to be an appropriate area for the preparation of a neighbourhood plan as:

- it is a natural polling area as it conforms with the ward boundaries.
- the ward boundaries generally coincide with those of residents associations in the ward, although there are some parts without an active residents' association.
- there are strong and obvious boundaries that reflect the character of the area. To the south and west the boundaries, for the most part, run along main roads. The northern boundary follows the administrative boundary of the city, which with the exception of the Sports centre and Golf course closely follows the edge of the built up area. The eastern boundary logically separates areas of different residential character, with the small exception in the south east where the ward boundary dissects the Flowers Estate.

The proposed neighbourhood area is an area with a diverse mixture of housing styles and size, as well as a population ranging from wealthy to the less well off.

Having such a mix of housing and population allows for all sections of the local society to be catered for in their various areas, which produces a very acceptable overall housing density and mix, catering for the housing needs of all the levels of society, as well as keeping the character of the area overall, in which each individual smaller close and road can maintain its own style.

The amenity space covers the whole area well and provides an overall spacious feel. Looking at the sustainability of this as an area therefore, this designated area addresses all the requirements. Each smaller section complements the other producing an overall sustainable part of the area as a whole.

Economic Role.

Over this area there is sufficient developable land to fulfill the cities Core Strategy requirements, and can sustain the growth and innovation required.

Social Role

The diverse housing will support a healthy and vibrant community including local business owners and aspiring business persons requiring large family homes, growing families needing affordable housing of various sizes, small houses and flats for single persons and those starting out, as well as a sizeable number of housing available for rent, and social housing. There is also a large number of student blocks of accommodation.

Environmental Role

The area has some large areas of open land such as the golf course and sports centre, some areas of woodland which helps sustain the whole area and encourages wildlife. The areas of larger properties complement the smaller properties by keeping trees and larger gardens for everyone's benefit in reducing carbon and creating a spacious feel to the area.

If the area was any less than the whole ward, it would distort the overall character of the area, and be detrimental to the city's objectives.

No part of the Neighbourhood Area proposed overlaps any part of any other Neighbourhood Area (Section 61G(7) of the Act)

Statement that the organization or body making the area application is a relevant body for the purposes of section 61G of the 1990 Town and Country Planning Act (Regulation 5c)

The Residents Associations in the area of Bassett have been operating successfully in the ward for many years. These were brought together by the local Councillor as a Forum in September 2011 with a vision to further develop community relations, improve the area and to produce a neighbourhood development plan for the ward of Bassett as defined by the area map.

The Forum has operated successfully on an interim basis using a draft constitution with elected officers, since September 2011. It has been self financing and has consulted widely and researched to produced a draft Neighbourhood Plan.

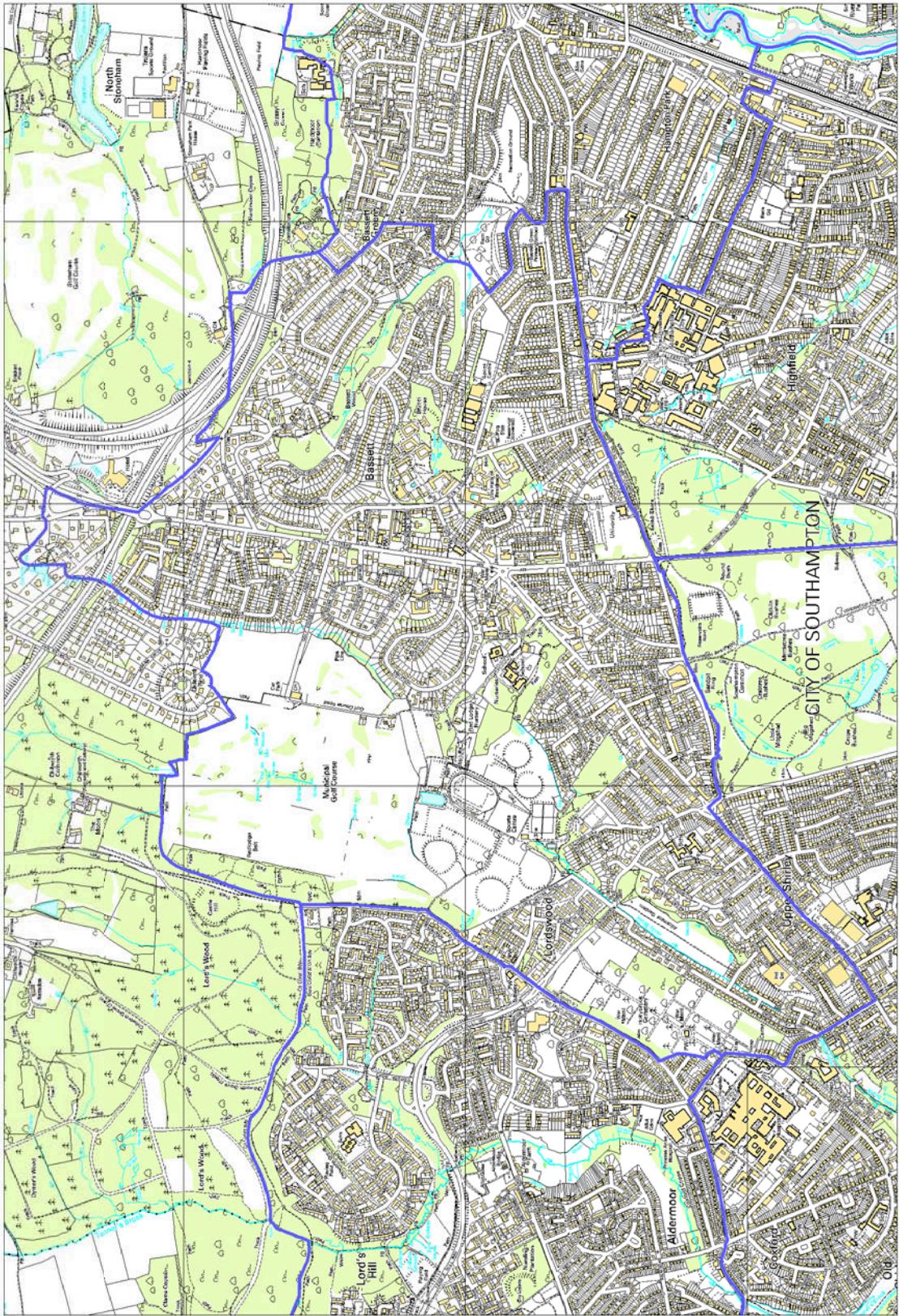
This application is submitted by the elected Chairman and officers of the prospective neighbourhood forum which meets the requirements of s61F (5) of the Town & Country Planning Act 1990 and is therefore capable of being a "relevant body" for the purposes of Section 61G(2b) of that Act.

An application to designate the Bassett Neighbourhood Forum as the relevant body for the proposed neighbourhood area has been submitted.

On approval this Forum will hold an inaugural meeting to approve the constitution.

No part of the specified Neighbourhood Area consists of or includes any part of the area of a parish council or area outside the city of Southampton.
(section 61G(3b) of the Act)

Bassett Ward



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APPLICATION TO DESIGNATE BASSETT NEIGHBOURHOOD FORUM

**Town and Country Planning, England
The Neighbourhood Planning (General Regulations) 2012**

Application is hereby made to Southampton City Council as the Local Planning Authority for designation of a Neighbourhood Forum in accordance with the above regulations.

The name of the proposed Neighbourhood Forum (Regulation 8a) is:
Bassett Neighbourhood Forum (BNF)

The written constitution for the proposed Neighbourhood Forum (Regulation 8b) is attached.

The name of the proposed Neighbourhood Area to which this application relates is the Bassett Neighbourhood Area and the map attached identifies the area of this application. (Regulation 8c)

Contact details for the forum are (Regulation 8d)

Les Harris - Chairman
Email councillor.l.harris@southampton.gov.uk
Telephone 02380 766701 (Home)
Text messages 07507 795986
Address 17 Bassett Heath Avenue, Bassett Southampton SO16 7GP

Statement explaining how the proposed Neighbourhood Forum meets the conditions contained in Section 61F(5) of the Act (Regulation 8e)

- (a) The constitution of the Forum proposed (see attached) has the express purpose of promoting or improving the social, economic and environmental well being of the proposed Neighbourhood Area (Section 61F(5)a)
- (b) The membership is open to (Section 61F(5)b) –
 - I. Individuals who live in the proposed neighbourhood area
 - II. Individuals who work there (whether for business carried out there or otherwise) and
 - III. Individuals who are elected members of the Southampton City council whose area falls within the neighbourhood area concerned
- (c) membership will comprise a minimum of 21 individuals each of whom (section 61F(5)b) –
 - I. lives in the neighbourhood area concerned

- II. works the (whether for a business carried on there or otherwise),
or
- III. is an elected member of Southampton City Council

- (d) It has a written constitution (Section 61F(5)d), and
- (e) There are no other conditions that have been prescribed(Section 61F(5)e)

Further the interim Forum has already secured the above conditions and has a membership that meets the “desired” criteria of Section 61F(7) of the Act, namely:-

- (1) has secured membership that includes more than one individual falling within each of the subparagraphs (i) to (ii) of subsection (5)(b)
- (2) membership drawn from different places in the Neighbourhood area proposed and from different sections of the community in that area, and
- (3) whose purpose reflects (in general terms) the character of the area.

CONSTITUTION OF THE BASSETT NEIGHBOURHOOD FORUM

Adopted at the inaugural meeting of the Forum on

Name.

The name of the Organisation shall be the **Bassett Neighbourhood Forum**.

1. Objective of the Organisation

- a) To further the social, economic and environmental well-being of individuals living or having a business in the Bassett ward of Southampton.
- b) To serve the residents, taking action on issues of concerns or interest in ways that improve the area and incorporate values of the forum.
- c) To produce and maintain a neighbourhood development plan for the ward of Bassett in Southampton.
- d) To encourage participation of the residents in all aspects of life in Southampton.
- e) To represent their interests as far as possible, in both the public and private sector.
- f) To further develop good community relations and spirit already existing, recognising the diverse cultural richness of the area.
- g) To work towards partnership with Southampton City Council and other public, private and voluntary service providers to benefit the local residents.
- h) To identify special needs for training and self-development.
- i) To seek assistance, support and advice, when required, from service providers and organisations and individuals.

2. Methods of Achieving Objectives

- a) To produce and disseminate information among Bassett residents.
- b) To collate the results of consultation processes and facilitate the production and maintenance of a neighbourhood plan.
- c) To maintain that neighbourhood plan by regular reviews, and keep it up to date.
- d) To organise meetings.
- e) To monitor and ensure the proper application of the neighbourhood plan in Bassett
- f) To undertake training, as and when identified as a need.
- g) To raise awareness of the forum among other voluntary and statutory groups, so that new and existing initiatives can be identified, and to exchange information and advice with them.
- h) The forum shall have the power to raise funds by means of contributions, legacies, grants and fundraising, by lawful means.
- i) All funds and property of the forum shall be used solely to promote its objectives as set forth within this constitution.

- j) No funds of the group shall be paid or transferred directly or indirectly by way of profit to any member of the group.
- k) An annual fee may be payable by each of the Forum members as determined by the General Committee from time to time.
- l) To identify and be aware of social and educational issues within the membership forum. To liaise with the appropriate services in dealing with the issues. To support members.

3. Membership

- a) Membership of the group shall be open to all persons over the age of 18 years regardless of gender, disability and culture, and is a resident living within the membership boundaries. All members should actively seek to represent the various needs of the area, and must not discriminate on the grounds of nationality, political opinion, race, religious opinion, sex, sexuality or disability.
- b) Whilst everyone is welcome to attend committee meetings, the participation of non-residents will be at the discretion of the chairperson.
- c) Statutory, voluntary and local organisations and businesses are entitled, by invitation to send representatives to committee meetings. Such representatives shall not have any voting rights.
- d) All signed up members of the forum shall have one vote at each Annual General Meeting.
- e) Any issue requiring a vote shall be decided by a simple majority of those entitled to vote.
- f) The Chairperson shall have the additional casting vote in the case of votes being equal.

4. Meetings.

- a) Meetings of the Committee will be held every three months, or such other periods as from time to time agreed by the committee; With the Annual General Meeting to be held within 15 months of the preceding Annual General Meeting.
- b) At least 21 days notice of the Annual General Meeting shall be given to members by the Secretary.
- c) The business of each Annual General Meeting shall be:
 - to consider the Annual report of the general committee on the work of the group and its activities during the preceding year
 - to approve the audited / independently examined accounts
 - to elect the committee
 - to consider any other business of which due notice has been given.
- d) Three committee members or one third of the total membership may call extraordinary meeting.
- e) Meetings of the members shall be held every three months, or such other periods as from time to time agreed by the committee with a minimum of two per year.

5. Procedure at Meetings

a) Voting

All issues / questions arising at any meeting shall be decided by a simple majority of those present and who are entitled to vote. In the case of any equality of votes, the chair has the casting vote.

b) Quorum

(I) Committee meetings

Three of the committee members shall form a quorum at meetings of the committee.

(ii) Annual General Meeting and Member meetings.

The Quorum for the open meetings should be **eight** members, or one third of membership, whichever is lower.

(III) In the event that no quorum is present at any meeting, the issues shall stand adjourned, until those members present shall deemed to form a Quorum.

c) Minutes

Minutes shall be taken of all Forum, Committee and Working Group meetings and all proceedings and resolutions recorded.. They shall be kept by the appointed Secretary and made available at the request of any Forum member.

6. Committee.

- a) At each Annual General meeting, the committee will be elected from its members.
- b) All previous elected committee members will stand down at each Annual General Meeting but may stand for election.
- c) The committee will elect the following officers:
 - Chairperson.
 - Vice-Chairperson
 - Treasurer
 - Secretary
 - The committee may also appoint any of its members to undertake other identified roles. i.e. publicity officer.
- d) The main committee shall not exceed **thirty** members in total.
- e) The role of the Committee is to deliver the objectives of the Forum as set out in this constitution. The Committee has the power to manage the day-to-day running of the Forum, Significant decisions must, however, be taken by the full Forum membership. One example of this is the approval of the draft Bassett Neighbourhood Plan prior to submission to the Council. The Committee may authorize individual committee members to make minor decisions considered inexpedient to await the next scheduled committee meeting; and which are to the benefit of the membership. Such actions will be reported to the committee at the next committee meeting.
- f) The committee may co-opt up to three representatives with particular expertise, knowledge or skills, whether members of the forum or not. These representatives' committee members do not have voting rights.
- g) If an elected member does not attend three successive Committee meetings without good reason, their membership of the Committee will

ceased. The Chairperson or Secretary will confirm this dismissal in writing.

- h) Committee membership may also be terminated if the member brings the forum in to disrepute through such activities as criminal acts. Any such case arising will be heard by a sub-group consisting of three of the highest committee officers. The member concerned will also have the right to be accompanied or represented. This meeting will be confidential, in which course of action will be agreed by a simple majority of the three committee in attendance.
Any appeal against termination of membership will be heard by the Committee in open session, where decision will be final.
- i) Should a vacancy occur on the Committee, any signed up member may stand for election to the committee giving not less than *one* (1) meeting notice. For Annual General Meetings, this period of notice does not apply.
- j) The Committee will meet at least every three months and at other times deemed necessary.
- k) No committee member shall use his or her position for financial or personal gain.

7. Working groups

- a) Members of the Forum or the committee may from time to time be asked to form small groups of people to look at particular issues. These groups shall be known as working groups and shall have specific terms of reference as set out by the Committee. Such groups will be able to investigate, discuss and make recommendations, but, unless specifically authorised by the membership or committee, ,will not have the power to make decisions on behalf of The Bassett Neighbourhood Forum.
- b) The composition of each working group should consist of at least *one* (1) committee member and *two* (2) members.
- c) Working Groups will provide regular reports to the Committee and Forum members of their deliberations and progress..

8. Finance

- a) *Two* (2) out of four (4) signatures will be required to debit the Forum's account.
- b) A bank account may be open in the name of the forum
- c) The general committee shall authorise in writing three or Four (3 or 4) signatories. All cheques must be signed by not less than *two* (2) of the three or four (3 or 4) authorised signatories. If the Treasurer signs, this signature must appear first, to protect against misuse of funds.
- d) The Treasurer shall properly account for all expenditure and income, and shall present an audited or independently examined report to the Annual General Meeting, plus a quarterly statement to the committee meetings.
- e) All monies acquired by the forum shall be applied to the benefit of forum in support of the forum objectives and shall be used for no other purpose.

- f) The forum's financial year shall run from 1st April – 31st March annually.
- g) All monies raised by or on behalf of the forum shall be used solely for the benefit of the group and for no other purpose. Such actions to be agreed by simple majority of committee.
- h) Repayment of reasonable out of pocket expenses incurred by volunteers may be refunded. All receipts and invoices must be kept and a written receipt given for any expenditure.

9. Alterations / changes to the Constitution.

- a) Amendments to the Constitution can only be made at the Annual General Meeting, where two thirds majority of those entitled to vote are required for the amendment to be successful.

10. Dissolution

- a) In the event of the forum being dissolved, the assets, after payment of debts due, will be donated to a chosen organisation with similar objectives. This will be decided by a simple majority vote at an Annual General Meeting or an extraordinary open meeting.

Arrangements until the first Annual General Meeting of

BASSETT NEIGHBOURHOOD DEVELOPMENT PLAN FORUM

Until the first Annual General Meeting takes place, this constitution shall take effect as the Bassett Neighbourhood Forum terms of reference.

Signed..... Chairperson

Signed Secretary

Signed Committee Member

DATE

ADOPTION of CONSTITUTION of Bassett Neighbourhood Forum

This Constitution was adopted as the Constitution of the Bassett Neighbourhood Forum

..... at the first Annual General Meeting

of..... held on the

where the following persons were elected as trustees and committee for

.....
SignedChairperson

Signed..... Vice Chairperson (if appropriate)

Signed.....Secretary

Signed.....Treasurer

Signed.....

Signed.....

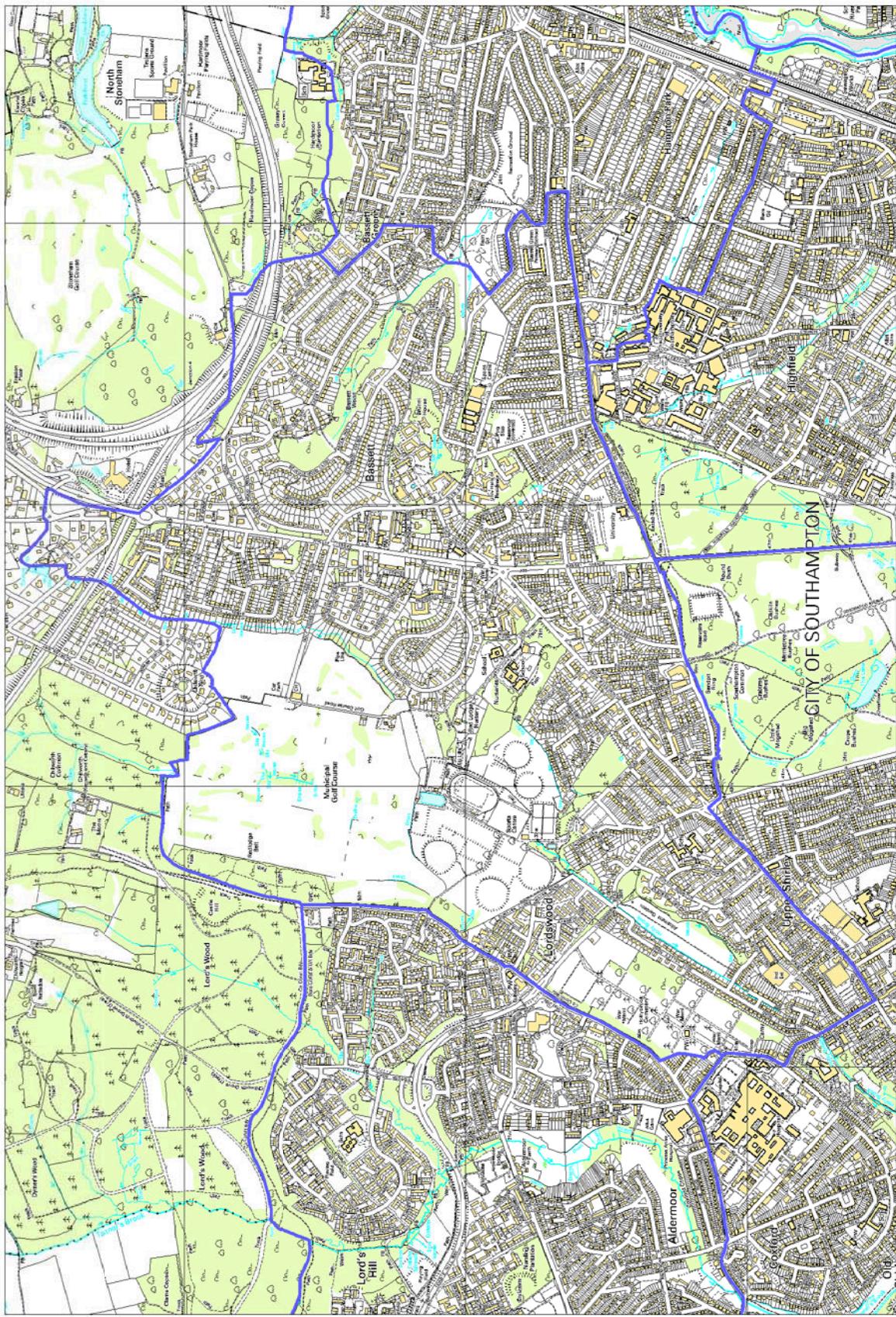
Signed.....

Signed.....

Signed.....

DATE
.....

Bassett Ward



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Dawn Heppell
Planning Policy
Planning and Sustainability
Southampton City Council
Civic Centre
Southampton
SO14 7LS

9th Oct 2013

BASSETT PLAN CONSULTATION RESPONSE ON AREA AND MAKE UP REQUEST TO BE HEARD

Please take this letter as a request to be heard by an independent inspector on the Bassett Plan. As this is stage one of the plan and the council are consulting on area and make up alone we concentrate on this matter for this response.

We will make further representations on the exact text of the plan showing how it should not be found sound at the correct point in time.

For the avoidance of doubt we represent and own many properties in the ward.

Area

We are concerned that the area included into the Bassett Plan is too large and sweeping therefore creates ambiguity. Bassett is a mixed area with many differing density ranges.

Recently and upon adoption of the Local Plan the inspector noted that due to its accessibility Bassett could accommodate further development.

The draft Bassett plan notes densities at odds with much of Bassett therefore the model used is not correct to the area as a whole. The area should be broken down into the correct zones and noting the correct densities for each zone, and where density levels are low the plan should encourage development to meet Core Strategy Policies (CS5).

Areas such as the Flower Roads have a density similar to that noted in for such areas in CS5 (50-100dph) therefore further development opportunities are restricted, whereas areas towards the Chilworth Roundabout should be noted as being able to accommodate further development to help the City's housing shortage as noted in the Annual Monitoring reports.

The plan needs to sit aside the Core Strategy and cannot contradict therefore the inspector's comments on the area and the Core Strategy Policies act as the starting point.

It is clear from the plan no Core Strategy analysis has taken place to identify development, as development should be encouraged in areas around the top of the avenue in order for the plan to comply with CS5 and to be found sound.

The plan is seeking densities of 17dph in Bassett, which is lower than the majority of the ward as exists therefore at odds and shows how the whole purpose of the plan is to BLOCK.

This plan does not conform with local plans and regional strategies and county structure plans and cannot be found sound due to this, it is apparent that this plan is about blocking development by noting unrealistic densities which are not CS compliant.

CS5 DENSITY TABLE

Density	Residential	Accessibility (PTAL value)*
Low	35 - 50dph	1 & 2
Medium	50 - 100dph	3 & 4
High	Over 100dph	5 & 6

Make Up Of Plan

We are concerned with the make up of the plan and the levels of transparency such a plan can be afforded thus defeating the objectives of a transparent council. The ward member Les Harris notes on his register of interest freemasonry.

When coupled with the text of the document it becomes apparent this plan could be shrouded in secrecy rather than being transparent. Local businesses are only allowed to attend meetings through invite thus showing an attempt to stop investment from local businesses or encouraging investment from certain companies while actively discouraging investment from others.

A quorum of three members is not enough to represent a large ward such as Bassett consisting of 13,139 people (census). A low quorum may be purposefully added to enable those involved in the plan to have ultimate power without transparency and without truly representing the 13,000 + residents of the Ward, over 2000 of which are students.

This quorum is not enough to provide transparency and will not reflect the make up of the ward.

This is not a neighborhood plan this is a ward plan and does not meet the tests of a neighborhood plan. Our request to be heard at a hearing stands.

Yours Sincerely

Max Holmes