

Public Document Pack

Overview and Scrutiny Management Committee

Thursday, 16th October, 2014
at 5.30 pm

Council Chamber - Civic Centre

This meeting is open to the public

Members

Councillor Moulton (Chair)
Councillor Hannides (Vice-Chair)
Councillor Baillie
Councillor Coombs
Councillor Fitzhenry
Councillor Keogh
Councillor Morrell
Councillor Dr Paffey
Councillor Stevens
Councillor Thorpe

Appointed Members

Mrs U Topp, (Roman Catholic Church)
Revd. J Williams, The Church of England
(Portsmouth and Winchester Dioceses)
Vacancies

- Primary Parent Governor Representative;
and
- Secondary Parent Governor Representative

Contacts

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Suki Sitaram
Assistant Chief Executive
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PUBLIC INFORMATION

Role of Overview and Scrutiny

Overview and Scrutiny includes the following three functions:

- Holding the Executive to account by questioning and evaluating the Executive's actions, both before and after decisions taken.
- Developing and reviewing Council policies, including the Policy Framework and Budget Strategy.
- Making reports and recommendations on any aspect of Council business and other matters that affect the City and its citizens.

Overview and Scrutiny can ask the Executive to reconsider a decision, but they do not have the power to change the decision themselves.

Overview and Scrutiny Management Committee

The Overview and Scrutiny Management Committee holds the Executive to account, exercises the call-in process, and sets and monitors standards for scrutiny. It formulates a programme of scrutiny inquiries and appoints Scrutiny Panels to undertake them. Members of the Executive cannot serve on this Committee.

Southampton City Council's Priorities:

- Jobs for local people
- Prevention and early intervention
- Protecting vulnerable people
- Affordable housing
- Services for all
- City pride
- A sustainable Council

Smoking Policy

The Council operates a no-smoking policy in all civic buildings.

Mobile Telephones:- Please switch your mobile telephones to silent whilst in the meeting

Use of Social Media:- If, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting

Fire Procedure

In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access

Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2014/15

2014	2015
12 June	15 January
10 July	12 February
14 August	12 March
11 September	16 April
16 October	
13 November	
11 December	

CONDUCT OF MEETING

TERMS OF REFERENCE

The general role and terms of reference for the Overview and Scrutiny Management Committee, together with those for all Scrutiny Panels, are set out in Part 2 (Article 6) of the Council's Constitution, and their particular roles are set out in Part 4 (Overview and Scrutiny Procedure Rules – paragraph 5) of the Constitution.

RULES OF PROCEDURE

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

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

QUORUM

The minimum number of appointed Members required to be in attendance to hold the meeting is 4.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value for the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having an, '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 online via the Council's Website

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

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.

3 DECLARATIONS OF SCRUTINY INTEREST

Members are invited to declare any prior participation in any decision taken by a Committee, Sub-Committee, or Panel of the Council on the agenda and being scrutinised at this meeting.

4 DECLARATION OF PARTY POLITICAL WHIP

Members are invited to declare the application of any party political whip on any matter on the agenda and being scrutinised at this meeting.

5 STATEMENT FROM THE CHAIR

6 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 1 - 2)

To approve and sign as a correct record the Minutes of the meeting held on 11 September 2014 and to deal with any matters arising, attached.

7 STRENGTHENING POLITICAL SCRUTINY OF CHILDREN AND FAMILIES (Pages 3 - 8)

Report of the Assistant Chief Executive providing details of Ofsted's unannounced inspection of Children's Services and the Local Safeguarding Children's Board in Southampton and requesting that the Committee agree the way forward to strengthen the scrutiny of Children's Services in Southampton, attached.

8 FORWARD PLAN (Pages 9 - 56)

Report of the Assistant Chief Executive detailing items requested for discussion from

the current Forward Plan.

Items include:-

- Response to Scrutiny Panel A Recommendations – “Maintaining Balanced Neighbourhoods through Planning” (Appendix 1 and 2);
- Planning Enforcement Policy (Appendix 3 and 4); and
- Residents’ Parking Policy (Appendices 5, 6 and 7).

9 MONITORING SCRUTINY RECOMMENDATIONS TO THE EXECUTIVE (Pages 57 - 60)

Report of the Assistant Chief Executive detailing the actions of the Executive and monitoring progress of the recommendations of the Committee, attached.

Wednesday, 8 October 2014

HEAD OF LEGAL AND DEMOCRATIC
SERVICES

SOUTHAMPTON CITY COUNCIL
OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE
MINUTES OF THE MEETING HELD ON 11 SEPTEMBER 2014

Present: Councillors Moulton (Chair), Hannides (Vice-Chair), Coombs, Keogh, Morrell, Dr Paffey and Stevens and Revd Williams

Also in Attendance: Cabinet Member for Health and Adult Social Care
Cabinet Member for Resources and Leisure

17. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

The Committee noted the apologies of Councillors Baillie and Thorpe and Mrs Topp. The Committee also noted that following receipt of the temporary resignation of Councillor Fitzhenry from the Overview and Scrutiny Management Committee, the Head of Legal and Democratic Services, acting under delegated powers, had appointed Councillor Norris to replace him for the purposes of this meeting.

18. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the Committee Meeting held on 14th August 2014 be approved and signed as a correct record.

19. **MONITORING SCRUTINY RECOMMENDATIONS TO THE EXECUTIVE**

The Committee received and noted the report of the Assistant Chief Executive detailing the actions of the Executive and monitoring the progress of the recommendations of the Committee.

20. **ADULT SOCIAL CARE PROVIDER SERVICES**

The Committee considered the report of the Cabinet Member for Health and Adult Social Care providing details of the consultation process and outlining the scope of and reasons for the proposals.

Mr Strevens, Mrs Mar-Molinero, Mr Mar-Molinero, Ms Bay, Ms Guest and Mr Allen, (Mencap), Mr Barritt, (Solent Mind), Mr Loynes, (Spectrum SCIL), Mr Kurn, (Healthwatch), Mr Bennie and Ms Dillane, (Age UK), Ms Flack and Ms Joyce, (Choices Advocacy), Councillors Parnell, Mintoff and White (Members of the Health Overview and Scrutiny Committee) and Mr Leach member of the public, were present and with the consent of the Chair addressed the meeting.

RESOLVED:-

- i. that the list of all the Council-funded services within the scope of the Adult Social Care proposals be published on the Council's website;
- ii. that to maximise awareness of the consultation, additional promotion of the remaining consultation events be undertaken, particularly the public consultation event on 22nd October 2014;

- iii. that the action plan relating to the needs assessment of carers and service users, be circulated to the Committee;
- iv. that to build an understanding of the process, dialogue continued with stakeholders beyond the end of the consultation process; and
- v. that the occupancy level statistics of the Council's three residential homes over a stipulated period of time, be circulated to the Committee.

21. **PSP PLC - UPDATE**

The Committee received and noted the report of the Cabinet Member for Resources and Leisure providing an update on the work being undertaken by PSP plc.

DECISION-MAKER:	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE		
SUBJECT:	STRENGTHENING POLITICAL SCRUTINY OF CHILDREN AND FAMILIES		
DATE OF DECISION:	16 OCTOBER 2014		
REPORT OF:	ASSISTANT CHIEF EXECUTIVE		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Mark Pirnie	Tel: 023 8083 3886
	E-mail:	Mark.pirnie@southampton.gov.uk	
Director	Name:	Suki Sitaram	Tel: 023 8083 2060
	E-mail:	suki.sitaram@southampton.gov.uk	
STATEMENT OF CONFIDENTIALITY			
None			

BRIEF SUMMARY

On 7th July 2014 Ofsted undertook an unannounced inspection of Children’s Services in Southampton and the Southampton Local Safeguarding Children Board (LSCB). The inspection report has now been published and was discussed at the meeting of the Health Overview and Scrutiny Panel on 25 September 2014.

The report acknowledged the improvements that have followed the transformation programme and inspectors deemed the leadership and management of the service to be strong. Ofsted however identified a number of issues that need to be addressed before Children’s Services could be considered to be good. One of the areas for improvement identified by Ofsted relates to the Council’s scrutiny function. The report recommends that the Council:

‘Develop the role of scrutiny within the City to ensure that the wider multi-agency arrangements for the provision of early help and services to children and their families from children’s social care, are routinely considered by political leaders.’

The action plan being developed in response to the recommendations includes a commitment to review current scrutiny arrangements to include more regular and rigorous scrutiny of the multi-agency provision of children’s services, particularly early help services. In response to the Ofsted recommendation and the developing action plan this report recommends a number of actions to strengthen and develop the Council’s approach to the scrutiny of children’s services in Southampton.

RECOMMENDATIONS:

- (i) The Committee is requested to consider the details in the report, the recommendation from the Council’s Management Team to set up a separate panel and agree the way forward to strengthen the scrutiny of Children’s Services in Southampton.

REASONS FOR REPORT RECOMMENDATIONS

1. In response to the recommendation to develop the role of scrutiny contained within the Ofsted Inspection report.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. Not applicable.

DETAIL (Including consultation carried out)

3. Over four weeks in July 2014 Ofsted undertook a second unannounced inspection of Children's Services in Southampton and Southampton Local Safeguarding Children Board (LSCB). This followed the previous inspection which had been declared by Ofsted to be flawed.
4. The Ofsted Inspection report has now been published and whilst it recognises a number of the City Council's strengths, the overall judgement is that children's services require improvement and that the authority is not yet delivering good protection and help and care for children, young people and families.
5. The report, alongside wider concerns related to the role of Members in championing the needs of looked after children and care leavers, states that *'political scrutiny arrangements have not been effectively applied to key areas of children's services'* and, within the body of the report, *'regular and detailed scrutiny of children's services is not undertaken by either the Health Overview and Scrutiny Panel or the Overview and Scrutiny Management Committee.'*
6. The comments above led to the following areas for improvement, out of a total of 47 identified within the Ofsted report:
 - Ensure that Members robustly and consistently champion the needs of looked after children and care leavers.
 - Develop the role of scrutiny within the City to ensure that the wider multi-agency arrangements for the provision of early help and services to children and their families from children's social care, are routinely considered by political leaders.
7. The Council needs to respond to the Ofsted Inspection report and is finalising an action plan to address the findings. The action plan will commit the Council to review current scrutiny arrangements and there is an expectation that when Ofsted re-inspect Southampton Children's Services in 12-18 months' time all the actions will have been completed and that the scrutiny of children's safeguarding will have improved and is able to demonstrate it is performing to a good standard. Some of these actions need to be completed in 3 months.

Current arrangements for the scrutiny of Children and Families Services within the Council

8. In recognition of the close links between health and social care and the increasing integration of services, scrutiny of all social care, including safeguarding children, was transferred to the Council's Health Overview and Scrutiny Panel (HOSP) in May 2013. Prior to 2013 aspects of children's social care had been scrutinised by this Committee.

9. The HOSP has, in addition to scrutinising the significant health and social care developments in Southampton, considered reports on children's services on a number of occasions since May 2013. This included discussions on the progress of the LSCB and the Serious Case Reviews.
10. However, in light of the feedback from Ofsted the need to make improvements to the current arrangements for political scrutiny of children's services is recognised.

Actions to strengthen scrutiny of Children and Families Services in Southampton

11. To support Elected Members to effectively challenge service providers and decision makers and to ensure that regular and rigorous scrutiny is undertaken the following is recommended:
 - Scrutiny Members receive appropriate monthly performance information relating to the council's Children and Families services.
 - Scrutiny is undertaken on a regular basis, of the performance of multi-agency arrangements for the provision of early help and services to children and their families from children's social care. This will cover the work of the Multi Agency Safeguarding Hub (MASH) and early help service and include:
 - Monitoring the implementation of the Council's action plan to address the recommendations made by Ofsted
 - Providing adequate challenge on the progress of the Ofsted Action Plan and evidence on improved outcomes
 - Scrutinising performance information, outcomes and the quality of practice.
 - The Council's Management Team has recommended that to ensure regular scrutiny would require this to be undertaken on a bi monthly basis. Under current arrangements, this would mean HOSP (which meets 6 times a year) would need to double the number of meeting per year given the health and social care agenda or if OSMC were to take on the scrutiny, the meetings would need to be longer to accommodate the agendas. Both would have resource implications.
 - Attendance at these meetings will include the Chair of the LSCB, Cabinet Member for Children's Safeguarding, the City Council's Director, People who has the statutory role of DCS (Director of Children's Services), Hampshire Constabulary, Health (Southampton Clinical Commissioning Group) and other relevant health providers.
 - Provide the necessary support and training to enable Members to deliver this role effectively, so that they can develop their understanding of the scrutiny role, the role of the LSCB and children's services in Southampton. The Centre for Public Scrutiny be invited to undertake training for Members to provide them with the skills and techniques required to effectively scrutinise children's services in Southampton.
 - All Members have been invited to the Corporate Parenting Committee on 4 November 2014 to develop their understanding of the Corporate

Parenting role, the findings from the Ofsted Inspection and the Corporate Parenting Annual Report. In addition, it is recommended that a session is organised for Scrutiny Members to receive a briefing from the Director of Children's Services on:

- The roles and responsibilities of the key agencies in relation to safeguarding children in Southampton
- Overview of the LSCB and Children and Families Division, including structures, staffing and key issues
- The transformation of children's services and what is planned for the next 12 months
- The key children's services performance indicators and performance trends.

12. The council needs to be assured that the actions are effective and to assess whether any additional changes or support are required to strengthen the scrutiny of Children's Services. Therefore it is recommended that the OSMC review the arrangements for the scrutiny of Children's Services in 12 months.

Options for scrutiny arrangements for the scrutiny of Children and Families Services in the future

13. On 12th September 2013, OSMC considered a report with a recommendation to incorporate the Corporate Parenting scrutiny function under the umbrella of the OSMC. However, this recommendation was not approved because the Director, People, withdrew the recommendation at the meeting. This was in recognition that the Lambeth approach was the preferred option, identified by Ofsted as best practice and the Corporate Parenting Committee was chaired by the Lead Member for Children and Young People. As the Council's constitution states that no person who is a member of the Executive shall be appointed a member of a Scrutiny Body it was recognised that the recommendation in the report was therefore not a viable option under the scrutiny arrangements.

14. The OSMC need to consider the most appropriate arrangements for implementing the actions detailed above. The options available to scrutinise the multi-agency arrangements for the provision of early help and services to children and their families from children's social care include:

- OSMC dedicate regular meetings to the scrutiny of the performance of Children and Families Services.
- The HOSP continue to be the Panel that is responsible for the scrutiny of Children and Families Services and dedicates adequate time in meetings for this, or, given the important and growing health and social care agenda, schedules additional meetings to scrutinise the performance of Children and Families Services.
- Reconsider the option of incorporating the Corporate Parenting scrutiny function under the umbrella of the OSMC.

- The recommendation of the Council’s Management Team (CMT) to set up an additional Children and Families Scrutiny Panel for 2 years. In order to provide robust scrutiny of these services, it is vital for Members to develop their knowledge and understanding of Children and Families services. CMT’s view is that in light of the Ofsted recommendations on strengthening political scrutiny of these sensitive and complex services, it is necessary to consider special arrangements which can then be reviewed after a period of time. Otherwise there is a danger that because of the full agendas of OSMC and HOSP, it will not be possible to give the necessary rigour to the scrutiny of Children and Families Services.

RESOURCE IMPLICATIONS

Capital/Revenue

15. It is recognised that the recommendation of the Council’s Management Team (CMT) to set up an additional Children and Families Scrutiny Panel which will contribute to council priorities of prevention and early intervention and protecting vulnerable people, will require some additional resources.

Property/Other

16. None

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

17. The duty to undertake overview and scrutiny is set out in Part 1A Section 9 of the Local Government Act 2000.

Other Legal Implications:

18. None

POLICY FRAMEWORK IMPLICATIONS

19. Improving the effectiveness of the political scrutiny of children’s safeguarding will help contribute to the following priorities within the Council Strategy:
- Protecting vulnerable people
 - Prevention and early intervention

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	All
<u>SUPPORTING DOCUMENTATION</u>	
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.	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

DECISION-MAKER:	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE		
SUBJECT:	FORWARD PLAN		
DATE OF DECISION:	16 OCTOBER 2014		
REPORT OF:	ASSISTANT CHIEF EXECUTIVE		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Mark Pirnie	Tel: 023 8083 3886
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	E-mail:	Suki.sitaram@southampton.gov.uk	
STATEMENT OF CONFIDENTIALITY			
None			

BRIEF SUMMARY

This item enables the Overview and Scrutiny Management Committee to examine the content of the Forward Plan and to discuss issues of interest or concern with the Executive to ensure that forthcoming decisions made by the Executive benefit local residents.

RECOMMENDATIONS:

- (i) That the Committee discuss the Forward Plan items listed in paragraph 3 of the report to highlight any matters which Members feel should be taken into account by the Executive when reaching a decision.

REASONS FOR REPORT RECOMMENDATIONS

1. To enable Members to identify any matters which they feel the Cabinet should take into account when reaching a decision.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. None

DETAIL (Including consultation carried out)

3. The Forward Plan for the period October 2014 – January 2015 has been circulated to members of the Overview and Scrutiny Management Committee. The following issues were identified for discussion with the Decision Maker:

Portfolio	Decision	Requested By
Leader's	Response to Scrutiny Panel A Recommendations	Cllr Moulton
Leader's	Planning Enforcement Policy	Cllr Moulton
Environment & Transport	Residents Parking Policy	Cllr Moulton

4. Briefing papers responding to the Forward Plan items identified by members of the Committee are appended to this report. Members are invited to use the papers to explore the issues with the decision maker.

RESOURCE IMPLICATIONS

Capital/Revenue

5. The details for the items on the Forward Plan will be set out in the Executive decision making report issued prior to the decision being taken.

Property/Other

6. The details for the items on the Forward Plan will be set out in the Executive decision making report issued prior to the decision being taken.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

7. The details for the items on the Forward Plan will be set out in the Executive decision making report issued prior to the decision being taken.
8. The duty to undertake overview and scrutiny is set out in Part 1A Section 9 of the Local Government Act 2000.

Other Legal Implications:

9. None

POLICY FRAMEWORK IMPLICATIONS

10. The details for the items on the Forward Plan will be set out in the Executive decision making report issued prior to the decision being taken.

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	None directly as a result of this report
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SUPPORTING DOCUMENTATION

Appendices

1.	Response to Scrutiny Panel A Recommendations – Maintaining Balanced Neighbourhoods Through Planning
2.	Response to Scrutiny Panel A Recommendations – Maintaining Balanced Neighbourhoods Through Planning – Appendix
3.	Planning Enforcement Policy
4.	Planning Enforcement Policy – Appendix
5.	Residents Parking Policy
6.	Residents Parking Policy – Appendix 1
7.	Residents Parking Policy – Appendix 2

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.	Dependent upon forward plan item
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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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SUBJECT: RESPONSE TO SRUTINY PANEL A RECOMMENDATIONS –
BALANCED NEIGHBOURHOODS THROUGH PLANNING

DATE: 16 OCTOBER 2014

RECIPIENT: OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

THIS IS NOT A DECISION PAPER

SUMMARY:

A report is scheduled to be presented to the 21 October 2014 meeting of Cabinet requesting that proposed responses to the recommendations of Scrutiny Panel A's Inquiry into Balanced Neighbourhoods through Planning are received and approved. This report, attached as Appendix 1, sets out a response and, where appropriate, specific actions, in respect of each of the Panel's recommendations.

BACKGROUND and BRIEFING DETAILS:

1. On 12th September 2013, the Overview and Scrutiny Management Committee agreed the indicative terms of reference for an Inquiry examining the contribution that planning can make to maintaining balanced neighbourhoods. The set objectives of the Inquiry were:
 - To review how effectively the City Council's Article 4 and HMOs Supplementary Planning Document is working
 - To increase understanding of the various Government proposals to relax permitted development rights, including those relating to extensions and office-to-residential conversions, and to consider whether a local response should be developed
 - To consider the Council's approach to planning enforcement
2. The Inquiry was undertaken by Scrutiny Panel A with information presented to 6 meetings from November 2013 to May 2014. The final report was approved by OSMC on 12th June 2014.
3. The recommendations are grouped under the following key themes:
 - Houses in Multiple Occupancy
 - Planning Enforcement
 - Permitted Development Rights
 - Community-Led Planning
4. The recommendations contained within the final report are summarised as Appendix 1, with proposed actions set out against each recommendation.

BRIEFING PAPER

RESOURCE/POLICY/FINANCIAL/LEGAL IMPLICATIONS:

Financial

5. The resource implications are discussed in relation to each recommendation, where applicable.

Property / Other

6. None.

Legal

7. The responses require the exercise of a range of statutory powers, primarily under Town & Country Planning legislation.

Policy

8. The report is in line with the Policy Framework.

Appendices/Supporting Information:

- 1 Proposed Responses to Scrutiny Panel A's Recommendations

Further Information Available From:

Name:	Simon Rowberry
Tel:	023 8083 2044
E-mail:	simon.rowberry@southampton.gov.uk

SCRUTINY PANEL: MAINTAINING BALANCED NEIGHBOURHOODS THROUGH PLANNING INQUIRY – FINAL REPORT

RESPONSE TO RECOMMENDATIONS

	Recommendation	Response
	<i>Houses in Multiple Occupation SPD</i>	
i	That the Administration reconsider the HMO SPD thresholds once accurate and soundly based information on housing need and HMO numbers in Southampton, and the tipping point at which communities become unbalanced has been gathered. The Panel recommend that this happens as soon as possible, but no later than September 2015. The Panel believe that working with the universities in Southampton, perhaps through commissioning a specific investigation, e.g. as a student dissertation topic, could be a way forward here. Information gathered could be used in conjunction with the emerging details on location and HMO numbers emanating from the implementation of the Additional HMO licensing scheme in 4 Wards of the city. The Panel ask that a) early consideration be given to Freemantle when determining appropriate thresholds, and b) that a consultative task force is established consisting of council officers, universities, representatives of resident’s associations and landlords to monitor progress and to advise on the exercise to accumulate evidence on the supply of, and demand for HMOs.	<p>Accepted.</p> <p>An indicative programme for undertaking this work is as follows:</p> <p>November 2014 – May 2015: Empirical research and data collection, followed by formulation of draft revised HMO SPD. This will include discussions with the two universities.</p> <p>Any proposals for changes to current thresholds will seek to take account of the particular characteristics, demographics and needs of each Ward in the City.</p> <p>June 2015: formal consultation on the draft revised HMO SPD with all stakeholders, including universities, residents groups, amenity groups, Councillors and the public</p> <p>July/August 2015: Any revisions will be undertaken that are appropriate in response to the consultation exercise</p> <p>September 2015: Consideration of the revised HMO SPD by Cabinet</p>
ii	That the Executive give consideration to how the HMO SPD can be amended to reflect the	This is accepted as one set of

	population density of HMO occupants rather than just property density. The Executive may, for example, consider utilising information derived from planning applications since March 2012, from the Additional Licensing Scheme, the location of halls of residence and whether an HMO is C4 or Sui Generis.	considerations to be taken into account in deriving a more rational methodology.
iii	That the Executive amend the HMO SPD to include no new HMOs which would 'sandwich' family homes.	This is accepted as one set of considerations to be taken into account in deriving a more rational methodology.
iv	That greater emphasis be placed on amenity and neighbourhood character when considering HMO applications.	These are already factors in the consideration of applications.
v	That the Council roll out the Additional HMO licensing scheme to areas within wards that have issues with HMOs as soon as legally and feasibly possible, and deals robustly with irresponsible landlords as the scheme moves into the enforcement phase, including prosecuting where appropriate.	Accepted in principle, subject to resource availability
vi	To address issues of the proliferation of To-Let signs the Panel supports the motion approved at the 19 March meeting of Council urging the Executive to make full use of all of the powers available to curb the excessive display of such signs, including consideration of the adoption of a Regulation 7 Direction under the Town and Country Planning (Control of Advertisements) Regulations, and a rigorous Lettings Board Code as adopted by Leeds City Council and others. The Council could, for example, consider the following easy and inexpensive proposals: a total ban in Conservation Areas, a ban on 'Let By / Sold By' boards, and a moratorium on 'Student Let' boards between (say) August and February.	<p>Accepted in principle – will undertake further research on measures implemented by other LPAs, including Nottingham and Leeds City Councils.</p> <p>The planning enforcement and HMO Licencing teams have been working closely together to progress this, alongside over 50 Lettings Agents and other stakeholders.</p> <p>In 2014/15 to date 260 letting boards have been removed. An additional HMO officer has been recruited in recent weeks, which will help maintain momentum.</p>

vii	<p>Development of new student accommodation benefits the wider market, as it frees up homes that are suitable for families and couples. It is therefore recommended that the Executive:</p> <ul style="list-style-type: none"> a) Engage with the two universities in Southampton and encourages the development of additional appropriate purpose built student accommodation; b) Review the Council's existing policy with a view to adopting the approach whereby the City Council insist that any student numbers are matched by a proportionate increase in purpose-built student accommodation, and by setting a target for the overall number of students living outside of university provided accommodation at each institution. 	<p>Accepted.</p> <ul style="list-style-type: none"> a) It is understood that these objectives are written into both university's plans. However, it is not possible for the City Council to insist on the development of further purpose built student accommodation. However, we can work with the universities to encourage this and to assist with the delivery on appropriate sites and locations b) This will be considered as part of the wider HMO SPD Review, in accordance with the programme and timetable set out in i) above
viii	<p>That the Council seek agreement with letting agencies and the Universities not to offer unlicensed/unapproved student accommodation to let.</p>	<p>Accepted.</p> <p>Early discussions will be held between the City Council and the universities to establish the most appropriate actions for delivering this. Further discussions are then likely to be required with key letting agencies within the City</p>
ix	<p>That the Executive consult with landlords to identify ways of increasing the attractiveness of areas within Southampton in which HMOs are currently significantly underrepresented e.g. by improving transport links.</p>	<p>Rejected – this is a function of the market.</p>
x	<p>If it is legal it is recommended that the Council develops a closer alignment between Planning and HMO Licensing ensuring that an application for an HMO License is only determined after planning permission has been ascertained. If this is currently illegal then the Council should write to the Government recommending a change in the law.</p>	<p>As soon as a planning permission is granted, information is passed to HMO Licensing. This is, therefore, current practice.</p>

	Planning Enforcement	
i	That the planning enforcement action plan is fully implemented, including clear guidance and standards on planning enforcement and the audit plan is completed.	Accepted. A revised and comprehensive Enforcement Policy, resulting from the audit, will be considered by Cabinet on 21 October 2014
ii	That, to act as a deterrent, successful enforcement action is publicised (may be included in Street CRED outcome publicity or through Stay Connected).	Accepted, but on a case-by-case basis.
iii	The Council makes direct representations to the Secretary of State at the DCLG and the Planning Minister requesting: <ul style="list-style-type: none"> a) The introduction of stop notices to stop unauthorised residential uses; b) Shifting enforceability to proof of intent instead of actual occupation; c) Stopping the ability to appeal about a planning decision and a subsequent enforcement notice; d) An additional fee for those who have applied for retrospective planning permission; e) Permission to confiscate rent for unauthorised HMO occupancy; f) Power to charge fees for HMO applications and appeals. 	Accepted.
iv	The Council strengthens checks on established use, with published guidelines.	Rejected, on grounds of cost.
v	The Council makes fuller use of the Proceeds of Crime Act where possible and Section 215 (untidy sites) notices.	Accepted in principle. This will be undertaken where it is expedient and effective so to do so and where resources permit.

	<i>Permitted Development Rights</i>	
i	To raise awareness, the Planning Service provides information to all Councillors about the Permitted Development Rights.	Accepted. An all-Member briefing will be held in late October/Early November 2014
ii	That the Council monitors the impact of PDRs with a view to taking appropriate action if it is considered that they are having a detrimental impact of the city.	The impact will be taken note of on the basis of the Council's normal planning activities.
iii	That the Council makes direct representation to the Secretary of State at the DCLG and the Planning Minister requesting that the Government reconsiders their position regarding including HMOs within the PDRs for residential properties.	Accepted.
	<i>Educate, Engage and Enforce</i>	
i	The Council supports Neighbourhood Plans across Southampton.	Reject – this is a matter for localities.
ii	With Councillors taking the lead, the Council pilots working on a street-by-street basis, with local residents, residents associations and landlords to address the problems associated with HMOs in certain communities.	Accepted – as part of the on-going Street CRED programme.
iii	The Executive review the resources allocated to deliver the Planning Service, particularly for enforcement, to ensure that it is sufficient to deliver the service required by the City of Southampton.	This is done on an annual basis, through the budget setting process. The issue of local fee setting will be raised in the letter to the Secretary of State.

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BRIEFING PAPER

SUBJECT: PLANNING ENFORCEMENT POLICY
DATE: 16 OCTOBER 2014
RECIPIENT: OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

THIS IS NOT A DECISION PAPER**SUMMARY:**

A report is scheduled to be presented to the 21 October 2014 meeting of Cabinet requesting that a revised Planning Enforcement Policy be approved by Cabinet. This Policy, attached as Appendix 1, sets out what the Planning Enforcement function does and how it is delivered to the service. It is not a legal document and does not seek to provide legal advice or to comment on individual cases, which will be judged on their individual circumstances.

BACKGROUND and BRIEFING DETAILS:

1. It is necessary to have a comprehensive and up to date Planning Enforcement Policy in place to ensure that:
 - Clear policies and procedures are in place for planning enforcement
 - Complaints received are prioritised, investigated, their progress monitored and resolved in a timely manner
 - Enforcement decisions are executed within statutory and legal timeframes
 - Staff are appropriately trained and qualified
2. The Council's Planning Enforcement Policy has not been reviewed since it was published in October 2008 and it does not reflect the updated National Planning Policy Framework, published in March 2012. The Policy has now been fundamentally revised and updated, and brought in line with the NPPF. The policy sets out:-
 - The purpose of planning enforcement (section 2)
 - What is, and is not, a breach of planning control (section 3)
 - How the Council decides whether to take enforcement action and possible outcomes (section 4)
 - How the planning enforcement team will deliver the service (section 5)
 - Clarification on how the Council prioritises complaints and timescales (section 6)
 - What happens if someone complains about you (section 7)
 - Customer care (section 8)
3. An important component of the policy is that it clearly sets out what customers (complainants and those complained about) can expect from the service, the procedures that will be followed and the possible outcomes flowing from those procedures. Once the policy is approved, a guidance leaflet will be produced and made available to the public, detailing the main elements of the policy.

RESOURCE/POLICY/FINANCIAL/LEGAL IMPLICATIONS:**Financial**

4. There are no direct implications arising from this report.

BRIEFING PAPER

Property / Other

5. None.

Legal

6. The powers are primarily contained within Town and Country Planning legislation.

Policy

7. The report is in line with the Policy Framework.

Appendices/Supporting Information:

- 1 Planning Enforcement Policy

Further Information Available From:

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Planning Enforcement Policy for Southampton City Council

(October 2014)

1.0 Introduction

1.1 This policy statement on Southampton City Council's ("the Council") Planning Enforcement Service describes what the service does and how we deliver the service to the community. It is not a legal document and does not seek to provide legal advice or to comment on individual cases, which will be judged on their individual circumstances.

1.2 The policy sets out:-

- The purpose of planning enforcement (section 2)
- What is, and is not, a breach of planning control (section 3)
- How the Council decides whether to take enforcement action and possible outcomes (section 4)
- How the planning enforcement team will deliver the service (section 5)
- Clarification on how the Council prioritises complaints and timescales (section 6)
- What happens if someone complains about you (section 7)
- Customer care (section 8)

1.3 It is important to remember that planning consent may not be the only consent required from the City Council. For example, Building Regulations approval, alcohol licence etc. may be required in addition to planning consent. This policy only covers matters relating to planning control. Property owners should satisfy themselves that all other necessary consents needed are in place to carry out the work or activity they are contemplating. Securing such consents can be a time consuming process and persons are encouraged to engage with the relevant regulatory bodies at the earliest opportunity to avoid frustrating delays at a later date.

1.4 Enforcement decisions and actions are taken in accordance with Government guidelines and Council Policy. The Department for Business Innovation & Skills published the Regulators Code in April 2014 and it sets out some principles for regulators when preparing enforcement policies:

1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow
2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views
3. Regulators should base their regulatory activities on risk
4. Regulators should share information about compliance and risk
5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
6. Regulators should ensure that their approach to their regulatory activities is transparent

This policy endorses all of these principles.

1.5 The ability to take enforcement action is currently delegated to the Planning & Development Manager under section 3.6.2 of the Officer Scheme of Delegation under the Council Constitution.

1.6 The Council has powers of enforcement in relation to other services, such as highways, environmental health, listed buildings, conservation and trees. These services are co-ordinated so that investigations are carried out under the appropriate legislation, but the Council seeks to ensure that any action taken is co-ordinated so that only one point of contact is required, wherever possible.

1.7 Co-operation with other external bodies (for example the Fire, Police Services and the Environment Agency) are an integral part of enforcement and these working relationships will continue to be developed in the future in order to make the most effective use of available resources and to ensure one point of contact, if possible.

2.0 The purpose of planning enforcement

2.1 The integrity of the planning service depends on the Council taking timely and effective enforcement action when appropriate. The Council is committed to providing an effective planning enforcement service and it is understood that public perception of the planning system can be undermined when unacceptable development is allowed to proceed, or to remain, without any apparent attempt by the Council to intervene. Even when development is considered to be acceptable, the Council has a role in explaining to the public why the development is considered to be appropriate and to encourage a planning application to be submitted so it can be fully assessed, public comments considered, and appropriate conditions attached, if necessary.

2.2 The Council realises that whether something requires planning permission is not always clear, particularly to members of the public, and so a free duty planning officer service is available for advice, via the Gateway service. If a definitive answer is required, then an applicant can submit a certificate of proposed lawful development to gain a legal decision from the Council. The Council also offers a paid-for pre-application advice service to improve the quality of an application for planning permission.

3.0 What is, and is not, a breach of planning control?

3.1 Whether something requires planning permission is not straightforward and while there are some fairly obvious breaches, such as building a new house without planning permission, many others are more difficult to define or less well known. For example:

- Works to a listed building
- Works to trees protected by a tree preservation order
- Stationing of a caravan or mobile home for use as a primary place of residence
- Breach of conditions attached to planning consents
- If someone does not build in accordance with the approved plans of their planning permission
- Failure to properly maintain land so that it affects the amenity of the area
- Unauthorised engineering works – even raising ground levels in the garden can require planning permission
- Failure to comply with terms within a Town and Country Planning Act 1990 Section 106 agreement

- The unauthorised display of advertisements

What is not a breach of planning control:

3.2 Many issues can require consent to be given by a landowner or a third party but do not require planning permission. Unfortunately, the Council is not able to get involved in issues that are between two private parties, as these are considered to be civil matters. Other matters may be of genuine concern, and may be covered by other legislation, but are not issues that the Council as Local Planning Authority can get involved with. Some of these are:

- Internal works to a non-listed building (Building Regulations may be required)
- Competition from another business
- Obstruction of a highway or public right of way (the police or highways authority may be able to get involved)
- Parking a caravan within the residential boundary of a property provided that its use is ancillary to the dwelling
- Clearing of land of overgrowth, bushes and trees (provided they are not subject to a Tree Preservation Order or owned by the Council)
- Operating a business from home where the residential use remains the primary use
- Boundary disputes – disputes about ownership are a private matter and cannot be controlled under planning legislation
- Deeds and covenants are a private matter between the signatories to the documents
- Insertion of windows in houses or bungalows - once a building has been occupied windows can normally be inserted into existing walls provided that there is not a planning condition to prevent the insertion of additional windows (check the original planning consent via a Gateway file request)
- Where development is 'permitted development' under the Town and Country Planning (General Permitted Development) Order 1995 (as amended)

4.0 How the Council decides whether to take enforcement action and possible outcomes

4.1 Where significant harm to amenity can clearly be demonstrated, then the Council will usually contact the person causing the breach to talk about the problem they have created. This will often result in a planning application being submitted or, where something is considered to be unacceptable, there will be a discussion about removing it. Only if the person causing the breach refuses to talk to the Council, or to resolve an unacceptable matter, will the Council take enforcement action.

4.2 Enforcement action is, however, discretionary. The Council has discretion as to whether to take enforcement action or not, and it is not a mandatory duty so to do. **Because something is a breach of planning control this is not, in itself, reason to take enforcement action.** Even when it is technically possible to take action, the Council is required to decide if such formal action would be “**expedient**” in the public interest. There needs to be harm actually being caused that is of sufficient detriment to warrant action being taken.

4.3 A breach of planning control is not normally a criminal offence in the first instance. Even if the Council is aware that someone is going to carry out works that require planning permission, it does not follow that it will be stopped. There would have to be considerable harm for the Council to seek an injunction to stop an unauthorised development taking place. It is recognised that this can be very frustrating for complainants, but the Council must operate within the legislative

framework as laid down. The Council reserves the right to take into account what benefits someone has created through carrying out unauthorised development. Any breach of the requirements of a formal Notice will constitute a criminal offence. Should this happen, the Council has the ability to seek to recover profits made either under the Town & Country Planning Act 1990 and/or under the Proceeds of Crime Act 2002 and will consider such an application to the courts for deliberate breaches.

4.4 The Council starts from a position of trying to resolve all breaches of the planning system through dialogue and normally formal action is a last resort. The Council is usually expected to give those responsible the chance to put matters right before serving a formal notice. However, when the breach of planning control is causing unacceptable serious harm or nuisance to public amenity, formal action will not be delayed by protracted negotiation or attempts to delay the process. Enforcement action will therefore always be commensurate with the seriousness of the breach of planning control.

4.5 It follows that any enquiry can result in many different outcomes, from the Council concluding that there is no breach of planning control, through to serving an injunction to stop a breach with immediate effect. Some possible options are summarised below, but if you make an enquiry, whatever the outcome, you will be fully advised about what the Council is doing and why.

- No breach established - after a site visit there is found to be no breach of planning control: for example the development is permitted development or is not within the control of planning legislation. No further action will be taken and all parties will be advised.
- There is a breach but it is not considered to be expedient to pursue the matter. If a 'technical' breach has taken place, for example a new garden fence has been erected that is only marginally over permitted development limits, then it is not normally worthwhile taking lengthy and expensive enforcement action over something that causes minimal public harm. The owner would normally be advised to submit a planning application to regularise the development but if they do not do so the case would be closed and the complainant advised. It is usually in the best interests of the property owner to regularise the problem, or they may run into problems when the property is sold.
- There is a breach and part of it is considered to be harmful. The Council may "under enforce" by serving a notice to secure a remedy to the most harmful part of the development, whilst leaving the lesser parts of the development untouched. For example, most garden fences can be 2m in height and it may be erected to 2.1m for the length and then one panel perhaps goes to 3m next to a neighbour's window. The Council may seek the removal of the 3m panel, but not to reduce the rest of the fence by 0.1m.
- There is a breach but it is 'immune' from action. It is possible that there has been a breach of planning control for some time but the Council has not been aware of it. If the building was substantially completed more than 4 years before, or a use commenced 10 years before, then the development can be considered to be immune from enforcement action. There are many caveats to these rules (for example, the period for residential use of a building is 4 years) and so more information will be required. The landowner would normally be advised to apply for a Certificate of Lawful Development to prove its immunity.
- If negotiation does not secure compliance with what the Council considers to be an acceptable solution, then it has the power to take formal action against

any breach. The nature of the breach will dictate which route the Council chooses to pursue. Depending upon what action is taken, the person responsible may get a criminal record. The Council will make in clear in correspondence (to the property owner or the person in control of the land) what options are open to them to remedy the breach of planning control, and the timescales within which to carry those out.

4.6 The Council is very keen to promote businesses in the city to ensure a healthy economy, which is seen as a central part of delivering sustainable communities. With this in mind, the Government has considerable concern that small businesses in particular should not be unduly jeopardised by hasty enforcement action. Therefore, the Council will always seek to ensure there is a good dialogue with a business that has carried out development without planning permission and, if a solution cannot be found, then consideration will be given to ensure any action that is taken is carried out to minimise the impact on the business if reasonable and possible. This may result in longer compliance periods being given to regularise development. However, this desire to work with businesses will not be at the expense of tolerating any unacceptable impact on neighbours. The Council will have to weigh up and balance the impact on the business and the harm caused to others.

Types of formal action

4.7 The Council has a range of formal powers under the Town and Country Planning Act, 1990 (as amended) that it can use to remedy breaches of planning control.

- Planning Contravention Notice – this requires persons to provide information in respect of the development and/or activities taking place on the land. These notices are often served as a first step, to gain information from the person carrying out the development and/or activity, before determining whether it is expedient to serve other formal enforcement notices
- Breach of Condition Notice – planning permission is usually granted with conditions and this Notice is served to require compliance with conditions. There is no right of appeal against this type of notice so it can be very quick at resolving problems.
- Enforcement Notice – this is the most frequently used formal notice and sets out steps required to remedy the breach. This notice can also be served in conjunction with a Stop Notice (see below). There is a right of appeal to the Planning Inspectorate against an Enforcement Notice, which can lengthen the process, and the notice will not take effect until the appeal has been determined. The period set for compliance with the Notice commences from the date of the appeal decision letter.
- Stop Notice / Temporary Stop Notice – these notices require unauthorised activities to cease either at three days notice or immediately.
- Section 215 Notice – provides the power to secure the proper maintenance of land and buildings where there is an adverse effect on the amenity of the area.
- Injunction - this may be obtained either from the High Court or the County Court and is usually served to take effect at short notice and can be served in anticipation of a breach that will occur, but the harm must be considerable to warrant such a step. Failure to comply with a Court Order may lead to imprisonment

- Prosecution – should any of the above notices not be complied with by the required date for compliance, then usually the first step in seeking compliance is to formally write reminding them of their responsibility to comply with the Notice. Failure to act on such correspondence will normally lead to prosecution. Fines are within the bracket of ‘up to £20,000’, but this limit can be lifted and sometimes urgent action will be taken.
- Direct Action – in extreme circumstances the Council can enter the land and carry out the required works itself and then place a charge on the land for the re-payment of costs incurred. The council may then seek re-payment of those cost and, if not paid, convert the Charge on the property to a Charging Order and potentially an Order for Sale

5.0 How the planning enforcement team will deliver the service:

5.1 The Planning Enforcement Service will:

- Investigate all alleged breaches of planning control which are reported in writing, by e-mail or by telephone, and where sufficient information is given to identify the site, i.e. an exact address and details of what harm (if any) is being caused as a result of the breach. Complainants should leave their details so we can keep them informed and check information with them.
- The Council reserves the right not to investigate anonymous complaints, especially if they are considered to be vexatious or when workloads are high, as such complaints are more difficult to follow up.
- Complainants details are treated confidentially and the Council will always seek to protect the identity of those making complaints but, in rare circumstances, the Council may be required to divulge details (usually through legal action). We will advise anyone of this before it happens and it is extremely rare. If you are concerned about your details being used, then try contacting a local residents group or Ward Councillor, as they may be prepared to make the complaint on your behalf.
- We will promptly register every case and acknowledge receipt within 5 working days. You will be given the name of the Enforcement Officer dealing with your complaint so you know whom to contact. We will then carry out some initial checks (usually including a site visit) and ensure the complainant is updated by phone, email, visit, or formally in correspondence within a further 5 working days of our initial findings, and be given the opportunity to comment on our initial findings.
- When cases take a long time i.e. on-going monitoring is required, we will ensure complainants are updated at least every 3 weeks, unless other timescales are agreed on an individual case.
- It is important to remember that often the success of a case relies on the complainant working with the Council to provide details of the breach, to give evidence where possible, and potentially to act as a witness. The Council will discuss this with you if it is required, and any refusal to be more involved than you are comfortable with will not stop the investigation of a case (unless evidence cannot be gathered as a result).

6.0 Clarification on how the Council prioritises complaints and timescales

6.1 It would be inappropriate to investigate and pursue all allegations with equal priority and intensity. Therefore each case is prioritised according to the seriousness of the alleged breach. This priority is decided by officers, and subsequently reviewed after an initial site visit. The scale of priorities (and this is not an exhaustive list of examples) is shown below:

1. Serious threat to health and/or safety. Permanent serious damage to the environment or amenity

Serious traffic hazard; contamination / pollution being created;
Loss of protected tree; works affecting the preservation or character of a Listed Building; certain types of demolition in a Conservation Area.
These are usually visited within 24 hours of the case being reported.

2. Less immediate but harmful with potential to escalate

Building works just commenced without permission; severe nuisance being created (noise, smells, congestion etc where there is also a breach of planning control). Non compliance with certain planning conditions (particularly pre commencement conditions).
These are usually visited within 48 hours.

3. Other breaches likely to remain stable

Development that has not been completed in full accordance with the approved plans, particulars or undertakings; an untidy site; non-compliance with other planning conditions.
These are usually visited within 5 working days, unless workloads are high and then they can take longer.

4 Other issues

Satellite dishes; unauthorised display of adverts; new fences (adverts and fences may go up in priority if there are highway safety issue).
These are usually visited within 10 working days, unless workloads are high and then they can take longer.

7 What happens if someone complains about you?

7.1 If you are contacted about an alleged breach of planning control, you are entitled to know what the allegation is (but not who made it) and to have the opportunity to explain your side of the case. We are aware that sometimes people make complaints due to neighbour disputes, and so we do not just believe an enquiry but will always seek to work with you to understand the facts of the case.

7.2 Initially a member within the Enforcement Team will visit the site. Due to time constraints, this is usually without any prior warning to the owner or any tenants / employees at the site. Officers are authorised to visit a site to investigate and will show identification when they arrive. Enforcement officers also have powers to obtain a warrant of entry where access is refused or refusal is anticipated. Wilful obstruction of a person exercising a right of entry is an offence so you should always seek to work with the Enforcement Officer. However, we are required to give 24 hours notice to insist on entry to a residential property but if you are happy to allow us access then we will usually take up that offer.

7.3 If the allegation refers to land or buildings in which you have no interest or involvement no action will be taken against you. If you are involved, the Planning Enforcement Service will advise you of the details of the breach and how it can be rectified. You may be served with a Planning Contravention Notice, which requires information concerning the alleged development. This notice is used to establish the facts of what has occurred and the details of those with an interest in the land, so that

the Council can determine whether a breach has taken place and who is responsible. It is a criminal offence not to complete and return such a notice within the specified timescale.

7.4 In the event of a breach being established, your co-operation will be sought to correct the breach, either by removing or modifying the unauthorised development, or by ceasing the unauthorised use or activity prohibited by a planning condition. A reasonable period of time, which will depend on the nature of the breach, will be allowed for you to do this.

7.5 In some circumstances you may be invited to submit a retrospective planning application or, other appropriate application if it is considered that consent may be granted, or an application for a Certificate of Lawfulness of Use or Development, where it can be shown that the breach is immune from enforcement action and therefore lawful.

7.6 If compliance is not secured through negotiations or the relevant retrospective application / Certificate of Lawfulness is refused, formal action may be instigated (see types of formal action above).

8 Customer care

8.1 The City Council is committed to offering a fair and transparent enforcement service to the community of Southampton.

8.2 Planning enforcement is a complicated area of law and care must be taken to arrive at a correct and appropriate course of action related to alleged breaches of planning control.

8.3 In exercising this policy, the City Council will offer all of its customers, whether they are complainants or those who may be in breach of relevant controls, adequate opportunities to fully state their case, to ensure that the correct decisions are taken to safeguard the built and natural environment of Southampton.

8.4 If persons are aggrieved with the Planning Enforcement Service offered to them, there is a complaints procedure, where complaints can be investigated. Stage One complaints will usually be investigated by the relevant Manager, and Stage Two complaints are handled by the Corporate complaints team. More details are available on the Council website.

8.5 If both stages of the procedure have been exhausted and a customer is still not satisfied, the matter can be investigated by the Local Government Ombudsman. They will make an independent investigation of whether maladministration has occurred by the City Council and if it has, recommend what remedy ought to take place. This may include the payment of compensation.

SUBJECT: RESIDENTS PARKING POLICY
DATE: 16 OCTOBER 2014
RECIPIENT: OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

THIS IS NOT A DECISION PAPER

SUMMARY:

A report is scheduled to be presented to the 18 November 2014 Cabinet recommending the approval of the Residents Parking Policy. The policy will provide a clear guide on where parking restrictions in residential areas are appropriate, a consistent framework for implementing, amending or removing these restrictions, design considerations for new parking restrictions, eligibility for permits in resident parking schemes and the Council's approach to enforcement of parking restrictions.

BACKGROUND and BRIEFING DETAILS:

1. The administration requested that an extensive review of Residents Parking Schemes be carried out in 2014. The three stages to this review were as follows;
 - A consultation of residents on the existing Residents Parking schemes
 - The development of a new Residents Parking Policy to underpin any changes
 - The implementation of any changes to Resident Parking Schemes as requested by residents
2. In March 2014, a consultation of all households eligible for parking permits in Resident Parking Zones was carried out. Over 14,000 surveys were posted to residents with 3186 responses received. The survey asked a range of questions in respect of the operation of the Resident Parking Zones (such as preferred days and hours of operation) and also whether the various zones should be retained, amended or removed. The majority of residents in all zones requested that the parking restrictions be retained, although there were some requests for amendments in specific areas or even individual roads. Southampton City Council (SCC) subsequently undertook to make changes to the parking zones where they had been requested.
3. The consultation of eligible households was followed by an internal consultation in May of SCC departments who have a related interest in Resident parking (including finance, legal, city development, planning policy, parking services).
4. The final stage of the consultation process was a city wide consultation in July/August on the resident parking schemes which was a web based survey hosted on the SCC website. The survey asked questions about the basic principles of Resident Parking Zones (such as what issues should be taken into consideration during the design phase and who should be eligible for permits). There was also an opportunity for resident groups to highlight a need for new resident parking zones (or extensions to existing ones). 114 responses were received to this survey.
5. A new policy framework is required to ensure that a consistent approach is adopted to implementing any new parking restrictions or making amendments to or removing existing ones. Other issues related to resident parking such as the eligibility of households in new developments and access to parking permits for landlords also need to be clarified. A new Residents Parking Policy has therefore been developed

BRIEFING PAPER

which seeks to address these requirements. This is attached as Appendix 1.

6. The main topics addressed by the proposed Residents Parking Policy are as follows;

- That SCC will not seek to *initiate* the process of implementing, amending, or removing parking restrictions in residential areas unless there is a need to address highway access or safety issues.
- That SCC will however respond to a request from a representative group of residents to investigate the implementation, amendment or removal of parking restrictions in residential areas
- The circumstances in which SCC consider H Bars, Keep Clear or No Waiting Restrictions an appropriate solution to parking issues in residential areas
- The circumstances in which SCC consider a Resident Parking Scheme an appropriate solution to parking issues in residential areas
- The process for introducing or making changes to parking restrictions in residential areas is established as below;
 - i) The Trigger Phase – A request from a representative group of residents to resolve parking issues is received
 - ii) The Design Phase – SCC will work with the group to design the new parking arrangements (including specifying the days/hours of operation, parking bay design, limited waiting periods etc)
 - iii) The Implementation Phase – All affected residents are consulted on the final design with a significant majority in favour required for the scheme to be implemented
- The criteria by which properties/vehicles are considered eligible for a parking permit and visitor permits in Resident Parking Scheme
- The non-resident individuals/groups/organisations who qualify for access to parking permits for use in Residents Parking Schemes
- The enforcement of parking restrictions in residential areas
- The circumstances in which parking permits may be cancelled or withdrawn

7. Following the consultation on parking restrictions in residential areas, an action plan to resolve issues as highlighted by the residents has been drawn up and is attached as Appendix 2. This is not part of the Cabinet decision, but is included to highlight the key outcome of the Resident Parking Review. The action plan will be implemented over a 12 month period.

RESOURCE/POLICY/FINANCIAL/LEGAL IMPLICATIONS:

Financial

8. There are no financial implications inherent in the policy

Property / Other

9. There are no property implications inherent in the policy

Legal

BRIEFING PAPER

10. Southampton City Council is the Local Transport Authority for the City and as such has the powers to implement Traffic Regulation Orders under the Road Traffic Regulation Act 1984. The Road Traffic Regulation Act 1984 enables the introduction of permit charges as part of a Traffic Regulation Order.

Policy

11. The Residents Parking Policy is compatible with the Local Transport Plan (LTP) and also the Local development Plan (LDP), these being the statutory planning documents for the City, and form part of the Council's Policy framework.

Appendices/Supporting Information:

- 1 Residents Parking Policy
- 2 Residents Parking Action Plan

Further Information Available From:

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1. Parking Restrictions in Residential Areas

Southampton City Council accepts that with the current levels of car ownership that parking in many residential areas can best be managed informally by local communities and therefore does not actively seek out areas where parking restrictions can be implemented. Residential roads should therefore generally remain as unrestricted, so that the available on-street parking can serve a range of needs for residents, visitors and other community service providers.

As the Highway Authority the Council may however consider proposing parking restrictions if;

- a) There are access issues for service and/or emergency vehicles,
- b) There is a significant risk of accidents or,
- c) Significant traffic delays or congestion is occurring - and these matters have arisen as a consequence of vehicles being regularly parked in specific locations on the highway (which includes the footway).

Policy Statement RP1

Southampton City Council will not *seek to initiate* the process of implementing parking restrictions in residential areas unless such restrictions are necessary to resolve highway access or road safety issues (see Policy Statement RP3).

Issues may also arise where an increased demand for on-street parking either leads to obstructive parking or significantly impacts on the availability of parking for residents within a reasonable distance of their property.

The Council will therefore respond to requests to investigate areas where residents feel there are parking issues occurring, provided there is evidence that this view is held by a significant group of residents within the locality. Requests should therefore ideally come from a formal residents association or other similar community group, although a petition from a representative sample of residents may also be appropriate means to trigger an investigation.

In the case of residents having difficulty accessing their property due to obstructive parking, the Council will obviously respond to individual representation provided there is evidence that it is a problem that occurs regularly.

Policy Statement RP2

Southampton City Council will undertake to investigate the implementation, amendment or removal of parking measures when;

- A formal request is received from a residents association, community group or representative sample of residents. to resolve parking issues occurring within an residential area
- A formal request is received from a residents association, community group or representative sample of residents to remove or amend parking restrictions within a residential area which are perceived to no longer serve the purpose for which they were implemented

2. Obstructive Parking

Excess demand for on-street parking may lead to difficulties accessing off-road parking, problems for service vehicles and road safety issues. Obstruction of the highway generally takes place where parked vehicles prevent:

- vehicles from passing along the carriageway
- pedestrians or wheelchair users passing along the footway
- vehicles or pedestrians using dropped crossings
- vehicles parking so as to limit the swept path of vehicles turning at junctions
- vehicles accessing a property from the highway

Highway Access and Road Safety

The primary purpose of the carriageway is for the passage of traffic (including pedestrians), though it is recognised that in residential areas vehicle traffic may be reduced to single flow over lengths of road by unavoidable demands for loading/unloading or resident parking. This would be generally accepted where traffic flow is still possible and any tailbacks are localised and of short duration.

Obstructive parking tends to have most impact on wider service vehicles which may lead to failed waste collections or more seriously the obstruction of emergency services. In these circumstances the Council may consider appropriate measures including no waiting at any time restrictions or restrictions that apply at peak traffic times (e.g. no waiting restrictions).

Persistent obstructive parking can also increase risk of accidents. Where clusters of injury accidents arise, with related causes, the Council will consider what measures may be appropriate to promote safety. An annual safety review assists in prioritising sites and measures based on cost and benefit analysis. Where no waiting at any time (double yellow lines) are requested to address road safety concerns, the history of injury accident data for the locality will be reviewed.

Policy Statement RP3

Southampton City Council will consider the introduction of parking restrictions (such as double yellow lines, single yellow lines or no loading at any time) in residential areas where the following circumstances have arisen;

- Service and/or emergency vehicles cannot gain access to a road due to parked vehicles
- There are significant road safety issues arising due to the location of parked vehicles
- Significant traffic delays and/or congestion is occurring due to the parked vehicles

Access to Property

Where vehicles park (without invitation of the owner) so as to obstruct vehicles from entering or exiting off-street parking over a legal vehicle crossing, the Council has the power to and will issue penalty charge notices for obstruction. Enforcement tends to be more effective where vehicles are parking in this manner for an extended period. Solutions can include;

- **Bar Markings** which are white lines that can be marked across the extent of a dropped kerb to highlight an access with a useable off-road parking area or a pedestrian crossing area.
- **Keep Clear Markings** which are intended to assist traffic entering and exiting accesses.

These markings are *advisory only* and do not affect the powers of enforcement. The Council's Civil Enforcement Officers may enforce obstruction of a dropped crossing providing it is not marked within a parking bay. Markings are intended for exceptional circumstances only, though with the increasing issues arising from obstructive parking in certain areas they are becoming more prevalent.

Policy Statement RP4

Where access to a property is being regularly obstructed by parked vehicles, Southampton Council will consider providing **Bar Markings** in the following circumstances:

- for medical or other essential service providers requiring access at all times
- for blue badge holders
- where there is restricted parking and evidence of obstruction of an access within a marked parking bay, or
- where there unrestricted parking and evidence of frequent obstruction that the Council has not been able to resolve through enforcement

Applications for bar markings would not be expected to be approved where residents intend to park across their own access or for part of a dropped kerb. A charge to cover the cost of for the provision and maintenance of a bar marking, may be applied.

As an alternative to **Bar Markings** (and where the circumstances outlined above apply) Southampton City Council will only consider providing **Keep Clear Markings** where there are high levels of traffic requiring access and frequent periods of prolonged obstruction from queuing traffic.

3. Parking Availability

Where there is excess demand for on-street parking community concerns may arise over the availability of parking for residents. The Council approach to these issues will be guided in part by whether the excess demand is arising from residents or from non-residents (e.g. commuters).

Excess Resident Parking

With increasing levels of car ownership, residential development, home-based business vehicles and reductions in off-street parking there are many localities where the demand for on-street parking from residents exceeds the available on-street capacity. Vehicles parking may then extend over footways, verges or in closer proximity to junctions. In these circumstances a Resident Parking scheme intended to deter non-resident parking would not generally be of assistance.

Households may themselves consider creating or extending off-road parking, which will require a legal vehicle crossing. Though this may increase parking capacity, it can impact on the overall appearance of the locality, if front gardens are removed to facilitate this.

Initial measures are likely to be targeted on assisting residents with significant mobility issues, that would be most affected by the inability to parking in close proximity to where they live. It is therefore Council policy to assist Blue Badge holders where needed by the provision of disabled persons parking bays.

Whilst the Council is not able to take responsibility for or make provision for parking for residents, where external funding becomes available for highway improvements consideration may be given to any cost-effective measures that may assist resident parking in areas where there is excess demand. This may include verge hardening or the provision of lay-by parking. The scope for this work is however increasingly limited with the pressure on public finances.

Whilst the current Resident Parking Zones in the city have been predominantly requested and designed to address non-resident parking issues, technically it would be possible to introduce a permit parking scheme to manage the demand for resident parking as an alternative to parking on first-come first-served basis. A permit scheme may constrain vehicle parking by limiting the number of permits available per property or by encouraging the use of off-road parking. As this would likely to be contentious, there would need to be evident and convincing community support before it would be considered.

Policy Statement RP5

In areas where there is shortage of on-street parking due to excess demand by residents in the immediate locality, Southampton City Council will only consider implementing a Resident Parking scheme if all of the following circumstances apply;

- A significant number of properties do not have off street parking provision
- There is sufficient on-street capacity for a scheme to be practical
- Formalisation of the on-street parking does not lead to access or safety issues (as outlined in Policy Statement RP3)
- Significant support for the proposal from residents has been demonstrated before investigations are carried out based on the understanding that the availability of parking permits will be extremely limited.

Policy Statement RP5 cont.

- Where parking issues may be displaced to neighbouring streets, these residents will also be consulted over any prospective permit scheme and boundary.

Excess Non Resident Parking

The Councils policy and practice in relation to non-resident parking is guided by the duration and purpose of parking, with particular differences between long stay commuters and short stay local community or business parking.

Long Stay Parking

Southampton has a quality public transport system with key hubs around the major attractions in the city (City Centre, the University of Southampton and the General Hospital) and there is an expanding network of cycle routes linking these hubs and residential areas. It is Council policy to support and promote sustainable transport as a means of reducing congestion, carbon emissions and air pollution.

The main area-wide resident parking schemes across the city have therefore been introduced at the request of communities to address long stay non-resident parking (e.g. commuter parking) around major attractions such as the City Centre, the University of Southampton and the General Hospital. These schemes are generally effective in deterring long stay parking, as the extended parking duration increases the likelihood of enforcement, which encourages a higher level of compliance. Also for people working or studying for an extended period the use of alternative modes of travel becomes more attractive. This is particularly evident for the University of Southampton where permit parking in areas where students live and study has been a contributory factor in the growth in the Uni-Link bus service, which is also providing a wider community service.

Policy Statement RP6

In areas where there is limited on-street parking capacity due to excess demand by non-residents (e.g. commuters), Southampton City Council will consider implementing a Resident Parking scheme if all of the following circumstances apply;

- There is sufficient on-street capacity for a scheme to be practical
- It can be demonstrated that the non-residents parking in the area are doing so for extended periods
- Formalisation of the on-street parking does not lead to access or safety issues (as outlined in Policy Statement RP3)
- Where parking issues may be displaced to neighbouring streets, these residents will also be consulted over any prospective permit scheme and boundary.
- Initial support for the proposal from a representative group of residents has been demonstrated before investigations are carried out

Consideration will also be given to;

- The proximity of local shops and businesses and the impact of the proposal on customer parking

Short Stay Parking

Short stay non-resident parking can be less intrusive, as the turnover of parked vehicles allows residents, visitors and service vehicles access to on-street parking. There can also be a range of local business and community service providers that depend on available on-street parking for customers or visitors.

Where difficulties arise from excessive demand for short stay parking, particular in the vicinity of business or community service providers, consideration may initially be given to whether proposing parking places with limited waiting may be appropriate to provide a higher turnover of customers/visitors and thereby reduce the extent of wider displacement.

Where the demand for short stay parking is generated over a wide area by a major attractor, permit parking restrictions may be appropriate, though the design would need to take into account how and if it could balance the range of local community needs for short stay parking, whilst still providing an effective means of assisting in increasing the availability of parking for residents.

Where the demand for parking is for the purpose of picking up and dropping-off passengers (e.g. around schools), whilst the Council accepts that this can be highly intrusive, the difficulties of enforcement could significantly undermine the effectiveness of any parking scheme and would therefore be considered as a low priority for funding.

Policy Statement RP7

In areas where on-street parking capacity is affected by short stay parking by non-residents (e.g. shoppers, parents dropping children at school, visitors to GPs, visitors to community/faith centres) Southampton City Council is unlikely to consider implementing a traditional Resident Parking scheme. Permit restrictions may be proposed if the following circumstances apply;

- Roads are significantly affected by non-resident parking for extended periods of time even if those non-residents are only staying for short periods
- A large trip attractor (e.g. football stadium) results in regular significant non-resident parking over a wide area
- There is sufficient on-street capacity for a scheme to be practical
- Formalisation of the on-street parking does not lead to access or safety issues (as outlined in Policy Statement RP3)
- Where parking issues may be displaced to neighbouring streets, these residents will also be consulted over any prospective permit scheme and boundary.
- Initial support for the proposal from a representative group of residents has been demonstrated before investigations are carried out

Consideration will also be given to;

- The proximity of local shops and businesses and the impact of the proposal on customer parking

Trigger Phase

As it is Council policy to introduce RPS schemes only at the request of communities, the initial *trigger* for an investigation of the viability of scheme will be a substantive request from a representative resident's group or association to address significant resident issues over the shortage of available parking generally arising from excessive non-resident parking (as outlined in Policy Statement RP1).

Policy Statement RP8

Once a request is received to investigate the implementation of an RPS, Southampton City Council will undertake an initial assessment of whether a RPS scheme would be viable in the locality. This may include:

- Whether the roads affected are adopted (i.e. maintainable at the public expense)
- The extent and duration of non-resident parking occupancy
- The attraction(s) for non-resident parking
- The impact on the local community (e.g. in terms of road safety, waste collection and availability of parking)

A viable area over which a scheme might be introduced to minimise the impact from displacement and to justify the relatively high cost of introducing new restrictions.

- What expectations there may be for promoting an alternative sustainable mode of travel
- What alternative measures may be more appropriate and Ward Councillor views
- Whether a prospective scheme would be an extension to an existing RPS Zone or a new Zone

Where a residents parking scheme is considered as a possible and appropriate measure, a survey may then be undertaken of residents and other interested parties to:

- Ensure residents are aware of the any permit charges that would apply, prospective permit entitlement and conditions that would apply to the scheme.
- Confirm within the viable scheme area that there is a convincing and sustainable majority of residents in favour of the scheme, taking into account both resident preferences and the survey response rate.
- Subject to appropriate community support, help to shape the scheme design to meet the balance of needs of residents, community services and any appropriate local business needs (e.g. short stay parking for customers)

If a prospective scheme is recommended through this process, then a scheme design will be finalised. Any final scheme approval will then still be subject to the requisite legal and public consultation.

4. Resident Parking Schemes

Resident Parking Schemes provide a means by which parking places or restrictions can be introduced for use by permit holders within an area defined as a Zone (e.g. Zone 1 around the Polygon). In order to make full use of the available on-street parking and for effective operation, it is Council policy that any permit holder for a specified Zone may park anywhere within the Zone.

By restricting permit entitlement the demand for available parking can be managed to assist eligible residents and other appropriate service providers in finding parking within a locality during the period restrictions apply. In order to fund the cost of this managed parking (e.g. introducing, administering, maintaining and enforcing a scheme), a scale of charges will apply, except where they fulfil and essentially medical or community needs.

Design Phase

Once Southampton City Council considers that the implementation of a Residents Parking Scheme may be an appropriate solution to the parking issues identified by local residents, the scheme will need to be designed. The main factors that need to be considered are as follows;

- Hours/Days of Operation – During which periods will the parking restrictions apply?
- Limited Waiting Periods – What short stay periods will be allowed to facilitate everyday access for visitors?
- Parking Bay Design – How will the on-street parking arrangements be formalised?

It is important (although not compulsory) to have strong community input into the design phase. If a representative group of residents can agree on how the scheme will work, then it is more likely to be accepted by all affected residents at the implementation stage.

Hours and Days of Operation

The period when parking restrictions apply can be defined in terms of the months, days and hours, taking into account the practicalities of signing. The standard operating period for a RPS scheme is based on weekday commuter parking (8am to 6pm, Monday to Friday), though this may be reduced or extended e.g. 8am to 10pm or Monday to Sunday, where there this reflects community needs and views.

Whilst the period should be guided by the peak periods of non-resident parking, consideration may also be given where appropriate to assisting permit holders in accessing available parking, subject to the cost and practicalities of enforcement. It may also be worth considering having restricted hours of operation only when there is parking demand by non-residents e.g. 8am – 10am when commuters are arriving for work.

Some variation of restriction periods may be possible within some Zones to reflect more localised parking issues and needs. This may not however be possible where the times of operation are defined by Entry and Exit signs, rather than the signing of individual parking bays.

Limited Waiting Periods

A scheme design should take into account a range of community needs and may therefore require a balance of different restrictions including:

- *Permit Parking (for permit holders to park)*
- *Limited Waiting (short stay parking for non-permit holders)*
- *Pay & Display Parking*
- *No Waiting at Any Time (double yellow line)*
- *No Waiting during a restriction period (single yellow line)*
- *Disabled parking bays*

- *No Loading or Loading restrictions*
- Unrestricted parking

Any provision for limited waiting should also take into account the maximum stay period and return period, with consideration of public interest and the practicalities of enforcement.

Most parking restrictions include an exemption for essential works or activities. Vehicle owners are advised to seek further guidance from SCC Parking Services where this may be required.

Parking Bay Design

All signing and on street markings need to be compliant with the Department for Transport's (DfT) The Traffic Signs Regulations and General Directions and introduced through due process by a Traffic Order under the Road Traffic Regulation Act.

In general resident parking restrictions are lined with marked parking places on the carriageway, with signs stating the regulations applying and restriction period. The restriction period may alternatively for certain zones be signed through Entry/Exit signs as part of *Controlled Zones*. Within Controlled Zones all kerbside has to be restricted.

Where properties have vehicle crossovers, it is Council practice to propose continuous restrictions, across accesses. This maximises the available parking capacity and thereby allows residents to make most use of the available kerb side

Within zones, where there roads or an area of roads with cul-de-sacs within which it would be difficult to mark parking places due to the narrow width or curvature, there is an option to introduce a *signing only* permit restrictions as a variant of the Controlled Zone, subject to the restrictions being permit holder parking only.

Development and Independent Resident Parking Schemes

Whilst there are benefits and some cost-savings from more standardised resident parking schemes, it is accepted that circumstances may require a more customised scheme design with specific restriction periods, permit entitlement and permit charges.

Development Resident Parking Schemes

The St Mary's Stadium scheme is an example of a *development* Resident Parking Scheme, with the following features:

- The scheme being introduced as a consequence of the development
- All set-up and life time costs being met by the development through a Planning agreement
- The scheme boundary being defined by the impact of the development, with related permit entitlement
- Restriction period defined by the impact of the development (e.g. Stadium events)

Independent Resident Parking Schemes

In certain circumstances the Council may consider proposing an *independent* Resident's Parking Scheme, where requested by a specific community, where the following criteria would apply:

- The scheme boundary would be fixed, rather than open to extension
- The scheme would have a dedicated Zone
- The charges for permits would need to cover the cost of introduction, administration, maintenance, enforcement and any other related costs.

Permit entitlement and any other terms of use would be designed for the specific circumstances of the scheme.

Policy Statement RP9

In designing the parking restrictions that would apply in a Resident Parking Scheme, Southampton City Council will;

- *Recommend* hours and days of operation that reflect the periods when there is demand for parking by **non-residents** unless the primary (or supplementary) purpose of the scheme is to manage the **residents'** demand for parking.
- *Recommend* a limited waiting period that reflects the demand for parking by visitors to the residential properties unless there is insufficient parking capacity or this would undermine the hours of operation.
- *Recommend* that parking bays provide the maximum possible parking capacity in the road space available but will instruct that the parking bay design does not obstruct the highway or significantly increase the risk of accidents.
- *Identify* that in some roads, lining parking bays may not be possible due to the lack of available road space and restrictions where practical.
- *Review* parking provision for reviewed for disabled residents.
- *Design* parking restrictions for roads/streets in their entirety (unless exceptional circumstances can be demonstrated).

Decision Phase

Southampton City Council will consult all residents within the proposed area on the design of the scheme to see if the proposal is accepted by a significant majority of residents to allow for people moving into and out of the area.

Subject to community approval for the design and available funding, the Council will then agree a timetable for drafting the relevant legal documentation and formally proposing the restrictions. As well as statutory notices in a local newspaper the Council will place public notices in the locality of the scheme and engage other known interest groups through appropriate media where practical. If there are objections received in response to the public notice, these will be considered in the context of this policy. Whilst minor concerns may be accommodated, any fundamental objections will ultimately have to be decided upon through the relevant Council decision making process.

If a Residents Parking Scheme is approved through due process, an implementation plan will be agreed and communicated allowing for:

- Communication of the outcome to residents and other interest groups
- Contracting any related requirements for signing and lining
- Time for eligible permit holders to apply for permits, once the permit entitlement register is finalised
- Sealing the legal regulations.

Overall the process from the initial community request through to implementation may take 12-18 months.

Policy Statement RP10

Once a prospective scheme has been designed to introduce, amend or remove a Residents Parking Scheme, Southampton City Council will consult all affected residents on the proposal with the following options;

1. This household is in favour of the proposal
2. This household is not in favour of the proposal
3. The implementation of the proposal would not affect this household

In order for a scheme to be formally proposed, there will need to be a significant response rate and a convincing majority of households which are in favour of the scheme (The households who have stated the 3rd option are not included in the total).

The Council will also consider the overall percentage of residents responding to a survey as a general indication of the level of community interest and priority for prospective funding.

Note – The proposal will include details of permit holder eligibility as outlined in Section 5

Removing a Residents Parking Scheme

In some cases, residents within an existing Residents Parking Scheme may decide that it no longer serves the purpose for which it was implemented and they wish to see the parking restrictions removed (Note that this will not apply to restrictions implemented for the reasons outlined in Policy Statement RP3).

The process for removing a Resident Parking Scheme is similar to that for implementing or amending parking restrictions of this nature. Before a formal consultation is carried out, residents will need to demonstrate that there is a reasonable support for doing so (as outlined in Policy Statement RP2).

Southampton City Council will then carry out an investigation to see what impact removing the Residents Parking Scheme or part of the Residents Parking Scheme will have on the neighbouring areas. In most cases, any impact will be to the area which is proposing to remove the parking restrictions, particularly if they are adjacent to areas which have parking restrictions in place and wish to retain them.

If there is no impact to neighbouring areas, Southampton City Council will carry out a formal consultation of all affected households (normally those eligible for a parking permit) with the outcome assessed as per the method outlined in Policy Statement RP10.

Policy Statement RP11

Provided there will be no significant impact to other residential areas, Southampton City Council will propose the removal of any parking restrictions not implemented for highway access or safety purposes if sufficient support for the proposal is demonstrated using the methodology outlined in Policy Statement RP10 (Note that this process will be applied to roads/streets in their entirety unless exceptional circumstances can be demonstrated).

5. Permit Eligibility

Resident Permits enable residents to park within the area with permit restrictions during the restriction periods. To assist in managing demand and to support sustainable travel, Council policy is to define eligible properties, limit permit entitlement and to set requirements for eligible classes of vehicle. There is provision for either an annual resident's permit or a temporary resident's permit. The temporary resident's permit is only intended as a short term provision for residents, for example whilst vehicle registration changes are arranged, otherwise eligible for an annual resident's permits. They are not available for use by visitors or by people staying at properties which are not their primary residence.

Eligible Properties and Permits per Property/Household

The entitlement boundary will generally be defined when a RPS scheme is introduced and on the basis of eligible properties with qualifying households using on-street parking within the Zone boundary prior to the introduction of permit restrictions.

Policy Statement RP12

Properties within Residential Parking Schemes are normally eligible for parking permits if;

- The property has a discrete postal address within the defined boundary of the zone
- An eligible vehicle (see Policy Statement RP13) is registered to the property
- Where the qualifying property either is within a Zone without deduction in entitlement for Off-Road parking, or where an entitlement remains after any appropriate deduction for Off-Road parking
- The property is not ineligible on the basis that it was built or subdivided after a set date (see Policy Statement RP14)

Vehicle Requirement

In order to help increase the on-street parking capacity within RPS Zones permit entitlement will be restricted to certain classes of vehicle, unless an exceptional provision is agreed.

In order to avoid misuse, a Resident permit will only be issued for specific vehicles, as defined by the vehicle registration, registered for an eligible household.

UK law requires that vehicles operating on UK roads for longer than six months, register with the UK Driver and Vehicle Licensing Authority (DVLA), pay the appropriate Road Fund License and be specifically insured as a UK vehicle. For this reason permits for non-UK registered vehicles may only apply for Temporary (3 month permits) Residents permits until the vehicle is UK registered.

Vehicles over 3.5 tonnes require an Operating Licence, which is dependent on the provision of appropriate off-road parking. These vehicles should not therefore be parked in residential roads other than for operational purposes (e.g. loading and unloading).

Policy Statement RP13

To make most use of the available on-street parking Resident permits will be limited to vehicles as follows:

- Passenger vehicles with a maximum of 8 seats under 5m in length
- Goods vehicles under 3.5 tonnes and under 5m in length

New Developments

In March 2001 the government published Planning Policy Guidance 13: Transport ((PPG13), which introduced maximum parking standards for new developments, *'as part of a package of measures to promote sustainable transport choices'*. PPG13 also stated that the *'availability of car parking has a major influence on the means of transport people choose for their journeys'*.

There is also a need to be consider that many Resident Parking Schemes have capacity issues at times of peak demand. New developments create additional demand for parking for which there may be no available on-street capacity.

For these reasons, developments built or subdivided after March 2001 are not eligible for parking permits unless there are exceptional circumstances.

Policy Statement RP14

Southampton City Council will exclude properties with planning approval (for build or sub-division) post to 31st March 2001 from entitlement to resident and visitor permits unless agreed on an exceptional basis. Any assessment of a request for an exceptional provision for permit entitlement for new developments may take into account the following:

- Whether the exclusion from permit entitlement was included within a S106 agreement
- The size of the development relative to the available parking in the locality
- Any preceding entitlement that may have applied to the curtilage of the property prior to development
- The likelihood of demands for similar properties in the locality
- The support and promotion of sustainable travel in the locality.
- Whether an applicant was residing in the property prior to the introduction of a resident parking scheme.

The issue of any form of permit entitlement will remain at the discretion of the Council.

Visitor Permits (for residents visitors)

In many localities within RPS schemes there is a provision for short stay parking, which together with unrestricted parking outside of hours/days the schemes operate can meet the needs of residents' visitors.

Where the needs for residents' visitor parking cannot be met (e.g. where there is an extensive area of permit holder only parking) the Council provides three types of visitor permit to assist residents. The permits may not be used as an alternative to Resident Permits and are only to be used for the purpose of visiting the permit holder. The same class of vehicle requirement will apply as for resident permits, unless agreed on an exceptional basis.

(Day) Visitor Permits

There is generally an entitlement and allocation of (day) Visitor Permits for households eligible for resident permits. These are currently high quality scratchcards designed to avoid fraudulent reproduction. A charge is applied to offset the cost of printing and issue, and to assist in deterring

misuse. The Visitor Permit allows a visitor to park a qualifying vehicle for the day that the permit is required. The Visitor Permit may be used within a maximum distance of the permit holder's property.

Annual Visitor Permits

Where households have a high level of visitors during the restriction period, there is an alternative of an Annual Visitors Permit. A charge for these permits will apply to deter misuse and additional conditions of use may apply including:

- For use within a maximum distance from holders property
- Maximum stay of hours per day
- Maximum continuous period of daily use without prior notification

There will be a limit of one Annual Visitors Permit per household, and the overall number of these permits on issue within a Zone may be limited, if there is a significant shortage of resident parking.

Essential Visitors Permit

As part of a Council policy of supporting care in the community, a permit may be issued to an eligible resident in need of regular essential visits to provide care in the home. The permit will be issued to the person requiring care, and then may be used for visitors providing care and support. There is a limit of one Essential Visitor's Permit per household. There is no charge for the permit, though issue is subject to qualifying criteria and successful application. The permit may be used within 200m of the permit holder's property.

Policy Statement RP15

Properties within a Residents Parking Scheme that are eligible for Resident Permits (as per the guidelines outlined in Policy Statements RP12 to 14) will in most cases be eligible for a range of visitor permits. A limit may however be placed on the number of visitor permits issued, in order to assist in managing demand for on-street parking within the zone. This will be outlined in the proposal for the Resident Parking Scheme.

Southampton City Council will regularly review Visitor Permits to ensure they are meeting the needs of residents and are not open to abuse.

Southampton City Council will remove the right to Visitor Permits from any property where it is found that Visitor Permits have been misused.

Other Permits and Blue Badge Holders

Other Permits

The Council recognises local business and service providers may provide important support for the communities in which they work. A range of permits are therefore available, subject to meeting the qualifying criteria, and the following general principles:

- The issue or reissue of permits will be at the discretion of Council
- A limit on the number of permits available per provider subject to annual review
- Any appropriate Permit charges may be reduced for non-profit making organisations
- That the permit may not be used for any other purpose including residential parking in place of a resident's permit
- The limit of entitlement to specific classes of vehicle (e.g. passenger vehicles with a maximum of 8 seats, goods vehicles under 3.5 tonnes and motorcycles) or length of vehicle (e.g. 5m in length) appropriate to a residential area.

Policy Statement RP16

Southampton City Council will make a range of permits available, subject to limits on issue, for businesses, services and community groups to operate in areas where Residential Parking Schemes are in effect including:

- **Business / Temporary Business Permits** – These permits allow Businesses to make deliveries, provide services etc, in a Residential Parking Zone. A charge shall apply to these permits. Business Permits may not be available in zones with a significant shortage of weekday resident parking.
- **Landlord Permits** – This permit shall apply strictly to Resident Permit Zones where the Landlord owns properties to allow maintenance work and other service work to be carried out at those properties. A charge shall apply to these permits.
- **Medical Permits** – This is a permit that allows eligible medical staff to park in Resident Parking Zones and make health visits to residents in those zones. These permits are issued free of charge.
- **Community Support Permits** – This is a permit that allows community work to be carried out in within defined Resident Parking Zones. These permits are issued at the discretion of Southampton City Council, without charge.

Southampton City Council will regularly review the charges and conditions of use for these permits to ensure they are meeting the needs of the user groups and are not open to abuse.

Southampton City Council will remove the right to permits from any user where it is found that permits have been misused.

Blue Badge Holder Parking

Under the Council's Inclusion policy and in compliance with The Equality Act (see below) it is Council practice to allow vehicles displaying Blue Badges and being used for the purpose of transporting Blue Badge holders to park in residential permit parking places without the need for a resident's permit.

Policy Statement RP17

Southampton City Council allows Blue Badge Holders to park in Resident Parking Zones free of charge. Parking by Blue Badge Holders in Resident Parking Zones is subject to the normal conditions of use that applies to Blue Badges.

Disabled Persons Parking Bays

In some circumstances, disabled users will require access to a parking space close to their property, particularly if they have restricted mobility. In these circumstances, the Council will investigate the potential for implementing a disabled parking bay outside or close to the Blue Badge Holder's property.

Policy Statement RP18

Southampton City Council will consider providing disabled parking places to assist access for Blue Badge holders to their residence or community facilities, taking into account a range of criteria including:

- The Driver is a resident disabled person with a valid Blue Badge
- Where the applicant is not the driver, but a driver lives at the same address, a bay may be considered, providing that the vehicle is used as a regular means of transport for the disabled person
- There is no useable or accessible off-road parking.
- A car is registered and kept at the residence
- There are significant problems in accessing on-street parking
- There are no conflicting road safety requirements or other overriding interests.

The Council will carry out periodic reviews to ensure that the qualifying requirements for the provision of disabled persons parking bays are still met. If not, the bays may be removed, if it is in the public interest to do so.

Under the Equality Act 2010 it is unlawful for service providers to treat disabled people less favourably because they are disabled. Service providers have to make reasonable adjustments for disabled people in the way they deliver their services. This is so that a disabled person is not put at a substantial disadvantage compared to non-disabled people in accessing the services.

Provisional permit provision

The Council has the discretion to issue an exceptional provisional permit subject to review. Any assessment of a request will generally take into account:

- The individual merits of the request
- The availability of on-street parking in the locality and time when parking is most likely to occur
- Whether other similar requests would be expected to be fulfilled (e.g. from households in the same development)
- The support and promotion of sustainable travel in the locality.

Policy Statement RP19

Where an exceptional circumstance is not met by an existing permit provision, a provisional permit to meet this need may be issued at the discretion of Southampton City Council. Requests of this nature will be judged on their own merits and will be subject to review.

Southampton City Council will remove the right to permits from any user where it is found that permits have been misused.

6. Enforcement and Permit Abuse

Enforcement

Whilst the Council encourages all road users to comply with highway regulations, it is accepted that the level of compliance is increased and sustained through enforcement. The aims of the Council's parking enforcement team are therefore to:

- Enforce parking restrictions in a fair and consistent manner for the benefit of all parking users
- Provide safe parking places with clear markings and signage
- Keep streets clear to enable smooth traffic flow and protect public safety

In order to cover the parking regulations across the city, patrols are organised to provide both geographical coverage as well as relating the frequency of coverage to the level of contravention. The Council publishes an Annual Report covering the operation and performance of its Civil Parking Enforcement.

Policy Statement RP20

Southampton City Council will carry out regular enforcement of parking restrictions in residential areas and may issue a Penalty Charge Notice to any vehicle in breach of the parking restrictions.

If evidence of a persistent/recurring parking offence is received, Southampton City Council will allocate resources accordingly to resolve the issue.

Permit Abuse and Cancellation

It is recognised that minority of residents and other permit holders may misuse the permits that they have been allocated. The Council will actively investigate any reported instances of permit abuse and will subsequently take appropriate action.

Policy Statement RP21

Southampton City Council will cancel and/or withdraw permits in a range of circumstances including;

- if the qualifying criteria is no longer met,
- permits are misused by the permit holder
- permits are given to other non-qualifying drivers
- permits are expired
- payment is not cleared
- Enforcement or other Council staff are subject to any form of intimidation or violent behaviour

Further access to resident/visitor permits may be blocked to those properties/users/groups where misuse has occurred. The length of the ban will be at the discretion of Southampton City Council.

7. Other Issues

Unadopted Highway

Certain roads are “unadopted”, which means that they are not maintained at the public expense (the landowners are therefore responsible for maintenance). Current Council practice is not to propose parking regulations on roads that are unadopted. Parking in a private road without permission or a legal right to do so may be trespassing, and is a civil wrong for which redress may be obtained. Residents are advised to take their legal advice in these circumstances.

Vehicle crossovers

With increasing demand for on-street parking residents may wish to create or extend an area of off-road parking on their property, for which a vehicle crossover is required. This means that the kerbs are dropped from their normal height and the pavement or verge is strengthened to take the weight of the vehicle crossing it. It is not legal for vehicles to drive over a pavement or verge unless a vehicle crossover has been authorised and installed. This is because vehicles may otherwise damage the pavement or any pipes or cables that are buried underneath it. Planning permission is required if the vehicle crossover is to be installed on a Classified road and may be required for creating an extensive area of hard standing over a garden area. The removal of garden walls and gardens in conservations areas may also be restricted. Otherwise further details and costs are available through the application process.

8. Related Documentation

The legal regulations, permit charges and rules applying to resident parking schemes will be stipulated in a Traffic Order(s), available on request from the Council.

The required documentation and any other relevant terms and conditions are stipulated in the relevant application forms for permits, dropping crossing, bar markings and disabled person's parking bays.

A guide for residents on how permit parking schemes operate, current scheme criteria, and how communities may request such schemes will also be available from the Council.

The Parking Standards Supplementary Planning Document (SPD) provides more detail on how the Council will apply the contents of existing Core Strategy policy CS19 (Car & Cycle Parking) and other policies in the determination of planning applications for residential and non-residential developments.

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RPS REVIEW - INITIAL RANKING AT RPS AND ZONE LEVEL

Level / Priority	Category	Description	Possible Proposals
1. RPS	Permits	Landlord Permits	Requested by SCC Estates Management. Will need to offer single and multi-zone options, with caveats on misuse. Pricing to be determined.
		Community Service Permits	Formal replacement of Faith Permit with wider scope of use. Supported by the Policy Survey.
		Visitor Permits and Annual Visitor Permits	Survey highlighted some concerns over misuse of Visitor Permits particularly around the General Hospital. There is currently no distance limit on Visitor Permits. Annual Visitor Permits currently 250m from permit holders property and Essential Visitor Permits 200m. Suggested reduction to 100m for Visitor and Annual Visitor Permits.
	Vehicle Class exclusion	Extend Z1 exclusion of vehicles over 5m in length from entitlement to resident permits to Z2-12 & 16.	General concern over increase in commercial vehicles in residential areas. High-sided vans also may obscure visibility of pedestrians. May require some exemptions for existing permit holders.
	Foreign Vehicles	New limit of entitlement to only 2 x Temporary Resident's Permit (i.e. 2 x 3months = 6 months) until vehicle is registered and insured as a UK vehicle.	UK law requires that vehicles operating on UK roads for longer than six months MUST register with the UK Driver and Vehicle Licensing Authority (DVLA), must pay the appropriate Road Fund License and must be specifically insured as a UK vehicle.
	Post 2001 Entitlement	Mainly a requirement to provide more detailed statement in RPS policy regarding smaller developments which do not trigger an automatic S106 agreement.	Any refinements may however need to be part of RPS amendment
	Staff abuse	Request from Parking Services	To include within RPS Order reference to removal of permit if Council staff are subject to intimidation or abuse.
	<i>Independent RPS schemes</i>	There are existing unique schemes that were approved by the Council (e.g. Rockstone Place). It is intended to formalise this type of scheme where there is discrete community, where an independent RPS scheme could be introduced without any scope for future expansion and with dedicated permit charges and entitlement.	There is question of whether this should now be applied to the anomaly of the Z3 Centenary Quay permit allocation at £150 per year, which would require a TRO amendment. There is also a long standing RPS scheme request from Alexandra Quay that would be dependent on the approval of the RPS policy on independent RPS schemes.
1. Removal	Z16 Sandown Road	Preferences from survey in favour of removing scheme	A further survey would be appropriate given retention of permit restrictions in Medina Road and Sydney Road; then propose removal appropriate.

Level / Priority	Category	Description	Possible Proposals
2. Zone	Z1, Z4 & Z5	Review of provision for short stay parking	Survey responses and scheme design would allow for increased level of short stay parking, with a reduction medium term signing and lining costs by standardising longer lengths of restrictions. For Z1 should also be linked to congestion and parking issues around Springhill School.
	Z5 (Request from Parking Services)	Question of whether cost of over-laying stadium restrictions are still required in Z5.	As part of resident communication check on continued requirement for Stadium Event restrictions and signing
	Z2, Z3 & Z4	Survey highlighted shortage of parking for residents	Technical review to see whether there is any scope for creating additional parking capacity or usage.
	Z2 & Z3	Survey highlighted existing hours of operation related to shift patterns at Vosper Thorneycroft and could now be reduced	Further survey of residents to see if reduction of hours would be widely accepted
	Z7	Review of options to reduce impact of non-resident parking in the vicinity of SGH.	Range of possible options, which will need further work with SGH, Ward Cllrs and residents including: <ul style="list-style-type: none"> • Possible Zone division • Extended days and hours of operation • Possible permit holder only parking • Possible better offering for Blue Badges holders parking on site and more no loading /unloading restrictions around the SGH.
	Z6, Z7 & Z9	Review of issues around visitor parking for residents in signing only schemes	Signing only schemes do not have a permitted variant by the DfT allowing short stay parking. May prove only to be a communication requirement
	Z13,14, & Z15	Main issues highlighted around communication	Communication of how and when scheme operates, with fixture list and web pages for updates
3. Localities	Z4	Derby Road and Northumberland Road	Trial of marking parking bays with related management of DPB locations
	Z5	Rockstone Lane & Onslow Road	Change of restrictions and times of operation
	General	Review of community clusters where requested by Ward Councillors and linked to requests from individual roads	A small number of proposals may emerge from this.
4. Roads	General	Assessment of viability of individual road amendments (e.g. in context of Controlled Zone). Review of survey and other historical requests for minor changes in restrictions on roads within scheme areas.	A range of minor amendments may be surveyed and proposed.
5. New RPS requests	General	RPS policy will guide how future requests will be assessed, designed and decided upon.	Generally a more structured approach will assist in target funding where schemes will have most benefit and community support

DECISION-MAKER:	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE		
SUBJECT:	MONITORING SCRUTINY RECOMMENDATIONS TO THE EXECUTIVE		
DATE OF DECISION:	16 TH OCTOBER 2014		
REPORT OF:	ASSISTANT CHIEF EXECUTIVE		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY			
None			

BRIEF SUMMARY

This item enables the Overview and Scrutiny Management Committee to monitor and track progress on recommendations made to the Executive at previous meetings.

RECOMMENDATIONS:

- (i) That the Committee considers the responses from Cabinet Members to recommendations from previous meetings and provides feedback.

REASONS FOR REPORT RECOMMENDATIONS

1. To assist the Committee in assessing the impact and consequence of recommendations made at previous meetings.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. None.

DETAIL (Including consultation carried out)

3. Appendix 1 of the report sets out the recommendations made to Cabinet Members at previous meetings of the Overview and Scrutiny Management Committee. It also contains summaries of any action taken by Cabinet Members in response to the recommendations.
4. The progress status for each recommendation is indicated and if the Overview and Scrutiny Management Committee confirms acceptance of the items marked as completed they will be removed from the list. In cases where action on the recommendation is outstanding or the Committee does not accept the matter has been adequately completed, it will be kept on the list and reported back to the next meeting. It will remain on the list until such time as the Committee accepts the recommendation as completed. Rejected recommendations will only be removed from the list after being reported to the Overview and Scrutiny Management Committee.

RESOURCE IMPLICATIONS

Capital/Revenue

5. None.

Property/Other

6. None.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

7. The duty to undertake overview and scrutiny is set out in Part 1A Section 9 of the Local Government Act 2000.

Other Legal Implications:

8. None

POLICY FRAMEWORK IMPLICATIONS

9. None.

KEY DECISION?	No
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WARDS/COMMUNITIES AFFECTED:	None directly as a result of this report
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SUPPORTING DOCUMENTATION

Appendices

1.	Monitoring Scrutiny Recommendations –16 th October 2014
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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/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.	No	
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Overview and Scrutiny Management Committee: Holding the Executive to Account

Scrutiny Monitoring – 16th October 2014

Date	Portfolio	Title	Action proposed	Action Taken	Progress Status
14/08/14	Environment & Transport	Transport Plans for the next 15 years	1) That briefing notes on the current thinking regarding the western approach and the northern approach pinch points are circulated to the Committee.	Information circulated to OSMC on 08/10/14	Completed
			2) That details on the process that will be followed for determining the roads improvement programme be circulated to the Committee.	Following presentation of the proposed programme of works to the Cabinet Member and agreement being reached as to the prioritisation and funding mechanism, details on the process for prioritising spend will be forwarded to members of OSMC.	October 2014
			3) That the measures used to assess traffic flow in the city are circulated to the Committee.	Information circulated to the OSMC on 29/09/2014	Completed
11/09/14	Health & Adult Social Care	Adult Social Care Provider Services	1) That the Council publishes the list of all the Council funded services within the scope of the Adult Social Care proposals.	Information circulated to OSMC on 08/10/14 and will be published on the council website: http://www.southampton.gov.uk/living/adult-care/consultation.aspx	
			2) That, to maximise awareness, additional promotion of the remaining consultation events is undertaken, particularly the public consultation event on 22 nd October 2014.	Further invitation letters have been sent to families and carers of people using council-run services and work is underway with the Communications Team to ensure that the public event on 22 October is promoted as widely as possible, for example by complementing traditional routes with social media and "Stay Connected".	
			3) That the action plan relating to assessments is circulated to the Committee.	An appropriate person-centred review of each individual's eligible needs will be carried out to ensure a smooth transition to any new service. Full details will be contained in the	

Page 59

Appendix 1

Agenda Item 9

Date	Portfolio	Title	Action proposed	Action Taken	Progress Status
				Cabinet report seeking approval for any changes.	
			4) That, to build consensus, dialogue continues with stakeholders beyond the end of the consultation process.	Agreed	
			5) That statistics showing the occupancy levels of the Council's 3 residential homes over a period of time are circulated to the Committee.	See information below	Completed

Average occupancy levels of council's three residential homes, April 2009 to March 2014

	2009/10	2010/11	2011/12	2012/13	2013/14
Woodside Lodge	85.0%	91.9%	81.7%	71.2%	88.4%
Glen Lee	87.9%	90.8%	88.2%	82.0%	94.7%
Holcroft House	94.9%	97.8%	96.7%	96.7%	98.2%