

# Public Document Pack

## Overview and Scrutiny Management Committee

Thursday, 11th June, 2015  
at 5.30 pm

Council Chamber - Civic Centre

This meeting is open to the public

### Members

Councillor Fitzhenry (Chair)  
Councillor Fuller  
Councillor Furnell  
Councillor Galton  
Councillor Hannides  
Councillor Jordan  
Councillor Keogh  
Councillor McEwing  
Councillor Moulton

### Appointed Members

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

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

### Contacts

Karen Wardle  
Democratic Support Officer  
Tel. 023 8083 2302  
Email: [karen.wardle@southampton.gov.uk](mailto:karen.wardle@southampton.gov.uk)

Mark Pirnie  
Scrutiny Manager  
Tel: 023 8083 3886  
Email: [mark.pirnie@southampton.gov.uk](mailto:mark.pirnie@southampton.gov.uk)

## PUBLIC INFORMATION

### 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.

#### **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.

**Use of Social Media:-** The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, 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.

#### **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

#### **Procedure / Public Representations**

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

**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

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

#### **Dates of Meetings: Municipal Year 2015/16**

<b>2015</b>	<b>2016</b>
11 June	14 January
9 July	4 February
13 August	10 March
10 September	14 April
15 October	
12 November	
10 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 of 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 ELECTION OF VICE-CHAIR**

To elect a Vice-Chair to the Overview and Scrutiny Management Committee for the 2015-2016 municipal year.

### **3 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.

### **4 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.

### **5 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.

### **6 STATEMENT FROM THE CHAIR**

### **7 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

(Pages 1 - 2)

To approve and sign as a correct record the Minutes of the meetings held on 16 April 2015 and to deal with any matters arising, attached.

### **8 COUNCIL PERFORMANCE IN 2014/15** (Pages 3 - 10)

Report of the Leader of the Council outlining the performance of the Council against targets outlined in the Council strategy, attached.

**9 UPDATE ON THE CLOSURE OF WOODSIDE LODGE AND THE RESTRUCTURE OF DAY AND RESPITE SERVICES** (Pages 11 - 16)

Report of the Cabinet Member for Health and Adult Social Care updating the Committee on the closure of Woodside Lodge and the restructure of day and respite services, attached.

**10 FORWARD PLAN** (Pages 17 - 26)

Report of the Head of Legal and Democratic Services detailing items requested for discussion from the current Forward Plan, attached.

- HMO additional licensing designation for Shirley, Freemantle, Bassett and Millbrook wards

**11 OVERVIEW AND SCRUTINY HANDBOOK - 2015/16 REVISION** (Pages 27 - 52)

Report of the Head of Legal and Democratic Services requesting the Committee to review and approve an updated version of the Council's Overview and Scrutiny Handbook, attached.

**12 MONITORING SCRUTINY RECOMMENDATIONS TO THE EXECUTIVE**  
(Pages 53 - 58)

Report of the Head of Legal and Democratic Services detailing the actions of the Executive and monitoring progress of the recommendations of the Committee, attached.

Wednesday, 3 June 2015

Head of Legal and Democratic Services

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SOUTHAMPTON CITY COUNCIL  
OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE  
MINUTES OF THE MEETING HELD ON 16 APRIL 2015

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Present: Councillors Moulton (Chair), Hannides (Vice-Chair), Baillie, Coombs, Keogh, Dr Paffey, Stevens (Items 51-55), Thorpe and White

Apologies: Councillors Fitzhenry, Morrell, Mrs U Topp and Revd. J Williams

Also in attendance: Cabinet Member for Housing and Sustainability

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

It was noted that following receipt of the temporary resignation of Councillor Fitzhenry from the Committee, the Head of Legal and Democratic Services, acting under delegated powers, had appointed Councillor Baillie to replace him for the purposes of this meeting.

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

**RESOLVED** that the minutes of the Committee meeting held on 12 February 2015 be approved and signed as a correct record.

53. **FORWARD PLAN**

The Committee considered the report of the Head of Legal and Democratic Services detailing the item requested for discussion from the current Forward Plan.

**RESOLVED** that:

- (i) on consideration of the briefing paper relating to “Authority to set up a wholly owned Development Company to deliver city wide development” the Committee recommended that:-
  - (a) in setting up the board for the Development Company (DevCo) consideration be given to include non-executive experts as advisers;
  - (b) Cabinet ensures that during the development of the business case and in the establishment of the DevCo that its financing, planning processes and future development be transparent to both the public and Council; and
  - (c) further information be provided on the Housing Revenue Account (HRA) and General Fund borrowing ability.

54. **HOMELESSNESS IN SOUTHAMPTON**

The Committee considered the report of the Cabinet Member for Housing and Sustainability outlining the current position with regards to homelessness in Southampton.

**RESOLVED** that:

- (i) details be provided with regard to the provision of alternative funding for the next financial year for local welfare provision and the provision of a timeframe regarding when a decision would be made;
- (ii) social letting opportunities be pursued by the homelessness team with landlords and letting agencies, which had been discussed at the Southern Landlord's Forum and resulted in a recommendation within the Health Overview and Scrutiny Panel Inquiry into Homelessness;
- (iii) the wording of the Council tax summons be investigated with regarding to whether it could be amended to reflect the fact that Council tax debt might not necessarily lead to a Court order; and
- (iv) details be provided to the Safe City Partnership regarding the management of street begging.

55. **SCRUTINY PANEL - AIR QUALITY INQUIRY FINAL REPORT**

The Committee considered the report of the Chair of the Scrutiny Panel seeking approval of the Air Quality Inquiry report.

**RESOLVED** that:

- (i) the final report of the Scrutiny Panel, attached as Appendix 1 be approved and forwarded to the Executive for consideration and further action; and
- (ii) the Executive be requested to give further consideration to the development of a Low Emission Zone in Southampton as part of the Low Emission Strategy.

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

The Committee received and noted the report of the Head of Legal and Democratic Services detailing the actions of the Executive and monitoring progress of the recommendations of the Committee.



# Agenda Item 8

<b>DECISION-MAKER:</b>	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE		
<b>SUBJECT:</b>	COUNCIL PERFORMANCE IN 2014/15		
<b>DATE OF DECISION:</b>	11 JUNE 2015		
<b>REPORT OF:</b>	LEADER OF THE COUNCIL		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	Emma Lewis	<b>Tel:</b> 023 8091 7984
	<b>E-mail:</b>	Emma.lewis@southampton.gov.uk	
<b>Director</b>	<b>Name:</b>	Suki Sitaram	<b>Tel:</b> 023 8083 2060
	<b>E-mail:</b>	Suki.sitaram@southampton.gov.uk	

## STATEMENT OF CONFIDENTIALITY

None

## BRIEF SUMMARY

The Council Strategy 2014-17 was agreed last year and reflects the Council's contribution to the City Vision – '*Southampton, A City of opportunity where everyone Thrives*'. This report sets out the council's performance against the agreed measures and targets for 2014/15.

## RECOMMENDATION:

- (i) to note the Council Strategy 2014-2017 performance scorecard for 2014/15, including areas of excellent performance and areas of underperformance which are priorities for 2015/16; and
- (ii) to consider areas of performance that OSMC would like to have further discussions on in the future.

## REASON FOR REPORT RECOMMENDATIONS

1. To inform the Committee about the Council's performance in 2014/15 and to assist them in deciding specific areas for further consideration.

## ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. None.

## DETAIL (Including consultation carried out)

3. The Council Strategy 2014-17 was agreed last year and reflects the Council's contribution to the City Vision – '*Southampton, A City of opportunity where everyone Thrives*'. Specific measures and targets were also agreed to deliver the council's seven priorities. This report provides an early analysis of the performance in 2014/15, bearing in mind that some data is not yet available. The performance score card for 2014/15 is attached at Appendix 1.
4. In 2014/15, half of the 38 measures in the Council Strategy have shown improved performance, including the number of affordable homes delivered which was 422 homes against a target of 365 homes. Of these, just over a third of measures were on or over 10% above target and a quarter of measures were above the national average. It is important to highlight that the

Council's performance was better than national averages in the following areas:

- In 2014/15 the council led, multi-agency Families Matter programme in the city performed extremely well, with Southampton achieving a national rank of 7 out of 152 councils and 100% of families worked with by the programme being turned around. % of pupils attaining level 4+ in Reading, Writing and Maths at Key Stage 2 which was 81% for the city compared to 79% nationally.
- % of young people who are Not in Education, Employment or Training (NEET), where the city performance (4.80%) achieved the lowest rate of all core cities and our statistical neighbours and was better than the national average of 5.30%.
- % of children leaving care for permanence which was 33% compared to 24% nationally
- % of young people reoffending in a 12 month period from the original offence, which was 35%, down from 48.3% in 2013/14
- % repeat domestic violence and abuse cases returning to a Multi-Agency Risk assessment Conference (MARAC) which was 21.8% compared to 24% nationally.

5. However, the performance report shows nearly a third of the measures (11) were off or significantly off target including:

- % Pupils attaining 5 or more A\* - C grades at GCSE, including English and Maths
- Additional supported jobs and apprenticeships created through Employment and Skills Plans SPs for major developments
- % Older people who were still at home 91 days after discharge from hospital into reablement services
- Average whole system delayed days for transfers of care from hospital per 100,000 population
- Average number of days taken to place a child for adoption
- % Adult participation in sport and active recreation 3 times a week or more
- % Local Authority stock that is non-decent.

6. Work is currently underway with CMT members and Heads of Services to finalise targets for 2015/16. Consideration is being given to ensuring the measures are relevant, the targets are achievable and have an element of 'stretch' for improvement, and that there are plans in place to deliver improvements in performance. This work includes proposals to set new targets or retain current targets for the following measures:

- Additional supported jobs and apprenticeships created through Employment and Skills Plans
- Number of apprenticeship starts
- % Young people who are NEET
- Permanent admissions of older people to residential and nursing homes per 100,000 population
- Approved prospective adoptive families (per10,000 aged 0 -17 years)
- % Children leaving care for permanence
- First time entrants into the youth justice system
- % Young people re-offending in the 12 month period from the original offence

- % Repeat domestic violence and abuse cases returning to MARAC
- Number of unique customer online accounts.

## RESOURCE IMPLICATIONS

### Capital/Revenue

7. None.

### Property/Other

8. None.

## LEGAL IMPLICATIONS

### Statutory power to undertake proposals in the report:

9. This report is submitted pursuant to the arrangements under the Local Government Act 2000.

### Other Legal Implications:

10. None.

## POLICY FRAMEWORK IMPLICATIONS

11. Council Strategy 2014-17

**KEY DECISION?** No

<b>WARDS/COMMUNITIES AFFECTED:</b>	All
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## SUPPORTING DOCUMENTATION

### Appendices

1.	2014/15 Southampton City Council Performance Scorecard
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### Documents In Members' Rooms

1.	None
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### Equality Impact Assessment

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

#### Equality Impact Assessment and Other Background documents available for inspection at:

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

Performance against target

- Actual (or expected) value is at least 10% above target
- ★ Actual (or expected) value is on or within 5% of target
- ! Actual (or expected) value is between 5% - 10% off target or there is a medium risk that the target will not be achieved
- ▲ Actual (or expected) value is more than 10% off target or there is a high risk that the target will not be achieved

Which way is good?

- ▲ An upward trend is desirable
- ▼ A downward trend is desirable
- N/A Direction of travel or target status is not applicable
- ? No data available



Benchmarks

- 79% Performance is at or above the England national average
- 56.60% Performance is below the England national average
- \*650.6 2016/17 target is set below the England national average
- Best in class Performance of the best local authority or area in England

Appendix 1

Council Strategy Priority	Council Strategy Success Measures	Outturn 2011/12	Outturn 2012/13	Outturn 2013/14	2014/15 Outturn	Which way is good?	Year on Year Trend	Status against target	Target 2014/15	Target 2015/16	Target 2016/17	Director / service	HOS	Best in class	National Average	
Jobs for local people	<b>% Pupils attaining level 4+ in Reading, Writing and Maths at Key Stage 2</b>	72%	77%	81%	Next data release September 2015	<span style="color: blue;">▲</span>	<span style="color: blue;">▲</span>	<span style="color: green;">★</span>	3% above national average	4% above national average	5% above national average	People	Hilary Brooks	93%	79%	
	Southampton's performance (81%) has exceeded the national average (79%) by 2% for the second consecutive year indicating strong performance.															
	<b>% Pupils attaining 5 or more A*-C grades at GCSE, including English and Maths</b>	54.40%	58.10%	51.00%	Next data release October 2015	<span style="color: blue;">▲</span>	<span style="color: red;">▼</span>	<span style="color: red;">▲</span>	National average	3% above national average	5% above national average	People	Hilary Brooks	73.80%	56.60%	
	51% of Southampton pupils achieved 5+ A*-C GCSEs including English and Maths in 2014. This represents a 7.1% decline since 2013/14, and places SCC 129th out of 152 local authorities, representing a lower percentage than the national figure (6.9%) and South East (8.8%). This has resulted primarily from enhanced tracking and partnership arrangements, and it is an important sub-indicator for more vulnerable young people (who are more likely to be out of contact or 'unknown'). Often areas with low NEET percentages have high levels of 'unknowns', so Southampton's achievement in this respect is significant. This year's performance has seen some significant success, however, given the current trajectory the future targets remain challenging.															
	<b>% Young people who are not in education, employment or training (NEET)</b>	7.40%	6.30%	5.60%	4.80%	<span style="color: red;">▼</span>	<span style="color: red;">▼</span>	<span style="color: green;">★</span>	5.80%	5.20%	5.15%	Strategy, Skills & Comms	Denise Edghill	1.80%	5.30%	
	The % of people who are NEET continues to fall, and Southampton's performance remains better than statistical neighbours, core cities and all key comparators. The percentage of 'unknowns' has also reduced from a high of 12% in June 2014 to 6.6% in March 2015.															
	<b>% Care leavers not in contact or NEET</b>	56%	59%	69%	54%	<span style="color: red;">▼</span>	<span style="color: red;">▼</span>	<span style="color: orange;">!</span>	50%	41%	31%	People	Hilary Brooks	11%	42%	
	There has been a net increase in the number of young people that the service is in contact with, which means reporting of their NEET status is more accurate. There are currently 15 care leavers who are not in contact or NEET. Of the five that are NEET, three are for parenting reasons and two are in prison. There are a number of programmes underway across the council to support young people into training, education and apprenticeships.															
	<b>Number of apprenticeship starts</b>	1,852	2,000	2,072	1,900*	<span style="color: blue;">▲</span>	<span style="color: red;">▼</span>	<span style="color: orange;">!</span>	2,100	2,000	2,100	Strategy, Skills & Comms	Denise Edghill	Data not available	% change 13%	
	The latest release of Skills Funding Agency Apprenticeship data is available for Q3. It shows that apprenticeship starts in Southampton are expected to meet or exceed all targets, except for adult apprenticeships. Adult apprenticeships have reduced nationally due to changes in adult apprenticeship funding. The number of young people age 16-24 starting apprenticeships continues to exceed 2013/14 levels. Southampton's performance has dropped 8.3% since 2013/14. Due to lagged release of apprenticeship data, the data reported is the expected outturn as at quarter 3 and year-end analysis will be reported after the first quarter of 2015/16.															
<b>Investment in major development projects in the City (£millions)</b>	£12m	£17.5m	£0m	£167m	N/A	N/A	<span style="color: green;">★</span>	£167m	£38m	£193m	Place	Barbara Compton	Local indicator			
<b>Jobs created through major development projects in the City</b>	45	120	0	442	<span style="color: blue;">▲</span>	N/A	<span style="color: green;">★</span>	442	407	1,112	Place	Barbara Compton	Local indicator			
Progress has been made with investment in the city and the resultant creation of jobs, estimated on the basis of the floor space of a development. Further progress is being made with the start on site for the Watermark Phase 1 development which has to date signed up 6 occupiers for the units in the scheme. The Grosvenor Arts complex scheme is also progressing with the commercial units due to open in summer 2015. The targets for 2015/16 and 2016/17 are currently under review to ensure they reflect the latest progress position.																
<b>Additional supported jobs and apprenticeships created through Employment and Skills Plans for major developments</b>	228	133	219	195	<span style="color: blue;">▲</span>	N/A	<span style="color: red;">▲</span>	235	255	400*	Strategy, Skills & Comms	Denise Edghill	Local indicator			
Two new Employment and Skills Plans (ESP) have commenced for major projects: WestQuay Watermark and 60-64 St Marys Road. However, the final outturn for 2014/15 is lower than forecast, mainly due to postponement or delays within Watermark, East Street Shopping Centre and the Lidl Distribution Centre. These delays are significant causing the end use recruitment to be put back for most into 2016-17. While the level of apprenticeships and jobs has not been achieved during 2014/15 the target numbers will be rolled forward and will be factored into future year's targets. *Future targets are based on anticipated developments and will need to be reviewed each year to tie in with actual developments underway.																
<b>City employers signed up to the Living Wage</b>	Not known	Not known	5	5	<span style="color: blue;">▲</span>		<span style="color: orange;">!</span>	6	7	8	Strategy, Skills & Comms	Denise Edghill	69.48 / 1m population (London Region)	15.12 (Excl. London)		
Current local employers are Solent NHS Trust, Southampton Voluntary Services, Fairways Care (UK) Ltd, No Limits and The Health Insurance Group. Comparison data is only available by region, and shows that the Southampton rate per 100,000 population (19.71) is above the England average of 15.12 (excluding London due to the high concentration of business). Southampton City Council's Pay and Allowances work has included an overall review of paygrades and incorporated a living wage minimum level of pay. This will be fully implemented in June 2015, increasing the total number of employers in the city to 6. Work is underway as part of the Southampton Fairness Commission to promote the take up of Living Wage to local employers.																

**KEY**

**Performance against target**

- Actual (or expected) value is at least 10% above target
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**Which way is good?**

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**Benchmarks**

- 79% Performance is at or above the England national average
- 56.60% Performance is below the England national average
- \*650.6 2016/17 target is set below the England national average
- Best in class Performance of the best local authority or area in England

Council Strategy Priority	Council Strategy Success Measures	Outturn 2011/12	Outturn 2012/13	Outturn 2013/14	2014/15 Outturn	Which way is good?	Year on Year Trend	Status against target	Target 2014/15	Target 2015/16	Target 2016/17	Director / service	HOS	Best in class	National Average	
Prevention and early intervention	<b>% Pupils achieving a good level of development in Early Years Foundation Phase</b>	Definition revised - No data	50.80%	61.80%	Next data release September 2015	<span style="color: blue;">▲</span>	<span style="color: grey;">/</span>	N/A	National average	3% above national average	5% above national average	People	Hilary Brooks	76%	60.0% (2014)	
	Southampton's performance improved by 11% between 2013 (50.8%) and 2014 (61.8%). This was 3% above the national average increase of 8% (provisional), and Southampton's performance now exceeds the national average by 1.8%.															
	<b>% Families worked with by the Families Matter programme who have been 'turned around'</b>	No data	0.00%	66.40%	100%	<span style="color: blue;">▲</span>	N/A	<span style="color: green;">★</span>	100% (End of phase 1)	736 of 2,300 (32% of total)	1,127 of 2,300 (49% of total)	People	Hilary Brooks	100%	72%	
	Performance within Phase 1 of the project continues to be very strong achieving a national rank of 7th out of 152 local authorities. Phase 2 of the project, starting in 2015/16, is based on a new set of criteria and families. Work has begun to establish links with new families to work with during Phase 2.															
	<b>Permanent admissions of older people to residential and nursing homes per 100,000 population</b>	885.5	1005.6	971.0	854.17	<span style="color: red;">▼</span>	<span style="color: red;">/</span>	<span style="color: green;">★</span>	881.8	780	740	People	Mark Howell	199.4	*650.6	
	We have exceeded our target to reduce the annual number of admissions, achieving a reduction of 10.7%. We have also achieved a reduction in the rate per head of population of 12.0%. Targets have been set to improve but performance is likely to remain below the national average as pressure in the system continues. The integration and transformation of Adult Social Care with other health services aims to reduce future demand, but at this stage the level of change cannot be predicted with any accuracy.															
	<b>% of older people who were still at home 91 days after discharge from hospital into reablement/ rehabilitation services</b>	87.9%	87.7%	87.39%	72.41%*	<span style="color: blue;">▲</span>	<span style="color: red;">/</span>	<span style="color: red;">▲</span>	90%	90%	90%	People	Mark Howell	100%	82.5%	
*PROVISIONAL DATA: Outcomes have been determined for 61% of older people eligible for inclusion in this indicator and we are contacting service users to identify the remaining outcomes. The remaining data is currently being analysed. It is expected that performance will show a decline compared with 2013-14. One of the reasons for this is that we are supporting more older people in their own homes by reablement them to help them maintain their independence, rather than admitting them into residential care. As a result more older people are dying at home, and the national description of the methodology for calculating this indicator makes it clear that when someone dies at home they cannot be counted in the figures for those remaining at home 91 days after leaving hospital. This potentially means that the more successful our reablement team becomes, the worse the outturn for this indicator could be. We will highlight this issue to the Department of Health and seek to have the methodology amended for future years. In order to improve performance, the Adult Social Care team is also currently reviewing its referral pathways and during 2015/16 the Council will continue to work to integrate its services with Solent Health Care Trust; it is envisaged that this will help to improve performance in this area.																
<b>% Adult participation in sport and active recreation 3 times a week or more (NI8)</b>	25.0%	24.4%	24.1%	22.1%	<span style="color: blue;">▲</span>	<span style="color: red;">/</span>	<span style="color: red;">▲</span>	26%	27%	28%	Place	Mike Harris	36.3% (New Forest)	24.70%		
The latest results from the Active People Survey (APS8 Quarter 2) were published in June 2014 and provide results from April 2013 to March 2014. It is difficult to ascertain a specific reason for the drop in performance, however, these targets will need to be achieved in partnership across the City with Public Health, health commissioners, providers and employers. Getting the city more active is a priority action for the Health and Well Being Board. A partnership event, 'Southampton Gets Active', was held on 14th May 2015 to investigate how we can embed physical activity into the City's agenda. Partners and providers have committed to the next steps to take this forward.																
<b>% smoking prevalence</b>	21.9% (2011)	22.5% (2012)	21.5% (2013)	Next data release by Jan. 2016	<span style="color: red;">▼</span>	<span style="color: red;">/</span>	N/A	21%	20.50%	20%	People	Andrew Mortimore	10.52%	*18.4%		
In line with the continuing national experience, quit rates remain below target with 439 people setting a quit date using a locally commissioned service in Q3, leading to 204 four week quits. In 2014/15 Q3, 439 people set a quit date, compared to 175 people in 2013/14. We are currently off target at the end of Q3 with 1,061 setting a quit date (target for all providers for 1,164), and 472 successful four week quits. It is encouraging to note there has been considerable improvement in rates of smoking in pregnancy in the city for 2014-15, which may possibly be attributed to the introduction of routine carbon monoxide screening as part of antenatal care. 17.7% of women were smoking at first booking which is 1.2% points lower than the previous year. 15.3% of women were smoking at the time of delivery - 1.2 percentage points lower than the previous year. Overall, 22.1% (approx. 1 in 5) of those smoking at booking have quit at time of delivery (SATOD Data) - compared to 17.1% in the previous year. It is hoped that through the roll out of maternity carbon monoxide screening this improving trend will continue.																
<b>Mortality rate from preventable causes per 100,000 population</b>	237.5	228.1	222.6	222.6	<span style="color: red;">▼</span>	<span style="color: red;">/</span>	<span style="color: green;">★</span>	220	210	200	People	Andrew Mortimore	124.58	*183.9		
This indicator is updated on an annual basis by Public Health England as part of the Public Health Outcome Framework. As this is national health data there is a significant time lag and the latest data is published for 2011-13. The rate has remained the same for 2011-13. However, although the target is being achieved and there is a declining trend it should be noted that Southampton's rate is still significantly higher than the England national average.																

**KEY**

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- Actual (or expected) value is at least 10% above target
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- ! Actual (or expected) value is between 5% - 10% off target or there is a medium risk that the target will not be achieved
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**Which way is good?**

- ▲ An upward trend is desirable
- ▼ A downward trend is desirable
- N/A Direction of travel or target status is not applicable
- ? No data available



**Benchmarks**

- 79% Performance is at or above the England national average
- 56.60% Performance is below the England national average
- \*650.6 2016/17 target is set below the England national average
- Best in class Performance of the best local authority or area in England

Council Strategy Priority	Council Strategy Success Measures	Outturn 2011/12	Outturn 2012/13	Outturn 2013/14	2014/15 Outturn	Which way is good?	Year on Year Trend	Status against target	Target 2014/15	Target 2015/16	Target 2016/17	Director / service	HOS	Best in class	National Average	
Protecting vulnerable people	<b>% Children subject to repeat child protection plans</b>	14%	13%	16%	13%	▼		★	14%	13%	12%	People	Hilary Brooks	Not available	15%	
	The performance for repeat plans has dropped, however, this is due to an increase in the number of overall Child Protection Plans, where case loads have not been closed. The intensive support offered to children will need to be looked at to ensure that cases are stepped down earlier. Work this year has focused on moving children more quickly through the care system into adoptive placements. Further improvements should be seen through the Children in Care Tracking Panel, which has been set up to track children through the system and ensure they do not drift.															
	<b>Average number of days taken to place a child for adoption after entering the care system</b>	681	678	794	692	▼		▲	547	487	426	People	Hilary Brooks	360	647	
	This measure reflects factors such as the length of care proceedings, the complexity of children's needs, whether they are part of a sibling group and therefore how easy it has been to place them for adoption. The cohort of adoptions in Q4 included some children who had complex needs who waited longer for an adoptive family. Performance has improved significantly since 2013/14 and the overall trend for the year is moving closer to the target set. However, it remains off target and further action will be required in 2015/16.															
	<b>Approved prospective adoptive families (per 10,000 population aged 0-17)</b>	N/A	6	8	1	▲		▲	8	10	12	People	Hilary Brooks	Not available	4	
	The number of households approved for adoption has steadily increased, although the last quarter was off target due to the adoption panel prioritising matching children with adopters. A number of adopters are nearing completion of assessment and will be approved in the first quarter of 2015-16. Campaigns to raise awareness of the need for adoptive families and foster carers continue.															
	<b>% Children leaving care for permanence (Special Guardianship Order or Adoption)</b>	25%	34%	27%	33%	▲		★	30%	35%	37%	People	Hilary Brooks	Not available	24%	
	The positive trend for improving performance for children leaving care for adoption and special guardianship continued in Q4 as the result of timely planning in care proceedings and significant improvement in the performance of the adoption team. Now that the backlog of old cases have been cleared this trend is likely to continue throughout 2015-16 as robust planning is in place for children.															
	<b>First time entrants into the Youth Justice System per 100,000 population of 10 – 17 years</b>	931	1076	954	533	▼		■	800	500	460	People	Hilary Brooks	171	441	
	The year end performance represents a 45% reduction in comparison to the equivalent reporting period in the previous year. The national level has reduced by 15%. Out of Court cases continue to benefit from referral into Southampton's Early Help offer. The remit of the city's Joint Decision Making Panel will be expanded in 2015 to include mental health provision, through alignment with the NHS Liaison and Diversion scheme. The latest data is reported on a rolling basis, 6 months in arrears. The target for 2015/16 reflects the expectation that due to current interventions that there will continue to be a steady decline in first time entrants.															
<b>% Young people re-offending in 12 month period from original offence</b>	38.80%	46.80%	48.30%	35.00%	▼		★	42%	37%	35%	People	Hilary Brooks	17.60%	35.30%		
The Southampton re-offending rate below the national average; although it should be noted this is in part due to a larger cohort of young offenders. In order to continue to address re-offending robustly, within the context of a smaller cohort with complex needs, the YOS continues to work closely with the Youth Justice Board. In 2015, specific areas of focus will be offending by the Priority Young People cohort (to support further reductions) and offending by 10 – 13 year olds. Data is reported for the most recent cohort which is published 12 months in arrears. Although reoffending has significantly reduced, the cohort remains unsteady and targets have been set to reflect a degree of fluctuation in the performance.																
<b>% Repeat domestic violence and abuse cases returning to a Multi-Agency Risk Assessment Conference (MARAC)</b>	20.1%	19.5%	24.0%	21.8%	▼		★	23.0%	22.5%	22.0%	People	Hilary Brooks	Range 28-40%	24%		
Year end data indicates an 8.5% increase in cases referred to MARAC compared to 2013-14 and an increase of 39% when comparing numbers to 2012-13. However, repeat referrals are decreasing, indicating interventions are resulting in better outcomes. The introduction of Prevention, Intervention and Public Protection Alliance (PIPPA) in 2012 has seen a steady rise in referrals from non-police referrals to the MARAC which indicates that the system is working effectively to encourage other agencies to identify, assess and respond to domestic abuse. Given the continuing high trend of domestic abuse cases being referred to MARAC there is likely to be continued pressure on the service, and the focus will continue on the high risk cases. Targets are set to reflect the current instability in the system.																
<b>Average whole system delayed days for transfers of care from hospital per month per 100,000 population</b>	345.9	488.28	443.5	514.97	▼		▲	454.7 Apr - Dec 14	441.9 Jan - June 15	No target set	People	Mark Howell	49.4	*277.14		
The year end target has been missed by 16%. As well as the ongoing demographic pressures faced by the city's whole system the main cause of delays in transfers for the City Council is the unavailability of Domiciliary Care Packages (especially complex double up packages of care) and to a slightly lesser extent suitable nursing home placements. There are three streams of work in train to address these issues 1) The ongoing re-commissioning process of all Domiciliary Care, tenders were re-let on 1st April and the Integrated Commissioning Unit are working on making not only a smooth and safe transition for residents but also on expanding the number of packages of care available to the Hospital Discharge team (HDT) and the Health and Social Care System as a whole. 2) Phase two of the transformation of the structure of the ASC team is on-going and will review the capacity of the HDT to ensure it is resourced to deal with the demands generated by the demographic profile of the City, this coupled with the ongoing, Better Care Fund BCF driven, integration of front line services such as Rapid Response, Reablement and City Care First Support should see an improvement in the availability of preventative services which in turn should help to push down the demand for Nursing Care placements. 3) Finally, conscious of the ongoing system wide issues over hospital discharge, the joint System Chiefs have commissioned Deloitte LLP to conduct a research project designed to identify any further actions or interventions which will help to drive delays out of the social care and health system in the new financial year. Deloitte started their field work in April and Cabinet will be kept up to date with the outcome of the study together with details of any further proposed interventions as we move through the year. 2015/16 targets are currently under review as planning guidance from NHS England only recently been received.																
<b>% People using social care who receive direct payments</b>	6.13%*	6.65%*	6.77%*	21.08% PROV.	▲	N/A	★	20%	25%	30%	People	Mark Howell	No data until new data release			
PROVISIONAL: This data is provisional. *The calculation for this indicator has been changed nationally and therefore cannot be compared to previous years. Previously the denominator included several thousand people who were not eligible for self-directed support. The new method of calculation focuses only on people for whom self-directed support and direct payments are appropriate, and therefore provides a more accurate picture of actual performance. Over recent years Southampton's performance in respect of direct payments has remained static and the Adult Social Care team have identified the need to re-launch the whole approach. A project designed to deliver a cultural change for employee's, residents and strategic partners in the voluntary sector alike has been launched, aimed at increasing uptake in demand. Employees and their team managers are being re-trained, procedures reviewed and updated and the Southampton Information Directory (SID) is being utilised as a means of raising the public awareness, not just of the availability of a Direct Payment but of the potential benefits of using that approach. New targets for increasing uptake will be set. In April there were more than 85,000 individual hits on SID which helps to demonstrate the potential power of this tool in the drive to increase Direct Payment take up.																

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Council Strategy Priority	Council Strategy Success Measures	Outturn 2011/12	Outturn 2012/13	Outturn 2013/14	2014/15 Outturn	Which way is good?	Year on Year Trend	Status against target	Target 2014/15	Target 2015/16	Target 2016/17	Director / service	HOS	Best in class	National Average	
<b>Good quality and affordable housing</b>	<b>Number of affordable homes delivered</b>	353	196	300	422	<span style="color: blue;">▲</span>		<span style="color: blue;">■</span>	365	365	365	Place	Barbara Compton	Local indicator		
	This quarter coincided with the end of a Homes and Communities Agency funding programme, so any schemes funded under that programme had to complete by 31 March 2015. There has been an average of 361 new affordable homes delivered over the last 2 years.															
	<b>% Local authority housing stock that is non decent</b>	3.02%	5.15%	6.46%	7.64%	<span style="color: red;">▼</span>		<span style="color: red;">▲</span>	5%	3%	2%	People	Nick Cross	0.00%	4.74%	
	Decency for Housing is based on the age of key elements of the property e.g. kitchens, bathrooms and windows. In the new year, as new elements of a property come up for renewal they will trigger non-decency of the property. Specific programmes of work are under way or are planned for the current year to address the identified deficiencies. The electrical periodic test and inspection programme, roofing programme and ECO Energy efficiency improvements (the latter two have both been delayed), will improve this position through 2015/16 back to anticipated levels of non-decency. The energy efficiency of a property is another way of assessing decency, which is indicated by the SAP energy rating of a property. The current overall SAP rating for Southampton local authority owned properties is D (based on an energy efficiency score from A to G, where A is the most efficient).															
<b>Services for all</b>	<b>% Care leavers in contact and in suitable accommodation</b>	61%	63%	70%	79%	<span style="color: blue;">▲</span>		<span style="color: green;">★</span>	80%	85%	90%	People	Hilary Brooks	100%	88%	
	There have been improvements in the number of young people in touch with the service, which means outcomes can be more accurately reported. Work continues to establish better methods of engaging and staying in touch with our care leavers and work ongoing to improve the range of accommodation options.															
	<b>% Household waste sent for re-use, recycling and composting</b>	24.40%	25.20%	26%	28%	<span style="color: blue;">▲</span>		<span style="color: yellow;">!</span>	30%	34%	36%	Place	Mitch Sanders	66.75%	*41.59%	
	Composting performance has reduced due to the recent poor weather. Glass recycling tonnages are still not as high as anticipated, it is however expected that these will increase with the change to collecting glass and recyclables in the same vehicle in separate compartments. Quarters 3 and 4 also saw a reduction in garden waste collection, and a downturn in paper recycling due to the Aylesford Mill going into receivership. Tonnages of kerbside collected recyclables have remained constant when other authorities are experiencing a decline in tonnages. Tonnages of recyclables at the Household Waste Recycling Centre (HWRC) have reduced as the sites switch to winter hours. In 2015/16 the council is able to count soil that is recycled from the HWRC within its recycling performance which should push performance upwards. The council along with its partner authorities in Hampshire is lobbying the Government to allow the tonnage of bottom ash that is currently recycled to be included in the recycling performance figures. This would increase Southampton's recycling performance to 37%.															
<b>City pride</b>	<b>% of 'A' roads requiring urgent structural maintenance</b>	12%	10%	11%	Data available June 2015	<span style="color: red;">▼</span>		N/A	13%	13%	13%	Place	Rob Harwood	1%	*6%	
	<b>% residential roads requiring urgent structural maintenance</b>	12%	14%	17%	Data available June 2015	<span style="color: red;">▼</span>		N/A	20%	20%	20%	Place	Rob Harwood	No data published nationally		
	Data is obtained through an annual survey undertaken at the end of the financial year. Targets are based on current levels of investment. The next survey will be completed in June 2015.															
	<b>% Residents who take part in volunteering</b>	14%	14%	39%	Next survey 2016	<span style="color: blue;">▲</span>		N/A	No survey	42%	No survey	Strategy, Skills & Comms	Suki Sitaram	Not available	44%	
<b>A sustainable council</b>	<b>% Residents satisfied with Southampton as a place to live</b>	81%	81%	82%	Next survey 2016	<span style="color: blue;">▲</span>		N/A	No survey	84%	No survey	Strategy, Skills & Comms	Suki Sitaram	Not available	84%	
	<b>% Residents who feel that Southampton is a place where people from different backgrounds get on well together</b>	78%	78%	63%	Next survey 2016	<span style="color: blue;">▲</span>		N/A	No survey	70%	No survey	Strategy, Skills & Comms	Suki Sitaram	Not available	*86%	
	Work is underway through Southampton Connect to take a city-wide collaborative approach to improve city pride and community capacity. Results are from the Southampton City Survey 2014, with the next survey due in 2016.															
	<b>% Residents agreeing council offers value for money</b>	40%	40%	44%	Next survey 2016	<span style="color: blue;">▲</span>		N/A	No survey	50%	No survey	Strategy, Skills & Comms	Suki Sitaram	Not available	*53%	
<b>A sustainable council</b>	<b>% Residents satisfied with how the council runs things</b>	52%	52%	59%	Next survey 2016	<span style="color: blue;">▲</span>		N/A	No survey	64%	No survey	Strategy, Skills & Comms	Suki Sitaram	Not available	*72%	
	Results are from the Southampton City Survey 2014, with the next survey due in 2016.															
	<b>Number of unique customer online accounts</b>	No data available			Data available June 2015	<span style="color: blue;">▲</span>		N/A	N/A	No target set	50,000 by December 2015*	No target set	Transformation	Stephen Giacchino	Local indicator	
	The improved 'My Southampton' account was soft launched on March 2nd 2015. In Qtr 3 there were 8,782 (6,766 Council tax, 1,754 Housing Benefit claimants, 226 Landlords, 36 Business Rates) individual accounts and since March over 1000 new accounts have been established. Work is underway to identify any further active accounts within other services across the council that need to be linked into a strategic 'My Southampton' single sign on. *A target of 50,000 active 'My Southampton' accounts are forecast by December 2015, subject to the decision and procurement arrangements for the strategic account platform being completed in May 2015.															
<b>A sustainable council</b>	<b>% Transactions completed online</b>	No data available			Data available June 2015	<span style="color: blue;">▲</span>		N/A	N/A	To establish baseline		Transformation	Stephen Giacchino	Local indicator		
	The potential range of online transactions is extensive and work is underway to establish a clearly defined range of measurable transactions to be included in future monitoring by June 2015.															



<b>DECISION-MAKER:</b>	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE		
<b>SUBJECT:</b>	UPDATE ON THE CLOSURE OF WOODSIDE LODGE AND THE RESTRUCTURE OF DAY AND RESPITE SERVICES		
<b>DATE OF DECISION:</b>	11 JUNE 2015		
<b>REPORT OF:</b>	CABINET MEMBER FOR HEALTH AND ADULT SOCIAL CARE		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	Paul Juan	Tel: 023 8083 2530
	<b>E-mail:</b>	paul.juan@southampton.gov.uk	
<b>Director</b>	<b>Name:</b>	Mark Howell	Tel: 023 8083 2743
	<b>E-mail:</b>	mark.howell@southampton.gov.uk	
<b>STATEMENT OF CONFIDENTIALITY</b>			
Not applicable			

## BRIEF SUMMARY

This paper provides an update on the closure of Woodside Lodge residential care home and outlines the progress being made with reviewing the needs of individuals currently using day and respite services provided by Southampton City Council.

## RECOMMENDATIONS:

- (i) That the Committee note the progress being made with implementing the Cabinet decisions relating to the closure of Woodside Lodge residential care home and the restructure of day and respite services directly provided by the council.

## REASONS FOR REPORT RECOMMENDATIONS

1. The Chair of the Committee requested an update.

## ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. No alternative options were considered and rejected.

## DETAIL (Including consultation carried out)

### WOODSIDE LODGE RESIDENTIAL CARE HOME

3. Woodside Lodge is a 27 bed residential care home for older people living with moderate or severe dementia, in Millbrook Ward.
4. On 16 December 2014, Cabinet approved the closure of Woodside Lodge, when all of its residents have been supported to move to suitable alternative care settings. At the time of the decision, there were 13 residents.
5. Following a thorough assessment of their needs, a further nine residents have so far been supported to move: one person has moved to another Southampton City Council home; five people have moved to a residential care home managed by a charity; one person has moved to a private residential care home; one person moved to a nursing home; and one person had to be admitted to hospital before their move could be considered

and has sadly since passed away.

6. Of the four remaining residents, one is currently waiting for a room in her family's preferred home to become available; one is scheduled to move in the next fortnight to a private residential care home; one is being assessed for additional NHS funding to meet complex needs; and one is awaiting an assessment for a nursing placement. Social workers will continue to support these individuals and their families with all of these moves and issues.
7. Reviews of the new placements are being completed to monitor the quality of care being provided and to ensure that needs are being met.
8. Consultation with trade unions and staff affected by this closure has now concluded, with a view to avoiding compulsory redundancies. The home will not close until suitable alternative placements have been found for all of the remaining residents. It is envisaged that the closure could take place in September 2015.

### **SOUTHAMPTON DAY SERVICES**

9. On 15 January 2015, Cabinet authorised a restructure of Southampton Day Services, including the closure of council-provided services delivered from their St Denys and Freemantle Community Centre bases and the closure of all associated satellite services. Cabinet directed that these services should not close until a comprehensive review of each individual service user's needs had been carried out and, where appropriate, they had been supported to move to suitable alternatives or take up a Direct Payment.
10. At the time of writing, 150 of the 248 (60%) reviews required have been completed by a dedicated team of social workers and care managers, with the remainder scheduled for completion by 31 July 2015.
11. Some individuals have already been supported to move to alternative day services; a small number have taken up or increased the scope of their Direct Payments (15); some are undergoing a structured transition to a new service, with additional 1-1 support provided where needed; some have still to decide which alternative service to move to; and some have needs that can best be met by the remaining Southampton Day Services at Woolston or Sembal House.
12. The Council has worked with Southampton Mencap to hold a "New Opportunities" event, to showcase the wide range of alternative activities and services currently available locally from third sector and private providers. Individuals, carers and families affected by the reviews have all been invited to the event on 8 June 2015 and an update will be given at the meeting on 11 June.
13. The Integrated Commissioning Unit (ICU) has proactively worked with the council to amend the current contract with SPECTRUM Centre for Independent Living (CIL) to support the review process. As part of this, SPECTRUM CIL has held information sessions at all of the main council day services sites to help individuals and their families understand the support available to those wishing to take up Direct Payments.
14. In line with the Cabinet decision, when all of the reviews have been completed, the findings will be used to determine whether the council needs to commission any additional services to ensure that individuals' eligible needs are met. As part of wider discussions with the market, the flexibility to

provide alternative day services and personal assistant sessions has been discussed.

15. Early indications are that support for helping individuals to secure appropriate training and employment would be beneficial. Some of this additional support is being spot purchased but it may be that in the longer term resources are identified from current budgets for a commissioned approach.
16. There have been a number of expressions of interest in the creation of new social enterprise organisations to take the place of Southampton Day Services at St Denys and Freemantle and some of the satellites. The ICU has provided information and signposting for services wishing to become social enterprises and discussions are underway to identify how best to provide additional advice and support. The council's new Commissioning Board may have a coordinating role and is expected to support the development of community resilience and social enterprise. Potential alternative providers have expressed an interest in being tenants at St Denys and Freemantle community centres and this is being pursued.
17. The ICU is also considering how best to ensure that day services continue to meet the required quality and safety standards, including the potential for a Quality "Kite Mark", which carers and established day service providers have suggested would be helpful. This would also help to provide some assurance to individuals moving to services that are newly established or new to Southampton. Service users and carers will be encouraged to use Support with Confidence, an initiative run by Trading Standards which maintains a register of accredited organisations that have passed a number of checks and audits. There is no required quality standard, but the ICU Quality Team is looking at how providers, carers and service users can establish an improved understanding around the issue of quality.
18. A minimum of 45 days consultation with trade unions and employees affected by these closures is currently underway.
19. The Council has worked with individuals' and carers' representatives to establish a Review Oversight Group to monitor the approach taken and progress with the reviews. So far, this group has met twice. An outcome of the group is that Southampton Mencap is coordinating a survey to monitor carers' satisfaction with the reviews process and outcomes.

#### **RESPITE SERVICE AT KENTISH ROAD**

20. On 15 January 2015, Cabinet authorised the phased closure of the respite service at Kentish Road and directed that it should not close until a comprehensive review of each individual service user's needs had been carried out and suitable alternative arrangements had been made to meet their replacement care needs.
21. The reviews of individuals' respite needs have been carried out alongside the day service reviews and, where appropriate, individuals are being supported to transition to respite placements with Shared Lives carers, alternative residential respite providers or suitable alternative arrangements funded by Direct Payments. These reviews are on schedule to be completed by 31 July 2015.
22. Where possible and appropriate, Shared Lives carers have offered individuals trials to see if this flexible model of respite can meet their and

their families' needs. So far, this has been well received and is enabling some individuals to begin to transition to using Shared Lives for respite.

23. The ICU is using early findings from the reviews to engage with potential providers of respite care to determine their capacity and willingness to meet current and future demands. This work is ongoing.
24. Individuals and their carers have been advised that Kentish Road will remain open at least until 30 September 2015 and bookings are being taken up to that date. This will be kept under review.
25. Consultation with trade unions and staff affected by the phased closure of Kentish Road is currently underway.
26. A further report on day and respite services will be considered by Cabinet on completion of the reviews.

## **RESOURCE IMPLICATIONS**

### **Capital/Revenue**

27. The Council's budget, approved in February 2015, contained the following savings for 2015/16: Woodside Lodge £200k, Southampton Day Services £270k and the respite service at Kentish Road, £100k.
28. A review of these savings for 2015/16 is required, but it is unlikely that they will be achieved in the manner intended, i.e. through the closures. This is because:
  - (i) Additional time has been needed to ensure that clients' assessed needs can be satisfactorily met by suitable alternatives, in line with the commitments made by Cabinet, and
  - (ii) Some individuals have transferred to alternative services, while existing ones remain open, which has led to additional costs.

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

29. The legal implications are as set out in the reports considered by Cabinet.

### **Other Legal Implications:**

30. The criteria used to assess eligible social care needs are contained in the Care and Support (Eligibility Criteria) Regulations 2014, which supersede the previous eligibility framework set out in guidance, known as Fair Access to Care Services.

## **POLICY FRAMEWORK IMPLICATIONS**

31. These Cabinet decisions are aligned to the following priorities set out in the Council Strategy 2014-2017:
  - Prevention and early intervention
  - Protecting vulnerable people
  - A sustainable council

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	ALL
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**SUPPORTING DOCUMENTATION**

**Appendices**

1.	None
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**Documents In Members' Rooms**

2.	None
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**Equality Impact Assessment**

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

**Equality Impact Assessment and Other Background documents available for inspection at: Herbert Collins House, 5 Northleigh Corner, Wide Lane, Southampton, SO18 2HR**

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.	Cabinet decision (16 December 2014): Future of Woodside Lodge <a href="http://www.southampton.gov.uk/modernGov/ieDecisionDetails.aspx?ID=779">http://www.southampton.gov.uk/modernGov/ieDecisionDetails.aspx?ID=779</a>
2.	Cabinet decision (15 January 2015): Future of Day Services in Southampton <a href="http://www.southampton.gov.uk/modernGov/ieDecisionDetails.aspx?ID=787">http://www.southampton.gov.uk/modernGov/ieDecisionDetails.aspx?ID=787</a>
3.	Cabinet decision (15 January 2015): Future of the Respite Service for Adults with Learning Disabilities <a href="http://www.southampton.gov.uk/modernGov/ieDecisionDetails.aspx?ID=786">http://www.southampton.gov.uk/modernGov/ieDecisionDetails.aspx?ID=786</a>

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<b>DECISION-MAKER:</b>	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE		
<b>SUBJECT:</b>	FORWARD PLAN		
<b>DATE OF DECISION:</b>	11 JUNE 2015		
<b>REPORT OF:</b>	HEAD OF LEGAL AND DEMOCRATIC SERVICES		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	<b>Mark Pirnie</b>	<b>Tel:</b> 023 8083 3886
	<b>E-mail:</b>	mark.pirnie@southampton.gov.uk	
<b>Director</b>	<b>Name:</b>	<b>Dawn Baxendale</b>	<b>Tel:</b> 023 8083 2966
	<b>E-mail:</b>	Dawn.baxendale@southampton.gov.uk	

<b>STATEMENT OF CONFIDENTIALITY</b>
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.

## RECOMMENDATION:

- (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.

## REASON 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 June 2015 – September 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
Housing and Sustainability	HMO Additional Licensing Designation for Shirley, Freemantle, Bassett and Millbrook wards.	Cllr Fitzhenry

4. A briefing paper responding to the Forward Plan item identified by members of the Committee is appended to this report. Members are invited to use the paper 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

<b>WARDS/COMMUNITIES AFFECTED:</b>	None directly as a result of this report
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## SUPPORTING DOCUMENTATION

### Appendices

1.	Briefing Paper – Additional Licensing Scheme For Houses In Multiple Occupation (HMOs)
2.	Licence fees (Appendix 1 of briefing paper)

### 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:** ADDITIONAL LICENSING SCHEME FOR HOUSES IN MULTIPLE OCCUPATION (HMOs)

**DATE:** 11 JUNE 2015

**RECIPIENT:** OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

---

**THIS IS NOT A DECISION PAPER**

**SUMMARY:**

The Cabinet Member for Housing and Sustainability will take a report to Cabinet on 14 July 2015, seeking approval for the designation of Freemantle, Shirley, Bassett and Millbrook wards as being subject to additional licensing of Houses in Multiple Occupation (HMOs), to come into effect on 20 October 2015 for a period of five years.

**BACKGROUND and BRIEFING DETAILS:**

1. Overview and Scrutiny Management Committee considered the proposal for an additional HMO Licensing Scheme for the Bargate, Bevois, Portswood and Swaythling wards on 18 February 2013 which was implemented from 1 July 2013 after Cabinet approval. At that time it was proposed that an evaluation of the scheme would be carried out with the intention of making further designations, as appropriate, across the city.
2. The evidence shows that a significant proportion of HMOs in Freemantle, Shirley, Bassett and Millbrook wards are being managed ineffectively giving rise to problems for either the tenants occupying them or members of the local community.
3. These problems include poor property conditions and antisocial behaviour, which are not being adequately addressed through the council's Mandatory Licensing Scheme (which covers HMOs comprising three or more storeys and occupied by five or more people) and other enforcement and regulatory measures available.
4. The council has considered alternative action, including the use of existing powers under the Housing Act 2004, but has determined that these will not be as effective in dealing with the problems outlined above when compared to an additional licensing scheme.
5. Making the designation would assist the council in dealing with the problems associated with HMOs without increasing homelessness or the number of empty properties. In conjunction with other courses of action, it would enable the council to focus on those areas with the most serious issues. The licensing scheme would give the council the resources it needs to robustly tackle problems and improve management and standards. The introduction of a licensing scheme would be a proportionate response to addressing community concerns about the local impact of HMOs whilst ensuring safe, good quality privately rented accommodation is available to meet housing need.
6. All reasonable steps have been taken to consult those who are likely to be affected by the designation and representations have been considered.

# BRIEFING PAPER

7. The outcomes of the existing additional HMO licensing designation in Bevois, Bargate, Portswood and Swaythling wards has been assessed and considered as part of the evidence. At the time the designation was made a commitment was made to evaluate the success of the scheme during its first three years of operation before designating other areas of the city, or the entire city, as being subject to additional licensing, as appropriate.
8. Consultation for the proposed licensing scheme ran for twelve weeks from 27 January 2015. The consultation was well-publicised and had a strong response from a broad range of interested parties, including landlords, landlord associations, tenants, residents and residents groups. 503 questionnaires were completed, many with detailed comments and there were also 21 written submissions made. Approximately 100 people attended three drop in sessions, a consultation forum meeting (all arranged by the council) and two landlord forums.
9. The majority of respondents believed that the correct area had been selected to form the proposed scheme (82%) and almost everyone who responded thought that all HMOs should be included (92%). In terms of the proposed aims and objectives, there was broad support (90% agreed strongly or agreed). The majority of responses (79%) either agreed or strongly agreed that the proposals for the scheme would ensure landlords manage their properties well and also that the scheme proposals would improve the condition of HMOs in the area (80%).
10. The written submissions contained differing views, with strong support for the proposals from tenants, residents, resident groups and many landlords. The Southern Landlords Association have worked closely with the council as part of the Landlord Consultative Forum since the implementation of the first Additional HMO Licensing scheme in 2013. They have expressed support for the scheme proposals and to continue working with the council as part of the Forum. The National Landlords Association was more cautious and expressed concerns about issues such as the impact of the proposed scheme on existing other services, the housing market being distorted and the fees being passed onto the tenants. A number of written submissions questioned the timing of the proposed second designation and the ability of the council to continue seeking out and dealing robustly with non-compliant landlords in the existing area as well as starting work in the proposed new designation.
11. All representations made in accordance with the consultation were considered and, as a result, the proposed scheme was amended to remove s257 HMOs from being included i.e. certain converted blocks of flats. Resident landlords with up to two lodgers are also not defined as HMOs.

# BRIEFING PAPER

12. Section 57(3) of the Housing Act 2004 states that when making a designation, the council must also seek to adopt a coordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector. These have been incorporated into the council's objectives for the proposed scheme as well as the existing scheme, to:
- Keep occupants safe by ensuring the effective management of all HMOs;
  - Improve living conditions by ensuring that appropriate facilities are provided;
  - Improve housing standards and maintenance within HMOs, with a particular emphasis on security, fire safety and thermal comfort;
  - Ensure that landlords exercise appropriate management and supervision of their properties to help reduce any adverse impact of HMOs on the neighbourhood and local communities;
  - Build on and expand existing partnerships with landlords, managing agents, tenants, universities, community groups and others;
  - Encourage and support owners and managing agents of HMOs to work proactively with the council to achieve clearly defined standards and effective management;
  - Facilitate stable and integrated communities through policy and the proactive targeting of risk-based and proportionate interventions;
  - Reduce the number of complaints about HMOs received by the council and its partners, such as universities and the fire service;
  - Have no adverse effect on homelessness in the city;
  - Ensure there is not an increase in the number of empty properties.
13. There are an estimated 2000 HMOs in the Freemantle, Shirley, Bassett and Millbrook wards. With an estimated 4500 HMOs in the Bevois, Bargate, Portswood and Swaythling wards this equates to the majority of the estimated 7000 HMOs across the city.

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

14. A local Housing Authority can designate an area within its district for Additional HMO Licensing pursuant to Section 56 Housing Act 2004. For the scheme to be lawful the Local Housing Authority must comply with sections 56 to 59 inclusive of the Housing Act 2004 and also follow the Communities and Local Government guidance, entitled "Approval steps for additional and selective licensing designations in England".
15. The legislation states that the authority must consider that a significant proportion of HMOs in the area are being managed sufficiently ineffectively as to give rise, or likely to give rise to one or more particular problems either to those occupying the HMO or for member of the public. Before making the designation the authority must take reasonable steps to consult persons who are likely to be affected by the designation, and consider any representations made.
16. Section 63 of the Housing Act 2004 gives the council the statutory power to charge fees for HMO licensing, including additional licensing. In particular, section 63(3) states that the council may, "require the application [for an HMO licence] to be accompanied by a fee fixed by the authority."



# HMO licence fees

HMOs are an important part of housing provision in Southampton and through the licensing scheme we want to encourage fully compliant HMOs and timely applications. We have updated the HMO fee structure to better reflect the actual time involved with HMO Licensing. In addition we want to continue to provide landlords with a choice of who they employ to carry out an inspection of their property for the HMO licence process, whether that be an officer from Southampton City Council or an independent HMO surveyor.

The fees below apply from **Monday 25<sup>th</sup> May 2015**.

<p><b>Southampton City Council HMO All Inclusive Rate</b> This includes all costs payable by the applicant in order that the council can process your application</p>	<p><b>£820*</b></p>
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## Compliant & Timely Applications (within 3 Months):

There are 2 types:

<p><b>Southampton City Council HMO All Inclusive Compliant Rate</b> This includes all costs payable by the applicant in order that the council can process your application.</p>	<p><b>£560*</b></p>
<p><b>Landlord Independent HMO Surveyor Compliant Rate</b> Where a HMO fully meets all relevant standards and the landlord arranges their own Certificate of Compliance from an independent surveyor registered with RICS or CIEH.</p>	<p><b>£250*</b></p>

*\*These charges are not subject to VAT*

In order to qualify for the compliant rate, SCC must receive your full and valid application:

- **Within 3 calendar months from the commencement of a designated Additional Licensing Scheme, or**
- **Within 3 calendar months of the property first being let as a licensable HMO, or**
- **Within 3 calendar months of becoming the person in control or manager of the licensable HMO, or**
- **Within 3 calendar months of the HMO Licence renewal date**

Please note that your application will be returned to you if it arrives outside this time period, or if it does not include all required certificates and the correct fee. You may then become liable to pay the higher fee.

## The Council also offers pre-application advice to landlords:

Pre-application advisory visit & verbal report on site	£60*
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## Transitional Arrangement: 25 May 2015 to 25 July 2015

This is for landlords who as of Monday 18<sup>th</sup> May 2015 have already had an initial inspection by an independent surveyor but have not yet submitted an HMO licence application. These landlords are outside the 3 month opportunity to use the new Landlord Independent HMO Surveyor Compliant Rate. These landlords will be currently carrying out improvement works (specified by the independent HMO surveyor) prior to applying for their HMO licence, and we will still accept these applications for two months (by 18<sup>th</sup> July 2015) with fees in line with the previous structure, please see below.


	Mandatory HMO Licensing	Additional HMO Licensing
<b>Independent surveyor route</b> Discounted rates for landlords who submit a survey completed by an approved, independent surveyor with their application	£340.00*	3 Occupiers = £140*
		4 Occupiers = £240*
		5+ Occupiers = £340*

\* These charges are not subject to VAT

## Explanation of Fee Levels

- Southampton City Council HMO All Inclusive Rate** – All parts of the process are included. An officer of the council will contact the applicant to arrange the necessary property inspection, which will be carried out by the Council. If any improvements are required to reach current standards then they will be included as a licence condition and you will be given full details and a reasonable timescale to complete them. As far as possible, inspections will be grouped together for applicants with several properties.
- Landlord Independent HMO Surveyor Rate** – To access this rate it is essential that the property is fully compliant with all HMO standards. Before making the application, landlords need to separately instruct an independent HMO surveyor who is a member of RICS or CIEH and who holds their own insurance. (Please see our guidance sheet below on how to choose an Independent HMO Surveyor). This independent HMO surveyor will provide the landlord with a Certificate of Compliance with current HMO standards. The applicant is then able to submit this certificate along with the application form, gas, electrical certificates and fee within 3 months of the property becoming licensable. \* Please note that the application fee does not include the fee charged by the independent HMO surveyor for the inspection. \* Please note that the council reserves the right to place any conditions on the licence which it deems necessary.\* Please note SCC Criteria below for acceptance of Certificates of Compliance.

## Downloadable documents

Icon	Name of file	Size	Download time
	<a href="#">Certificate of Compliance</a>		
	<a href="#">Guidance on Selecting an Independent HMO Surveyor</a>		
	<a href="#">Additional fees table</a>		
	<a href="#">Criteria for SCC to accept Certificates of Compliance from Independent HMO Surveyors</a>		

# Contact information

- [hmo@southampton.gov.uk](mailto:hmo@southampton.gov.uk)
- 023 8083 3006
- Regulatory Services (Neighbourhoods), 5th Floor, One Guildhall Square, Southampton, SO14 7FP

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<b>DECISION-MAKER:</b>	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE		
<b>SUBJECT:</b>	OVERVIEW AND SCRUTINY HANDBOOK – 2015/16 REVISION		
<b>DATE OF DECISION:</b>	11 JUNE 2015		
<b>REPORT OF:</b>	HEAD OF LEGAL AND DEMOCRATIC SERVICES		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	<b>Mark Pirnie</b>	<b>Tel:</b> 023 8083 3886
	<b>E-mail:</b>	mark.pirnie@southampton.gov.uk	
<b>Director</b>	<b>Name:</b>	<b>Dawn Baxendale</b>	<b>Tel:</b> 023 8083 2966
	<b>E-mail:</b>	Dawn.baxendale@southampton.gov.uk	

## STATEMENT OF CONFIDENTIALITY

None

## BRIEF SUMMARY

This item enables the Committee to approve a revised Scrutiny Handbook which reflects the modified arrangements for overview and scrutiny within the Council, and provides guidance to Members engaged in the overview and scrutiny process.

## RECOMMENDATIONS:

- (i) That, subject to any amendments the Committee may wish to make, the Scrutiny Handbook be approved and distributed to all overview and scrutiny members; and
- (ii) That, subject to consultation with the Chair of the Committee, authority be delegated to the Head of Legal and Democratic Services to make any minor or consequential changes required during the year.

## REASON FOR REPORT RECOMMENDATIONS

1. The Scrutiny Handbook needs to be revised to reflect the new scrutiny arrangements agreed during 2014/15.

## ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. None.

## DETAIL (Including consultation carried out)

3. Paragraph 6 of the Overview and Scrutiny rules in the Council constitution requires the Overview and Scrutiny Management Committee to produce and maintain a Scrutiny Handbook. The Handbook provides supplementary advice for elected members engaged in the overview and scrutiny process. Its aim is to provide practical advice on the conduct of scrutiny activities for members, officers and partners engaged in the Council's scrutiny process.

4. In the light of the changes made to overview and scrutiny activities during

2014/15, it is necessary to update the Handbook to ensure it reflects the new scrutiny structures and processes.

## 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. Production of the Scrutiny Handbook is required by paragraph 6 of the Overview and Scrutiny Procedure rules in the Council's constitution.

## POLICY FRAMEWORK IMPLICATIONS

9. None

**KEY DECISION?** No

<b>WARDS/COMMUNITIES AFFECTED:</b>	None
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## SUPPORTING DOCUMENTATION

### Appendices

1.	Draft Overview and Scrutiny Handbook – June 2015
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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.	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)
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1.	None	
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**OVERVIEW AND SCRUTINY  
HANDBOOK:**

**A PRACTICAL GUIDE  
FOR SCRUTINY MEMBERS**

**JUNE 2015**

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## INTRODUCTION

### Purpose

1. This handbook is designed to provide information for Members and Officers involved in scrutiny activities and aid the effectiveness of the scrutiny process. It is subject to revision by the Overview & Scrutiny Management Committee from time to time. It sets out locally agreed procedures and processes for Scrutiny, and should be read alongside the Council's Constitution which reflects the legal requirements of the Local Government Act 2000 and other relevant legislation. The Constitution also contains the Code of Conduct for Members and the Officer / Member protocol, both of which are relevant to this handbook.
2. The statutory Overview & Scrutiny function is defined in Article 6 of the Constitution. The following definitions are used in this handbook:
  - The phrase "Scrutiny bodies" encompasses Overview and Scrutiny Management Committee, the Health Overview and Scrutiny Panel, the Children and Families Scrutiny Panel, and the Scrutiny Inquiry Panel.
  - "Scrutiny Member" means a person who is a member of a Scrutiny body, and this can include non-Councillors.
3. Section 9F of the Local Government Act 2000 requires the appointment of at least one overview and scrutiny committee. Southampton City Council will have two bodies that will share the statutory function between them.

### Background

4. Overview and Scrutiny has a specific statutory basis under Part 1A of the Local Government Act 2000, which introduced Executive arrangements for local authorities. This was extended by the Health and Social Care Act 2001, which extended local authority scrutiny to NHS bodies. The Police and Justice Act 2006 empowers overview and scrutiny committees to scrutinise Crime and Disorder Reduction Partnerships, and the partners who comprise it, insofar as their activities relate to the partnership. The Local Government and Public Involvement in Health Act 2007 lists a number of relevant partner authorities overview and scrutiny committees can request information from, and consequently engage them in the scrutiny process. This Act also formalised the Council's existing arrangements requiring the Executive to attend overview and scrutiny meetings when requested and introduced the power for any councillor to refer a local government matter to an overview and scrutiny committee, whether or not they are a member of that particular committee or sub-committee (commonly referred to as the Councillor Call for Action).
5. The work of overview and scrutiny aims to reflect the "4 Principles of Effective Scrutiny" established by the Centre for Public Scrutiny, which together aim to improve accountability in the local democratic processes and lead to improved public services. The 4 principles are:-
  - Providing a "critical friend" challenge
  - Enabling the voice and concerns of the public and local communities
  - Being undertaken by "independent minded governors" who lead and own the scrutiny process
  - Driving improvement in public services.

## Key functions

6. The Overview and Scrutiny function is a key element in the Council's democratic mechanism. One of its key roles is to hold the Executive to account by:-
  - Questioning and evaluating the Executive's actions, both before and after decisions are taken
  - Monitoring the performance and financial management of the Council
  - Developing and reviewing policies, including the Policy Framework and Budget Strategy
  - Making reports and recommendations on any aspect of Council business (ie non-executive functions) and other matters that affect the City and its citizens.
  
7. Overview and Scrutiny is a key mechanism for enabling Councillors to represent their constituents' views to the Executive to inform policy development. The Council's Overview and Scrutiny bodies will review local authority policies and matters of local concern and interest, and make recommendations to the Executive and Full Council. They are the main way in which the Executive is to be held to account in public for the discharge of the functions it is responsible for. In addition, through the "Call-In" procedure scrutiny members are able to require the Executive to publicly defend and, if necessary, reconsider important decisions.

## **FRAMEWORK AND STRUCTURES FOR THE DELIVERY OF OVERVIEW & SCRUTINY**

The Council's Overview and Scrutiny function is undertaken by the Overview and Scrutiny Management Committee, the Health Overview and Scrutiny Panel, the Children and Families Scrutiny Panel and the Scrutiny Inquiry Panel.

### **The role of the Overview and Scrutiny Management Committee**

8. The Overview and Scrutiny Management Committee is responsible for:
- Setting the overall Scrutiny agenda
  - Setting and monitoring standards for Scrutiny
  - Establishing Scrutiny Panels
  - Preparing a Scrutiny Inquiry Programme
  - Scrutiny of all corporate and resource management issues
  - The exercise of all decisions called in
  - Scrutiny of the Forward Plan
  - Monitoring performance and budgets
  - Considering, at least once a year, actions undertaken by the responsible authorities on the Safe City Partnership
  - Responding to the Councillor Call for Action with the exception of health matters where the Health Overview and Scrutiny Panel will respond
  - Engaging with the Leader of the Council and appropriate members of Southampton Connect in State of the City debates.

### **The role of the Health Overview and Scrutiny Panel**

9. The Health Overview and Scrutiny Panel is legally a sub-committee of the Overview and Scrutiny Management Committee.
10. The Health Overview and Scrutiny Panel is responsible for undertaking the statutory scrutiny of health across Southampton. This role includes:
- Responding to proposals and consultations from NHS bodies in respect of substantial variations in service provision and any other major health consultation exercises
  - Scrutiny of Adult Social Care issues in the City unless they are forward plan items. In such circumstances members of the Health Overview and Scrutiny Panel will be invited to the relevant Overview and Scrutiny Management Committee meeting where they are discussed
  - Scrutinising key decisions of the health agencies in the City and the development and implementation of the Joint Strategic Needs Assessment and Health and Wellbeing Strategy developed by the Health and Wellbeing Board
  - Liaising with, and responding to, matters brought to the Panels attention by Healthwatch Southampton
  - Undertaking inquiries relating to health and well-being issues in the city
  - Considering Councillor Calls for Action for health and social care matters.

### **The role of the Children and Families Scrutiny Panel**

11. The Children and Families Scrutiny Panel is legally a sub-committee of the Overview and Scrutiny Management Committee.

12. The Children and Families Scrutiny Panel is responsible for undertaking the scrutiny of services for children and families across Southampton. This role includes:
- Scrutiny of Children and Families Services in the City, including MASH, Early Help, Specialist & Core Service, looked after children, education and early years and youth offending services, unless they are forward plan items. In such circumstances members of the Children and Families Scrutiny Panel will be invited to the relevant Overview and Scrutiny Management Committee meeting where they are discussed.

### **The role of the Scrutiny Inquiry Panel**

13. The Scrutiny Inquiry Panel is legally a sub-committee of the Overview and Scrutiny Management Committee. The Panel is responsible for undertaking scrutiny inquiries in accordance with a programme developed by the Overview and Scrutiny Management Committee.

### **Membership of Scrutiny Bodies**

14. Details of who can be a member of Scrutiny bodies are set out in rule 3 of the Overview and Scrutiny Procedure Rules in the Constitution, as are the arrangements for appointing Chairs and Vice-Chairs of Scrutiny bodies. By local convention, it is agreed that:
- The Chair of Overview and Scrutiny Management Committee will be a Member from a political group other than that which forms the Executive
  - The Vice-Chair of Overview and Scrutiny Management Committee may, but does not have to, come from the group(s) forming the administration
  - The Chair of the Health Overview and Scrutiny Panel is a member of the Overview and Scrutiny Management Committee.

### **Church and Parent Governor Representatives**

15. Under Regulations and the Local Government Act 2000, Church and Parent Representatives should be appointed as members of the Scrutiny panels dealing wholly or partly with the Council's education functions. They are eligible to chair Overview and Scrutiny Management Committee and its panels and to vote on matters relating to education. Where a panel chaired by a Church or Parent representative deals with other (non-LEA) functions a Councillor should take over the Chair when non-education matters are being discussed so as to allow the Chair a casting vote if necessary.
16. In Southampton the following arrangements have been made for Church and Parent representatives –
- 2 Church Representatives: one nominated by the Roman Catholic (Bishop of Portsmouth) board of education and one by the Church of England (Winchester Diocese) board of education;
- 2 Parent Representatives who have been elected by parent governors at Southampton schools representing the primary and secondary sectors.



17. Unlike other non-Councillors, the 4 Church and Parent reps are by law allowed to vote on education matters considered by the Panel they are members of. They must be treated no differently than their Councillor colleagues, and have the same rights of access to information, as well as duties to declare interests and exercise powers of Call-In detailed in rule 12 of the O&S Procedure Rules in the Constitution in relation to education matters. These 4 representatives will, therefore, be invited to attend Overview and Scrutiny Management Committee and the Children and Families Scrutiny Panel when it is examining any education matter.

### **Duration of Scrutiny Meetings**

18. In the interests of economy, and in acknowledgement of the pressure on diaries of Cabinet Members and officers, meetings should not regularly be protracted or unduly long. Committee and Panel Chairs should ensure that the items of business are prioritised on the agenda, and that the meeting is conducted in a brisk and business-like manner, without compromising the ability of Scrutiny Panel Members to review agenda items in a thorough manner. Members have previously indicated that they prefer, where possible, that meetings should not exceed 2 hours in duration.

### **Executive Members**

19. Executive Members are not permitted to be Members of Overview and Scrutiny Committees or Sub-Committees. Rule 3 of the Overview and Scrutiny Procedure Rules in the Constitution sets out the rules concerning when a former Executive Member may become a member of a Scrutiny body. In essence a 6 month “firebreak” period exists between ceasing to be a Cabinet Member and becoming a member of a Scrutiny body. There are exceptions, including when there is a change in the political control of the Council.

### **Attendance at Scrutiny Meetings**

20. The Local Government Act 2000, the Health and Social Care Act 2001, the Police and Justice Act 2006 and the Local Government and Public Involvement in Health Act 2007 gives the Overview and Scrutiny Management Committee / Health Overview and Scrutiny Panel the following legal powers:
- To require officers and Executive Councillors (but not other Councillors or co-optees) both to attend before it and to answer questions;
  - To require the Chief Executive or Chair of an NHS Trust to attend before it and answer questions on health matters;
  - To require the attendance of a representative from the responsible authorities for crime and disorder to answer questions on community safety issues. Responsible authorities include the local authority, the police force, the fire and rescue authority and the clinical commissioning group;
  - To require relevant partner organisations to provide information when requested;
  - To invite (but not require) other persons to attend meetings, e.g. local MPs, utility providers, citizens’ groups etc.
21. Executive Councillors and officers are under a legal duty to comply both in attending and answering questions. No-one is required to answer any question they would be entitled to refuse to answer in a court of law. The legal duty to appear and answer questions does not arise until the Scrutiny body has passed a formal resolution to that effect and served a “Requirement for Attendance Notice”

on the person concerned in accordance with the procedure set out in O&S procedure rule 10 in the Constitution. This requires a copy of the notice to be sent to the Monitoring Officer. However the local convention is that such a notice would only be served if an invitation to attend was rejected or ignored. It is agreed between the political groups that all Councillors, whatever their status, will fully co-operate, and attend to answer questions when invited. If a Councillor refuses to attend for reasons thought unconvincing, this can be recorded in the Committee's / Panel's report. Failure to attend in breach of a Notice is a breach of standards and may be reported to the Standards and Governance Committee where an Executive Member has not attended.

### **Attendance of Officers**

22. Section 9F of the 2000 Act allows scrutiny bodies to require officers to attend to answer questions. Where the Overview and Scrutiny Management Committee or Scrutiny Panels exercise that power they should also consider the seniority of officers it would be appropriate to require to appear before it. They should always ensure that the right person with the required level of knowledge and responsibility is the person invited.

### **Who Scrutiny should call to question at Scrutiny meetings**

23. In deciding who to call, Overview and Scrutiny Management Committee and its Panel should consider the following framework of accountability:
24. **The Leader and Executive Members ("Cabinet")**  
Accountable for the political direction of the Executive which forms the Council's administration and, subject to their approval by full Council, propose and implement the policy framework and budget strategy. They also discharge those powers given to the executive, whether taken in Cabinet or individually.
25. **The Chief Executive, Executive Directors and Statutory Officers**  
The Chief Executive, Executive Directors and Statutory Officers are responsible for the implementation of the approved policy framework and budget strategy and for other decisions taken by executive Councillors or the regulatory committees, for the actions of Council directorates and officers under the scheme of delegation, for policy advice, financial and legal probity, value for money, disciplinary matters and for the Council's overall administration. Although responsible to the Chief Executive, the Monitoring Officer and Chief Financial Officer (Section 151 Officer) have their own particular responsibilities under statute independent of the full Council, the Cabinet, the Chief Executive or any other officers. These are set out in the Constitution.
26. **Heads of Service (Level 1)**  
Responsible for the implementation and delivery of policies and other decisions taken by the Cabinet or regulatory committee's in particular service/policy areas.

### **Manner of Questioning**

27. The overall principles which apply to attending Scrutiny meetings are the same as apply to attendance at any other Council meeting, and reflect the Officer / Member Protocol. It is recognised that Scrutiny may from time to time undertake work involving detailed examination and exploration of the reasons behind decisions or

performance trends, and as such it is important to have clear ground rules for the benefit of both those attending to provide information and those carrying out the scrutiny.

28. The principles relating to Scrutiny are designed to ensure fairness to participants in the Scrutiny process and to facilitate effective Scrutiny which relies on the sharing of appropriate, good quality information:

- Every individual invited to appear before a Scrutiny Committee/Panel should be provided with an outline of the topics and areas they can be expected to answer questions on.
- Questioning should remain within the subject area indicated to executive members, officers and other witnesses.
- All individuals attending a meeting should be given a reasonable opportunity to answer questions and to clarify or correct anything they feel may have been misconstrued.
- Everyone will be treated politely, fairly and with respect. (This has particular importance with regard to officers, where breach of this can give rise to grievance or even constructive unfair dismissal claims).
- Certain matters may be subjudice or under investigation by the Council or other agencies, and it may be inappropriate to pursue certain matters at that time accordingly.
- Members of the public can address a Committee/Panel at the discretion of the Chair.
- Compliance with all legal requirements, including (but not limited to) the Human Rights Act and the Council's constitution – is important.
- Scrutiny meetings are not disciplinary hearings, and Scrutiny Members should ensure that when examining the performance of the Executive that they do not stray into this territory. Discipline is the Chief Executive's function alone in relation to staff, and the Monitoring Officer, the Standards Sub-Committee and the National Standards Board as regards the conduct of Councillors/Members under the National Code of Local Government Conduct/Local Code of Conduct.

### **Consulting others about inquiries/reviews**

29. Where appropriate, and particularly when undertaking Scrutiny inquiries, the Scrutiny Inquiry Panel will seek to involve key partner organisations, groups, and individuals from outside the Council in the inquiry. The Overview and Scrutiny Management Committee should formally consider how external parties can make the most effective contribution at the inquiry planning stage. Better outcomes are likely to be generated by seeking views from as many communities and interested parties as necessary to get a balanced picture of the effects of policy and Executive decisions. In particular they should pay attention to obtaining views from 'hard to reach' groups such as minority ethnic communities and disabled people, and vulnerable citizens.

## **Declarations of interest through previous involvement in decision making**

30. If a Member is involved in the consideration of an item at a meeting of a Committee/Panel, he/she should regard him/herself as having a personal and a prejudicial interest if the business relates to a decision made, or action taken, by another of the authority's committees or sub-committees; or joint committees or joint sub-committees, of which he/she may also be a member, unless the member is attending scrutiny to answer questions or give evidence relating to that decision or action.
31. Where a member has such a prejudicial interest they must:
  - Withdraw from the room where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he/she has obtained a dispensation from the authority's standards committee; and
  - Not seek improperly to influence a decision about that matter.

## **Rights to Copies of Executive's Documents**

32. The rules on access to the Executive's documents are set out in the 'Access to Information Procedure Rules' of the Constitution. Subject to the next paragraph, the Overview and Scrutiny Management Committee and Scrutiny Panels are entitled to copies of any document which is in the possession or control of the Executive [or its committees] and which contains material relating to –
  - any formal decision-making business transacted at a public or private meeting of the Executive or its committees; or
  - any decision taken by an individual Member of the Executive.
33. An Overview and Scrutiny Committee will not be entitled to see:
  - any working or background document that is in draft form (This does not apply to draft policy and strategy documents or the draft budget);
  - any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
  - advice provided to a Member in confidence, in line with the Officer / Member protocol.

## **Protection from Defamation**

34. Anyone attending a properly convened meeting of a Scrutiny Body, whether as a member of Overview and Scrutiny Management Committee/Panel or a witness or officer supporting the meeting, has the legal protection of "qualified privilege" from personal liability in relation to the law of defamation.
35. This means –
  - They cannot be sued for defamation in relation to anything said or written, provided they do not do so maliciously.
  - The final report will also have the same qualified privilege provided that potentially defamatory material is not included maliciously.

36. Qualified privilege only applies to defamation proceedings and would not cover conduct that might bring other legal liability for e.g. unfair dismissal. Also it only applies to a properly convened meeting of a committee or sub-committee. This means a public meeting of the Overview and Scrutiny Management Committee / Scrutiny Panels convened in accordance with the Access to Information provisions of the Local Government Act 1972, whether or not confidential/exempt items are on the agenda.

### **Declarations of Interest**

37. All Scrutiny agendas follow a standard format. At the start of the meeting Members are invited to declare:
- Personal and prejudicial interests
  - Prior participation in any decision taken by a Committee, Sub-Committee or Panel of the Council on the agenda and being scrutinised at the meeting.
38. The Chair is not obliged to read these items out in full, and can simply ask Members whether they have any declarations to make under each item. However, if there are members of the press and public present at the meeting, then in the interests of openness, transparency and accountability it is advisable for the Chair to read the items in full.

### **Declaration of the Party Political Whip**

39. The Government believes whipping is incompatible with overview and scrutiny and recommends that whipping should not take place, and that where it does it should be declared. The proper and thorough examination of decisions and policies in the public interest should come before local party political allegiance and expediency. An item inviting Members to declare the application of any party political whip is included on all scrutiny agendas to reflect government guidance on best practice. If a Member declares the party whip, that fact is recorded in the minutes of the meeting. The Member is not required to leave the meeting.

### **Limits of the Scrutiny Process**

40. Scrutiny Committees/Panels do not exist to serve as a “court of appeal” against decisions or to pursue complaints by individuals (Councillors, officers or members of the public) as other procedures exist for this e.g. the Corporate Complaints Procedure, and external/statutory mechanisms, e.g. the Local Government Ombudsman or appeal to the courts. That said:
- Committees/Panels may investigate the manner in which decisions are made but should not pass judgements on the merits of a decision in individual cases.
  - They can comment, however, on the merits of a particular policy affecting individuals.

### **Review of Regulatory Committee’s Work**

41. Where a Committee/Panel reviews the work of another Council (i.e. non-Executive) committee it should not scrutinise individual decisions made by such committees, particularly decisions in respect of development control, licensing, registration, consents and other permissions. The Overview and Scrutiny Management

Committee in particular, as the co-ordinating Scrutiny body, will need to ensure such scrutiny is not an alternative to normal appeals procedures.

### **Review of Non-Executive Functions**

42. Although Committees/Panels have the power to make reports and recommendations on functions that are non-Executive functions, this should normally only be used as part of wider policy reviews.

## HOLDING THE EXECUTIVE TO ACCOUNT

### Overview and Scrutiny Management Committee - Regular Agenda Items

43. The Overview and Scrutiny Management Committee will normally meet monthly. At this meeting it will hold the Executive to account by a variety of mechanisms that will include:
- **The Forward Plan** - The Overview and Scrutiny Management Committee will discuss forthcoming decisions with the Executive and bring to the Executive's attention matters considered to be appropriate in taking individual decisions;
  - **Service and Financial Performance Information** – The Overview and Scrutiny Management Committee will receive the same quarterly performance monitoring reports and periodic financial monitoring as Cabinet Members, detailing service performance, financial monitoring information, and an explanatory narrative to enable progress to be monitored against the targets and commitments set out in the Council Plan;
  - **Any Policy Framework Plans** – Consideration of issues papers summarising the main elements of Policy Framework Plans to be recommended to the Council by the Executive;
  - **Any reports by other Review Bodies** – This might include reports from external inspection bodies. The Committee would be likely to seek the views of the Executive on comments made in the reports and identify actions proposed to address any of the issues raised;
  - **Items placed on the agenda by elected Members (including Councillor Calls for Action)** – This applies where an issue has been placed on the agenda by a member in accordance with overview and scrutiny procedure rule 9, or in accordance with the agreed process for dealing with Councillor Calls for Action.

### Policy Framework

44. Overview and Scrutiny has an integral role to fulfil in policy development. The Executive will consult the Overview and Scrutiny Management Committee during the process of preparing the draft budget and draft plans and strategies. Details of this interaction are set out in the Constitution under the Budget and Policy Framework Procedure Rules.
45. When elements of the Policy Framework are under review, the Overview and Scrutiny Management Committee should consider:
- The Executive's initial proposals for the Policy Framework in the form of an Issues Paper detailing significant changes from the existing policy framework, how the proposals reflect any Scrutiny Inquiry or other review recommendations, and details of the consultation underpinning the proposals;
  - The evidence of individuals or organisations invited by the Overview and Scrutiny Management Committee, or else requesting representations to comment on the policy framework proposals, e.g. from partner organisations.

46. The Overview and Scrutiny Management Committee's role at this stage is essentially one of quality control, ensuring that the policy directions proposed have been adequately researched and developed, that adequate consultation has taken place, and that the results of the consultation are reflected in the proposals.
47. A report detailing the Committee's comments on the initial proposals will be submitted to the Executive after the meeting at which it was discussed. This report will also be submitted to Council for consideration along with the Executive's proposals.

### **Call-in**

48. The Overview and Scrutiny Management Committee may hold the Executive to account for the discharge of its functions by examining, challenging, and if necessary requesting changes to, executive decisions made, but not yet implemented. This power is exercised through "Call-In". The power does not enable the Overview and Scrutiny Management Committee to require that a decision be changed.
49. The Council's Call-In procedure is set out in rule 12 of the Overview and Scrutiny Procedure Rules in the Constitution. It applies to decisions taken by the Executive as a whole, or an individual Executive Councillor or an officer acting under delegated powers. The procedure's main features are :
  - Only Overview and Scrutiny Management Committee can exercise the Call-In function;
  - Call-In applies to all executive decisions taken by the Cabinet Members, either working individually or collectively, and to "key" executive decisions taken by officers under delegated powers;
  - The particular decision must not have been implemented at the time Call-In is made. However, it should be noted that the decision cannot be implemented until after the Call-In meeting has taken place;
  - Urgent decisions cannot be Called-In, as the Chair and Vice-Chair of the Overview and Scrutiny Management Committee will have already been involved in the question of whether the particular decision is urgent;
  - Call-In has a special role to play where a decision is thought to be contrary to, or not wholly in accordance with, the approved policy framework or budget.
50. Call-In procedures have the potential, if abused, to significantly disrupt the smooth running of the Council and should be used only in exceptional circumstances. Overview and Scrutiny Management Committee will report to Council on a 6 monthly basis the number of decisions that have been Called-In during that period, and the outcome of the Call-Ins.
51. In order to manage the use of Call-In, it is recommended that prior to calling in a decision, Members should:
  - Obtain and read the report on which the decision is based;
  - Discuss the decision and the reasons behind it with the decision maker/lead officer;
  - Identify on the Call-In notice the specific concerns arising from the decision to be discussed at the call-in meeting;



- Discuss their proposal to use the call-in procedure with the Scrutiny Manager.
52. It is not recommended that Call-In is applied to:
- Any decision in relation to the award of bus contracts where this would result in a break of service to the public;
  - Any decision relating to the award of a discretionary grant to a third party where the likely result of the delay would be that the decision could not be implemented prior to the commencement of the financial year to which the award relates, or be detrimental to that party.
53. The call-in process can be activated either by the Chair of Overview and Scrutiny Management Committee acting singly, or by any 2 members of Overview and Scrutiny Management Committee acting together, or by two of the Church and/or Parent Scrutiny Members acting together, but only in respect of the Council's functions as a local education authority.
54. Scrutiny Members are encouraged to submit Call-in notices as soon as possible, and avoid submitting them on the last day of the Call-in period. Timely deposit of Call-in notices will enable members who may have inadvertently submitted an invalid Call-in notice to have an opportunity to re-submit a valid one.
55. Call-in notices are available in hard copy from Democratic Services. The notices are also available on the Members' Zone of the intranet. When submitting hard copies, all Members requesting the Call-in must sign the notice. When submitting notices electronically each of the Members requesting the Call-in should be identified on the notice, and should confirm their request by e-mail. The notices submitted electronically should be sent to [mark.pirnie@southampton.gov.uk](mailto:mark.pirnie@southampton.gov.uk).

### **Items Placed on the Agenda by Elected Members - Including Councillor Call for Action**

56. Any member of the authority has the legal right to have included in the agenda for a meeting any local government matter relevant to that Committee/Panel's functions, and for it to be discussed at the meeting. This can be done by a Scrutiny Member depositing a "Scrutiny Request Form" in accordance with the procedure set out in Rule 8 & 9 of the Overview and Scrutiny procedure rules or rules 26.5 and 26.6 of the council procedure rules on the Constitution. The key factor to be aware of is that the Scrutiny Request Form must be delivered to the Head of Legal and Democratic Services at least 12 clear working days before the date of the next meeting. However, the earlier the form is delivered, the greater the opportunity for a more detailed report to be submitted to the meeting with facts to enable the issue to be scrutinised. When a Scrutiny Member exercises his/her power to place an item on the agenda the item would be placed on the Overview and Scrutiny Management Committee or Scrutiny Panel agenda for discussion with the Executive Member and/or senior officers.
57. In addition the Local Government and Public Involvement in Health Act 2007 introduced, to help frontline councillors raise matters on an authority's agenda on behalf of their constituents, the Councillor Call for Action (CCfA).
58. The aim of the CCfA is to support elected Members in achieving improvements for their local areas. The Act envisages that:

- councillors identify issues of significant concern to their communities;
  - they seek to resolve problems by talking to the local authority and other service providers;
  - if they cannot resolve matters, then they can refer them to overview and scrutiny committees.
59. At the meeting of the Overview and Scrutiny Management Committee in June 2009 a process was agreed for managing CCfA's in Southampton. The outline process is as follows:
- a. Ward Councillor resolves issue at a local level;
  - b. If unable to do so, Ward Councillor completes a CCfA request form available from Democratic Services and sends it to the Scrutiny Manager who will send it on to the Overview and Scrutiny Management Committee Chair / Health Overview and Scrutiny Panel Chair, if health related;
  - c. The Chair of the Overview and Scrutiny Management Committee or Health Overview and Scrutiny Panel will then determine whether to take the CCfA forward and s/he will inform the Ward Councillor whether s/he will accept the CCfA within 3 working days;
  - d. Relevant Members, partners and officers agree how the CCfA is to be handled;
  - e. The CCfA is heard at the first available meeting of the Overview and Scrutiny Management Committee / Health Overview and Scrutiny Panel;
  - f. The Overview and Scrutiny Management Committee / Health Overview and Scrutiny Panel agrees a resolution for the CCfA.
60. Reasons the Chair may not take the CCfA forward to Committee could include:
- Not enough information has been provided;
  - More could be done to resolve the issue at a local level, e.g. key people have not been contacted;
  - The CCfA is, or has stemmed from, a vexatious complaint;
  - The matter has recently been examined by Overview and Scrutiny (though the Ward Councillors may argue that certain aspects were not sufficiently covered hence a need for a CCfA);
  - The matter is the subject of an ombudsman complaint or other official complaints procedure;
  - The matter falls under excluded matters such as those decided by Regulatory Committees (Planning, Licensing and Education Appeals).
61. The Committee's/Panel's decision will mirror one of the following options:
- The Committee/Panel could determine not to make a report (perhaps because it is not considered the right time to consider a particular issue);
  - The Committee/Panel could write a report on the CCfA, which would be a public report;
  - The Committee/Panel could determine that it is a complex issue that requires further investigation, and undertake a Scrutiny Review or Overview of the issue.
62. The CCfA is not:
- A way to resolve individual casework problems;
  - An appeals process;
  - A forum for vexatious complaints.
63. The Overview and Scrutiny Management Committee will consider all CCfA's with the exception of those relating to health and adult social care. These issues will be

considered by the Health Overview and Scrutiny Panel.

### **Recommendations and Scrutiny Monitoring Procedures**

64. During the course of meetings, members are encouraged to formulate recommendations on matters which they consider appropriate to pass a comment or to recommend a particular course of action to a Cabinet Member. Recommendations should be as concise and unambiguous as possible. The monitoring procedure allows action taken to be monitored against the original proposal made at the meeting.
65. All recommendations made by the Overview and Scrutiny Management Committee are collated into a scrutiny monitoring form. This document is then put to 2 uses: -
  - Firstly it used as the means to identify work required from the Decision Maker. This ensures that the same wording is used at an early stage by everyone involved.
  - Secondly, it is reported back to the following Overview and Scrutiny Management Committee meeting with the action taken being recorded. This enables the Committee to check that the Decision Maker is responding to their recommendations. The number of outstanding responses, and the length of time elapsed since the recommendation was made can be tracked.

## SCRUTINY INQUIRIES

### Planning for Scrutiny Inquiries

66. Annually the Overview and Scrutiny Management Committee will prepare a limited Scrutiny Inquiry programme.
67. The Committee will set the Terms of Reference for inquiries, and approve an inquiry plan identifying the number of meetings allocated to the inquiry, and an outline of the evidence to be heard at each meeting. The Committee will approve the inquiry final report and submit the report to the Cabinet for consideration.
68. It will be the role of the Chair of the Scrutiny Inquiry Panel to ensure that the Panel maintains its focus on the terms of reference set by the Overview and Scrutiny Management Committee.

### Selecting Topics for Inquiry

69. Members may request that the Overview and Scrutiny Management Committee commissions an inquiry by tabling a motion to Council, where the matter will be discussed and, if passed, be submitted to Overview and Scrutiny Management Committee for consideration.
70. Where Council passes a resolution that a subject is of such importance that the Overview and Scrutiny Management Committee should be directed (as opposed to requested) to commission an inquiry, the Overview and Scrutiny Management Committee must commission the inquiry to be completed within 12 months (or such other timescales as council directs), postponing other work to accommodate such demands where necessary.
71. When considering whether to commission an inquiry into a particular policy or service area, Overview and Scrutiny Management Committee will take into account:
  - **Policy development:**  
Whether a review topic relates to an area that is going to be of major significance in terms of the development of policies and associated practices that need to be introduced in order to respond to national, regional or local developments, e.g. the refresh of a Policy Framework Plan, demographic changes etc. If so, then a scrutiny inquiry could help to influence the direction and shape of any policy proposals.
  - **Performance issues:**  
A service that fails to meet expected targets over a period of time or, appears to provide comparatively low value for money, or generate a large number of complaints and a high caseload of work for elected members could benefit from a review to explore how service delivery could be improved.
  - **Impact:**  
For an inquiry to be worth the member and officer resources invested, it must have the potential to make a difference to city life and improve a situation for the benefit of people living and working in Southampton.

- **Opportunity to engage partners:**  
With many of the key issues facing the city being addressed through joint working and mechanisms which require the active engagement of key delivery partners, there is an opportunity for inquiry outcomes to benefit from the input of partners into the scrutiny process. The Local Government and Public Involvement in Health Act also makes provision for what it terms “key partner authorities” (e.g the police and the Clinical Commissioning Group) providing information to overview and scrutiny committees.
- **Avoiding duplication:**  
There are other review bodies within the Council (e.g. the Governance Committee) and external inspection bodies seeking to ensure the delivery of strategic objectives and improved operational services by the Council and its partners. It would not be an effective use of scrutiny resources to duplicate reviews. Where the scrutiny inquiry process could add value is by identifying issues that are not being reviewed elsewhere, or by connecting issues that have been reviewed individually but which have not brought together for the benefit of local residents.
- **Resources:**  
Given the reduced resources available to support the scrutiny function the Committee will need to satisfy itself that adequate officer resources are available to support the inquiry process, both from the Scrutiny function, and from the service areas in the Council or partner organisations who would be required to provide witnesses and technical advice.

### **The process of undertaking a Scrutiny Inquiry**

72. Once the terms of reference and the inquiry plan for a scrutiny inquiry have been agreed by the Overview and Scrutiny Management Committee’s the inquiry will be undertaken by the Scrutiny Inquiry Panel.
73. The inquiry will then proceed in accordance with the inquiry plan. Members will be provided with a summary of the key points from each discussion. On occasions members may be invited to informal meetings. These are not subject to access to information rules and are held in private. The purpose is to allow members to review and reflect on the information presented, to discuss potential areas for recommendations, and for drafting sections of the inquiry report.
74. At the end of the process the Panel will make any final changes to its report at a scheduled meeting. The Chair of the Panel will then present the final report to the Overview and Scrutiny Management Committee. The role of the Committee is to ensure that the Panel have met the agreed terms of reference of the inquiry and to formally approve a final document for submission to the Cabinet. The Cabinet will normally respond to an inquiry report within two months of submission to Cabinet.

## SCRUTINY SKILLS

75. This section outlines some of the key skills required to undertake successful scrutiny.

### Asking Questions

76. Scrutiny will be at its most effective when panel members examining a topic are able to ask the right people the right questions in order to get to the information required to make an effective assessment of the matter under consideration. Officers supporting Scrutiny will provide advice and support to Members if requested in advance of the meeting to ensure that Members are best placed to have the most appropriate Cabinet Members, officers and representatives from partners in attendance at their meetings. Guidance on asking questions is outlined below.

### Putting questions to Cabinet Members and officers

77. It is important to distinguish between the types of question that are most appropriate to be put to and answered by Cabinet Members, and those which are most appropriately put to and answered by officers. The paragraphs below give examples of the different types of question that can be asked of Cabinet Members and officers.
78. Cabinet members can be expected to answer questions about:-
- a) The general direction and content of policies, e.g.
    - *Why do you think this is the right policy?*
    - *What factors lead you to implement this policy?*
    - *Council X is known to have had problems in this area – why do you think the same thing won't happen in Southampton?*
    - *What are the key results and outcomes you would you expect to see in 6/12 months' time?*
  - b) The reasons for chosen priorities, e.g.
    - *Why are you proposing to do X before Y?*
    - *Why are you allocating resources to this proposal now when Y is in such a bad way?*
  - c) Performance within their portfolio area
    - *What is your opinion of the overall performance of your portfolio this quarter?*
    - *Which areas of under-performance are currently of greatest concern to you?*
    - *What steps do you propose to undertake to ensure any areas of under-performance are improved?*
    - *It seems to me there are problems/shortcomings with X:-  
How serious do you think they are?  
What steps do you intend to take to improve the service?  
How soon do you think we can expect to see significant improvements?*
    - *It seems to me that something went seriously wrong with X:-  
What involvement did you have in overseeing the process (name whatever the process is)?*

*Do you think you knew enough about what was happening, and if not, why not?*  
*Why weren't you aware of any problem(s) earlier?*  
*What steps have you taken to make sure this won't happen again?*  
*Do you think these steps go far enough? (And refer to any areas where you think the cabinet member is not going far enough)*

79. If the Cabinet Member defers to officers for questions of this type, it is quite in order for the Scrutiny Member to indicate they would like the response to come from the Cabinet Member. If the Cabinet Member is unable or unwilling to do so then the Scrutiny Member may wish to make a comment on it.
80. Officers can be expected to answer questions about:-
- a) Technical terms and jargon referred to in a report
    - *What does X mean?*
    - *Can you explain how X will work?*
  - b) The methodology for collecting data referred to in a report
    - *How did you go about collecting the figures set out in paragraph X?*
    - *To what extent do these figures convey the overall picture?*
  - c) The detailed interpretation of data referred to in a report
    - *What period do these figures cover? (If not clearly labelled)*
  - d) Detailed issues of technical implementation
    - *I see from the report that there were problems with X. Why were these not highlighted earlier?*
  - e) Detailed issues of technical problem solving
    - *How soon do you think these remedies will take effect? (The Cabinet Member can then be asked if they think this is soon enough)*
  - f) Advice given to the Cabinet Member
    - *Does the decision proposed/implemented reflect the advice provided to the Cabinet Member?*
81. If upon reading a report there are issues in it where Scrutiny Members want detailed answers to questions which depend on facts not contained in any supporting report, then Members should contact the Scrutiny Manager and indicate the line of questioning they wish to pursue and the detail they are looking to examine. The Scrutiny Manager will then indicate to the relevant officers the nature of the data and information they need to prepare to answer questions on at the meeting. If this is not done and a detailed question is subsequently asked at a meeting, the officer is entitled to respond that they are unable to answer a detailed question of this type and it may not be possible to pursue this line of questioning at the meeting.

## Directing the Right Questions to the Right People

82. The less senior a member of staff, the lower his or her responsibility for policy and resource decisions within their area of work. If involved in the Scrutiny process at all, the contribution of members of staff below the level of Head of Section should be confined to matters of fact within their day to day working environment, including the practical results of particular policy choices. For example, they might be involved in providing a factual briefing but it would not be appropriate for them to discuss or comment on resource allocation or policy matters. Therefore, the agreed convention is that:
- Overview and Scrutiny Management Committee / Scrutiny Panels will not normally require the attendance of any officer below Head of Service level where policy matters are involved;
  - Officers below Head of Service level may attend but questioning should be confined to matters of fact only and not resource allocation or policy;
  - Officers may be asked for their professional views on services or policies.

## Formulating Good Quality Recommendations

83. The attributes of effective recommendations reflect the key data quality principles the Council has been embedding in its work. The list below highlights the most common ones which are relevant to the overview and scrutiny process.
- **Clarity:** Recommendations need to be clear and intelligible. They should be unambiguous and say what is meant, not what the proposer may have intended to say.
  - **Specific:** As well as possessing clarity, a good recommendation should be specific. This is best achieved by concise recommendations that attempt to deal with a single point, as opposed to bringing together a number of trains of thought within a single recommendation.
  - **Realistic:** A successful recommendation is one that can make a real difference to policy development or service delivery. In formulating the recommendation it is therefore important to take account of what is realistically achievable. Scrutiny should ultimately be judged by the difference it makes to improving city life, and not by the number of recommendations members produce.
  - **Action focussed:** The impact of scrutiny can be assessed if the recommendations are based on an action that can subsequently be undertaken either by the Executive or a partner organisation. There may be occasions when passive recommendations (e.g. those that welcome a proposal, or support an action) are appropriate, but in the main effective recommendations are those that propose a specific course of action underpinned by evidence presented to the Scrutiny Committee, or related to an intellectual case developed by the Scrutiny Committee.
  - **Measurable:** If there are specific changes or improvements that members are looking for, then these should be set out in the recommendation with an appropriate timescale. This is key to being able to measure the impact of the scrutiny recommendation further down the line.



## Achieving more successful recommendations

84. The following list of practices may assist members in formulating better quality recommendations.

- **Read all reports prior to the meeting:** Despite shortcomings that members regularly identify in written reports, they contain useful information which is important for members to be aware of at the start of the consideration of any issue.
- **Issues in reports need to be understood:** Reading reports and gaining an understanding of the issues is likely to result in being able to ask more challenging questions. This in turn can lead to a greater understanding of the issue, and generate higher quality recommendations that may result in a measurable difference to residents' lives. If the issues are not clear and understandable from reading the reports, briefings can be arranged through the Scrutiny Manager in advance of the meeting.
- **Identify the key issues that are most likely to be the subject of recommendations:** Members prefer meetings that do not last for more than 2 hours. Therefore, preparation which prioritises and identifies the key issues will enable members to focus on the most important matters in the meeting and to enable recommendations to be focussed on these issues.
- **Ask the right questions:** It is impossible to identify a list of right questions that can be applied in every circumstance, but if the answers to questions such as "who", "what", "why", "where", "when" and "how" are not apparent from the report, then there is likely to be a need to ask them at the meeting.
- **Listen to information provided at the meeting:** Listening skills are absolutely key to successful scrutiny outcomes. Useful and critical pieces of information can be elicited if the right questions are asked, but the benefit of the information generated through the question process is lost if a Scrutiny Committee is not listening carefully to the response provided. The most successful supplementary questions are likely to be those generated in response to answers given to the previous question.
- **Effective use of pre-meetings:** A pre-meeting provides an opportunity for members to identify collectively the key issues and plan a campaign for asking questions, ensuring all their key concerns get covered. It is at the discretion of the Chair as to whether a pre-meeting should be held.

## Blocks to making successful recommendations

85. There are a number of reasons why significant issues being discussed do not result in successful recommendations being made. Some of the most common are identified below:-

- **Using meetings to collect information:** Good scrutiny is about making a difference to the overall quality of city life. This objective cannot be achieved if members use the meeting simply to collect information. To take the process forward members need to use the information obtained. If further information is needed to advance the scrutiny process then members should raise their concerns with the Scrutiny Manager prior to the start of the meeting. If necessary individual or collective briefings can then be arranged with appropriate officers.

- **Using scrutiny meetings to undertake case-work:** Scrutiny meetings enable members to look at whole areas of work and activity. Asking questions about instances resulting from an individual case distracts the Scrutiny Committee from broader issues that are the subject of the meeting. This is not to say that the understanding of detail is not important to the scrutiny process, but it must be directly related to the planned outcome from the scrutiny discussion.
- **Compiling recommendations that express opinions or request further information, but do not lead to action:** If recommendations go no further than expressing views on a particular topic, then there is little prospect of them leading to a tangible change in city life. Similarly, simply asking for more information to be supplied either to a future meeting, or outside of the formal meeting process, cannot lead to the Scrutiny Panel being able to generate an outcome without further consideration of the issue.
- **Not being clear on what is wanted at the point of making recommendations:** If a member making a recommendation is not clear on what is trying to be achieved and why for local residents, then there is little chance of the recommendation making a difference to the overall quality of city life.

## CONCLUSION

86. This handbook sets out practical advice to members for the conduct of overview and scrutiny in Southampton City Council. The information and guidelines it contains aim to provide guidance and information on the most important and most common issues scrutiny members are likely to encounter. The document aims to be comprehensive, but cannot be exhaustive. If any issues and questions arise which it does not cover or are missing, or information provided is not clear and requires further explanation and guidance, members should contact the officers listed below, who will be able to respond to any questions and problems.

<p>Democratic Services Manager</p> <p>Sandra Coltman – 023 8083 2718  <a href="mailto:sandra.coltman@southampton.gov.uk">sandra.coltman@southampton.gov.uk</a></p>	<ul style="list-style-type: none"> <li>• Standards of delivery of overview and scrutiny</li> <li>• Resources for overview and scrutiny</li> <li>• Conduct of the officers supporting the Scrutiny Function</li> </ul>
<p>Scrutiny Manager:</p> <p>Mark Pirnie – 023 8083 3886  <a href="mailto:Mark.pirnie@southampton.gov.uk">Mark.pirnie@southampton.gov.uk</a></p>	<ul style="list-style-type: none"> <li>• Overview and Scrutiny Management Committee</li> <li>• Health Overview and Scrutiny Panel</li> <li>• Children and Families Scrutiny Panel</li> <li>• Scrutiny Inquiries</li> <li>• Call-in arrangements</li> <li>• Scrutiny handbook contents</li> <li>• Advice on scrutiny procedures</li> </ul>

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<b>DECISION-MAKER:</b>	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE		
<b>SUBJECT:</b>	MONITORING SCRUTINY RECOMMENDATIONS TO THE EXECUTIVE		
<b>DATE OF DECISION:</b>	11 JUNE 2015		
<b>REPORT OF:</b>	HEAD OF LEGAL AND DEMOCRATIC SERVICES		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	<b>Mark Pirnie</b>	<b>Tel:</b> 023 8083 3886
	<b>E-mail:</b>	mark.pirnie@southampton.gov.uk	
<b>Director</b>	<b>Name:</b>	<b>Dawn Baxendale</b>	<b>Tel:</b> 023 8083 2966
	<b>E-mail:</b>	Dawn.baxendale@southampton.gov.uk	

<b>STATEMENT OF CONFIDENTIALITY</b>
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.

## **RECOMMENDATION:**

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

## **REASON 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

<b>WARDS/COMMUNITIES AFFECTED:</b>	None directly as a result of this report
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## SUPPORTING DOCUMENTATION

### Appendices

1.	Monitoring Scrutiny Recommendations –11 <sup>th</sup> June 2015
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### Documents In Members' Rooms

1.	None
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### Equality Impact Assessment

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

#### Equality Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.	None	
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# Overview and Scrutiny Management Committee: Holding the Executive to Account

Scrutiny Monitoring – 11<sup>th</sup> June 2015

Date	Portfolio	Title	Action proposed	Action Taken	Progress Status
24/04/15	Housing and Sustainability	Set up a Development Company to deliver city wide development	1) That in setting up the board for the Development Company (DevCo) consideration is given to including non-executive experts as advisers.	Noted	
			2) That Cabinet ensures that during the development of the business case, and in the establishment of the DevCo, that its' financing, planning processes and future development are transparent to both the public and Council.	Noted	
			3) That further information is provided on the HRA and General Fund borrowing ability.	<p>The HRA borrowing cap refers to the Government imposed limit on the total borrowing levels of the HRA at any one time. The figure for Southampton is £199,600,000, although Council agreed, in February 2014, to retain a borrowing headroom at budget setting of £6,000,000. The HRA Business Plan, therefore, works within a maximum borrowing level of £193,600,000.</p> <p>The current 30 year HRA Business Plan and Capital Programme, approved by Council in February 2015, shows borrowing levels reaching this peak level in 2016/17. However, the remaining years of the plan show a profile of reducing total borrowing levels, as debt repayment exceeds new borrowing.</p> <p>The General Fund doesn't have a borrowing cap, as such. The Local Government Act 2003 introduced a system for borrowing</p>	Completed

Date	Portfolio	Title	Action proposed	Action Taken	Progress Status
				<p>based largely on self-regulation by local authorities. The basic principle of the system is that local authorities will be free to borrow, as long as their capital spending plans are affordable, prudent and sustainable.</p> <p>Authorities must have regard to a Prudential Code, which sets out a number of indicators that must be set and monitored each year. The key indicator of prudence is the Capital Financing Requirement and Gross debt. The indicators seek to ensure that, over the medium term, debt will only be for a capital purpose.</p>	
24/04/15	Housing and Sustainability	Homelessness	<ol style="list-style-type: none"> <li>1) That details be provided regarding whether alternative funding would be identified for the next financial year for local welfare provision, and when a decision would be made.</li> <li>2) That the Homelessness Team continue to pursue social letting opportunities with landlords and letting agencies, which had been discussed at the Southern Landlord's Forum, resulting in a recommendation within the Health Overview and Scrutiny Panel Inquiry into Homelessness.</li> <li>3) That it be investigated whether the wording of the Council tax summons could be amended to reflect the fact that Council tax debt might not necessarily lead to a Court order.</li> </ol>	<p>Funding of £245,500 has been identified from the SCC Medium Term Financial Risk Fund to be made available for Local Welfare Provision for 2015/16.</p> <p>Agreed to pursue via Southern Landlords Association following Government guidance being available on changes to young people's out of work benefits as likely to impact on housing.</p> <p>Agree</p>	Completed



Date	Portfolio	Title	Action proposed	Action Taken	Progress Status
24/04/15	Housing and Sustainability	Homelessness	4) That the Safe City Partnership provide details on how begging in the streets was managed.	<p>The City Centre policing team has a 'Community Priority' dealing with street and aggressive begging around the city centre and links to the Newtown &amp; St Marys area. This is a multi-agency plan to deal with those involved, including local businesses, outreach drug services, housing, and the police for enforcement.</p> <p>There are focused patrols in the area and interventions with those responsible. Consideration is being made for Public Spaces Protection Order under ASB legislation, as evidence is gathered from local traders, residents and stakeholders.</p> <p>- Supt Fulton</p>	Completed

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