

# Public Document Pack

## Overview and Scrutiny Management Committee

Thursday, 12th June, 2014  
at 5.30 pm

Council Chamber - Civic Centre

This meeting is open to the public

### Members

Members to be appointed at Annual Council

Appointed Members

Mrs U Topp, (Roman Catholic Church)  
R Wharton, The Church of England (Dioceses of  
Winchester & Portsmouth)

Vacancies

- Primary Parent Governors Representative;  
and
- Parent Governor Representative

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## PUBLIC INFORMATION

### **Role of Overview and Scrutiny**

Overview and Scrutiny includes the following three functions:

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

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

### **Overview and Scrutiny Management Committee**

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

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

- **Economic:** Promoting Southampton and attracting investment; raising ambitions and improving outcomes for children and young people.
- **Social:** Improving health and keeping people safe; helping individuals and communities to work together and help themselves.

- **Environmental:** Encouraging new house building and improving existing homes; making the city more attractive and sustainable.
- **One Council:** Developing an engaged, skilled and motivated workforce; implementing better ways of working to manage reduced budgets and increased demand.

### **Smoking Policy**

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

### **Mobile Telephones**

Please turn off your mobile telephone whilst in the meeting.

### **Fire Procedure**

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

### **Access**

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

### **Dates of Meetings: Municipal Year 2014/15**

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

## CONDUCT OF MEETING

### TERMS OF REFERENCE

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

### RULES OF PROCEDURE

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

### BUSINESS TO BE DISCUSSED

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

### QUORUM

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

## DISCLOSURE OF INTERESTS

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

### DISCLOSABLE PECUNIARY INTERESTS

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

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

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

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

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

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

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

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

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

## **Other Interests**

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

## **Principles of Decision Making**

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

## AGENDA

**Agendas and papers are now available online via the Council's Website**

### **1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

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

### **2 ELECTION OF VICE-CHAIR**

To appoint a Vice-Chair to the Overview & Scrutiny Management Committee for the 2014/2015 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)**

To approve and sign as a correct record the Minutes of the meetings held on 10<sup>th</sup> April 2014 and to deal with any matters arising, attached.

### **8 FORWARD PLAN**

Report of the Assistant Chief Executive, detailing items requested for discussion from the current Forward Plan, attached.

a) Betting Shops, Pay Day Loan Premises, Fast Food Outlets and Public Houses

Briefing paper detailing the issues relating to the forthcoming Cabinet decision “Betting Shops, Pay Day Loan Premises Fast Food Outlets and Public Houses”, attached.

9 **SCRUTINY PANEL A : MAINTAINING BALANCED NEIGHBOURHOODS THROUGH PLANNING PLANNING INQUIRY - FINAL REPORT** (Pages 9 - 46)

Report of the Chair of Scrutiny Panel A attaching the final report and summarising recommendations on how planning could contribute to maintaining balanced neighbourhoods and quality of life for their residents, attached.

10 **LGA COMMUNITY SAFETY PEER REVIEW**

Report of the Cabinet Member for Communities, providing an overview of the findings of the Community Safety Peer Challenge and outlining the actions to be taken in response to the recommendations, attached.

11 **MONITORING SCRUTINY RECOMMENDATIONS TO THE EXECUTIVE**

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

Wednesday, 4 June 2014

Head of Legal and Democratic Services

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SOUTHAMPTON CITY COUNCIL  
OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE  
MINUTES OF THE MEETING HELD ON 10 APRIL 2014

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Present: Councillors Moulton (Chair), Fitzhenry, Hammond, Keogh, Mintoff, Morrell, Stevens and Thorpe

Also in Attendance: Cabinet Member for Education and Change – Councillor Jeffery  
Cabinet Member for Health and Adult Social Care – Councillor Shields

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

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

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

**RESOLVED** that the minutes of the Committee Meeting on 13<sup>th</sup> March 2014 be approved and signed as a correct record.

56. **TRANSFORMATION UPDATE**

The Committee considered the report of the Assistant Chief Executive providing an update on the progress made in relation to the Council's transformation programme during the 4<sup>th</sup> quarter of 2013/14.

**RESOLVED:**

- (i) that for the next quarterly Overview and Scrutiny Management Committee discussion, the Transformation Strategy and high level business cases for the 11 priority projects be circulated to the Committee;
- (ii) that the list of 'transformation' projects not included in the 11 priority projects be circulated to the Committee;
- (iii) that the governance structure for the Transformation Programme be circulated to the Committee, highlighting political representation;
- (iv) that the latest PID for each of the major projects be circulated to the Committee;
- (v) that the Executive's latest thinking with regards to shared services, including services within the Place Directorate, be circulated to the Committee; and
- (vi) that the Cabinet Member for Education and Change updated the Committee on progress with regards to the Energy Pipeline proposal from the Marchwood Incinerator.

57. **FORWARD PLAN**

The Committee considered the report of the Assistant Chief Executive, detailing items requested for discussion from the current Forward Plan.

**RESOLVED**

- (i) on consideration of the briefing paper relating to “Admission Arrangements for Community and Voluntary Controlled Schools for the 2015/16 Academic Year”, the Committee recommended that:-
  - a) the Cabinet Member for Education and Change provided the Committee with information on what schools in the city did not have, within their admission criteria, a priority for children subject to a child protection plan, the reason given for this, and if we had been informed of their intention to include this for 2015/16 or 2016/17;
  - b) subject to the above recommendation, the Chair of the Overview and Scrutiny Management Committee wrote to the Chair of Governors for each school that did not have, or did not intend to have “Children who were subject to a child protection plan” criteria in their admission arrangements, seeking clarification as to why this was;
  - c) the Cabinet Member for Education and Change updated the Overview and Scrutiny Management Committee in due course, on progress relating to discussions about a common admissions statement;
  - d) information on the methodology for forecasting school admission numbers be circulated to the Committee, including whether the process took into consideration planned developments that might result in a significant rise in families coming into or out of the city; and
  - e) children on a child protection plan should be a priority in all school admission policies.
  
- (ii) on consideration of the briefing paper relating to “Award of Contract for an Adult Carer Service and a Young Carer Service” the Committee recommended that:-
  - a) to enable scrutiny to engage in the process of informing service specifications, information be circulated to the Overview and Scrutiny Management Committee and the Health Overview and Scrutiny Panel on services being commissioned by the Integrated Commissioning Unit (ICU) over the next 12-18 months; and
  - b) following the discussion at the Health Overview and Scrutiny Panel on market development within the ICU, a briefing paper be circulated to the Committee for information.

NOTE: During the course of debate of item 57 (ii) the Chair proposed that the meeting moved into confidential session and excluded the press and public from the meeting in accordance with category 7A of paragraph 10.4 of the Council’s Access to Information Procedure Rules.

58. **MONITORING SCRUTINY RECOMMENDATIONS**

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

It was noted that under Communities “Families Matter” Item 1, that further detail and clarity on numbers be circulated to Health Overview and Scrutiny Panel members.

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# Agenda Item 8

<b>DECISION-MAKER:</b>	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE		
<b>SUBJECT:</b>	FORWARD PLAN		
<b>DATE OF DECISION:</b>	12 <sup>th</sup> JUNE 2014		
<b>REPORT OF:</b>	ASSISTANT CHIEF EXECUTIVE		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	<b>Mark Pirnie</b>	<b>Tel:</b> 023 8083 3886
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<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 2014 – September 2014 has been circulated to members of the Overview and Scrutiny Management Committee. The following issues were identified for discussion with the Decision Maker:

<b>Portfolio</b>	<b>Decision</b>	<b>Requested By</b>
Leader's	Betting Shops, Payday Loan Premises, Fast Food Outlets and Public Houses	Cllr Moulton

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 – Betting Shops, Payday Loan Premises, Fast Food Outlets and Public Houses
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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)
1. None	

**BRIEFING PAPER**

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**SUBJECT:** BETTING SHOPS, PAY DAY LOAN PREMISES AND FAST FOOD OUTLETS  
**DATE:** 12 JUNE 2014  
**RECIPIENT:** OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

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

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

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

This was then amended at Cabinet on 17<sup>th</sup> December 2013 to agree:

- (i) That the Council assesses all new planning applications for hot food takeaways within 500m of schools and, if there is considered to be a overriding health implication, then opening hours are restricted during lunch times.
- (ii) That a cross departmental group is set up to explore whether there are opportunities to influence the spread of betting shops, pay-day-loan premises, and the opening of fast food outlets near schools over the longer term and reports back to Cabinet within six months. It is considered that cheap off-licences should not be considered further as it is not a planning issue.
- (iii) The report back to Cabinet should also consider whether an article 4 should be served to prevent the conversion of pubs to other use classes.

Point (i) is already taking place, although it was accepted by Cabinet that in reality it would often prove difficult to conclude that a single proposed hot food takeaway would result in an overriding health implication with current planning policies. Therefore, this will be looked at in more detail as part of the new Local Plan, which is now underway, to assess whether more detailed policies are required and Planning will work with Public Health to assess this. The report to Cabinet on 17<sup>th</sup> June 2014 recommends:

- (i) That the Planning & Development team assess the impact of betting shops, pay-day loan businesses, and takeaways near schools as part of the work on the new Local Plan to see if new policies are necessary to give more control.

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- (ii) That the Planning & Development team progress work on an article 4 to prevent the conversion of pubs to other uses, giving one years notice before the article 4 will take effect. This will include guidance on how any subsequent planning applications will be determined for the conversion of a pub. This will require determination by a subsequent Cabinet and Full Council meeting to assess the evidence before making a final decision.

## **BACKGROUND and BRIEFING DETAILS:**

1. The first recommendation from the 17<sup>th</sup> December 2013 Cabinet set out that if there is a planning application for a hot food takeaway to open within 500m of schools, then consideration should be given to restricting opening hours during lunch times if there is considered to be a overriding health implication. However, the Cabinet accepted that trying to prove an overriding health implication will be very difficult when healthy eating issues are more than just lunchtime access to a new takeaway and when lunchtimes at many schools are so short as to make it difficult for pupils to visit the premises.
2. In addition, hot food takeaways fall with Class A5 of the Use Classes Order and are considered in current policy terms to be an acceptable use for a shopping frontage (Saved Local Plan Policies REI3 – REI7 / Core Strategy Policy CS3). The Council therefore has no current planning policy that would justify refusing planning permission for takeaways near to schools.
3. In March 2009 the Health Select Committee reported on health inequalities. It recommended that local councils should be given greater planning powers to restrict the number of fast food outlets on high streets. Case law has shown that proximity to a school and the existence of a school's healthy eating policy can be a "material consideration" for a local authority taking a planning decision in relation to an A5 takeaway establishment. Further decisions on appeal by Planning Inspectors have shown, however, that in order to successfully refuse planning permission on these grounds a local authority must also show that there is an over-concentration of A5 establishments in the area and provide evidence to show a link between childhood obesity and the proximity of A5 establishments to schools. It was also found that a policy explicitly seeking to control proliferation of fast-food outlets near schools would make it easier for a Planning Inspector to uphold a decision to refuse an application. Following these decisions, several councils have now published supplementary planning documents relating to takeaway establishments.
4. In Southampton, no planning policy exists that would justify refusal for a takeaway near to schools if they are on a shopping parade (Local / District Centre). Outside shopping frontages, there are potential grounds for refusal. Any new policy for takeaways (including any new Supplementary Planning Document) would need to give clear evidence of direct harm arising from a business near a school – given the number and distribution across the city this may be difficult to establish.
5. It is considered that there is potential to influence the location of hot food takeaways near to schools but that the best way to do this is to consider whether a new policy could be written and a Supplementary Planning Document produced to follow this up

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if necessary. There are good links with the public health team and work has started on the new local plan with an intention to adopt it in 3-4 years time and so it is recommended that work on this aspect continues as part of the new local plan.

6. The second recommendation from Cabinet in December 2013 was that a cross departmental group was to be set up to explore whether there are opportunities to influence the spread of betting shops, pay-day-loan premises, and the opening of fast food outlets near schools over the longer term. This was to report back to Cabinet within six months and cheap off-licences were removed from the scope of the work.
7. Betting shops and pay-day-loan premises generally fall within Class A2 of the Town and Country Planning (Use Classes) Order 1987. This class covers banks, building societies, bureau de change, estate agents and employment agencies etc. Therefore, any change in a use in a building between these separate activities does not require planning permission. In addition, there is a permitted change from Use Classes A3 (restaurants and cafes), A4 (drinking establishments), and A5 (hot food takeaways) to Class A2 without planning permission. Lastly, the Government introduced further permitted development changes in May 2013 which allows a temporary change of use from an A1 Use (shops) and a B1 Use (business use) to an A2 Use. However, these new rights are only applicable for a two year period (and only apply to smaller units).
8. Therefore, the vast majority of units within the commercial centres can be converted to be used as a betting shop or payday loans use without requiring planning permission.
9. Where planning permission is required, the Council's planning policies in the Core Strategy and Local Plan permit a change of use from shops (A1) to use class A2 within main shopping parades as these uses are recognised as appropriate uses for shopping centres. Policy REI3 of the Local Plan seeks to limit changes of use to non-retail activities within the primary retail frontage in the City so that no more than three adjoining units are in non Class A1 use.
10. In addition to planning powers (where they apply), there is also a limited scope to control the numbers of betting shops under the licensing regime but in reality this is very limited in scope. There has not been a substantial increase in betting shops in the city and Council officers are in regular contact with the police. There is also a monthly licensing action group meeting with various partners but there are not concerns about a rise in crime linked to betting offices.
11. Recent national developments relating to betting shops have focused on Fixed Odds Betting Terminals (FOBTs). Nearly £200m was gambled in Southampton last year alone by residents on FOBTs, which is a similar amount to that spent on the entire health budget of Southampton's clinical commissioning group. In December 2013 the Labour Party leader announced that the next Labour Government would modify the Gambling Act 2005 to enable local authorities to review betting shop licences in their area and reduce the number of FOBTs in existing locations. An Opposition Motion was debated and defeated in January 2014.
12. There are no additional controls open to the Council covering where a payday loan

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business can operate. SCC does not licence pay day loan shops as the licensing regime is now run by the Financial Conduct Authority (FCA), having moved responsibility from the Office of Fair Trading in April 2014. Trading Standards will be notified of an application for a license and are of the opinion that the FCA is more likely to place a greater emphasis on the 'customer benefit' outputs of the business. There is an increasing political pressure for the FCA to address the overall impact of business activities rather than specific examples of technical non-compliance which was the approach taken by the OFT.

13. Local Credit Unions are also available which provide a reliable source of financial help. Two examples are the Solent Credit Union (153A High Street), and United Savings & Loans Hampshire (a service point is in Shirley Housing Office).
14. The role of the local authority is somewhat limited in dealing with both betting shops and pay-day loans companies. Changes in business practice mean that areas of concern are also more with on-line business with the Public Health team advising that the rise in on-line gambling is a greater concern, for example. As noted, there also appears to be some signs of a change in approach with more attempts at self-regulation as concern grows.
15. The Council is working on these issues, where it is able, and has already included details about choices of lower costing finance on publications and has blocked public access to the main payday loans companies from SCC computers. There is also a debt toolkit available online, joint working has taken place on credit 'hot spots', training given on 'loan sharks', courses run, funding bid for, and the Credit Union has been promoted. Work is now underway on the next phase to update the economic wellbeing section of the Joint Strategic Needs Assessment, on-going working with the Illegal Money Lending Team is being planned, and advice will continue to be issued where possible. Therefore, the Council is already very active in supporting residents on financial issues.
16. Looking at the national picture, Parliament has debated the impact of betting shops and the Mary Portas's High Street Review in December 2011 recommended putting betting shops into a separate use class under the planning system. This was supported by other groups and in the 2014 Budget, the Government advised that it is looking at creating a 'wider' retail use class but excluding betting shops and payday loan shops from this use class. This would effectively require planning permission for a change of use to these premises. This still appears to be considered by the Government.
17. The only real means of dealing with betting shops and pay-day loans under the planning system at present would be to serve an article 4 removing the existing permitted development rights and requiring planning permission. However, this would cover the entire A2 use class and therefore any change of use to *any* use within A2 – banks, building societies, estate and employment agencies, professional and financial services etc. would all require planning permission. This would both impact on the businesses and the Council's resources determining applications for all of these uses, when the majority do not raise any concern.
18. It should also be remembered that this only covers change of use to an A2 use from

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another use and so there is no control over a change of use from an existing A2 use and there are already many buildings in an A2 use in the city centre. In addition, an article 4 simply requires that an application is made for planning permission, and as was explained earlier, the current planning policies would support such a use in the commercial centres. Therefore, if there are particular concerns to be addressed, the policy framework would need to be more explicit about the potential social impact from such developments. This is something that could be considered as part of the new Local Plan to see if more detailed policies could be considered. However, it should be noted that this process will take at least 3-4 years to develop so will not be a quick solution.

19. However, Government guidance about issuing an article 4 direction is clear that local planning authorities should only consider an article 4 in “exceptional circumstances” and where there is evidence that the existing permitted development rights are harming the proper planning of the area. It is considered that, at present, while betting shops and pay-day loan shops raise concerns, they are not an exceptional issue and there is insufficient evidence to support an article 4 direction and insufficient policy guidance on what a planning application would then seek to address.
20. Therefore, it is recommended that the Council continues with the work that it is doing and that it waits to see if the Government changes the Use Classes Order to create a separate use class for these types of uses (that would require some accompanying guidance on how to deal with planning applications for those uses). In the longer term, the Council should review its planning policies to see if a new policy could be produced as part of the new Local Plan to address concerns if there is no change nationally.
21. At Full Council on 18<sup>th</sup> September 2013, a motion was passed to write to the Secretary of State for Communities and Local Government to request that the legislation was changed to require planning permission for the conversion of pubs. However, the Secretary of State has advised that the Council should instead consider the use of article 4 powers. Therefore, it was suggested at the December Cabinet meeting that consideration should be given to that as part of this work and so was added to the recommendations.
22. It is considered that due to the loss of community facilities in a piecemeal fashion and the potential uncontrolled use of large premises in residential areas, that the existing permitted development rights to convert pubs is harmful to the proper planning of the city. Therefore, it is recommended that Planning & Development staff pursue an article 4 direction and the production of suitable guidance to assess how planning applications will be determined. It is likely that this will only apply to pubs outside the city centre. It is suggested that to minimise the risk of compensation claims that a years notice is given of the intention to serve the article 4 direction.
23. The service of an article 4 direction requires evidence of the harm that is being caused and consultation with affected groups before a final decision is taken. Therefore, this report is seeking authorisation to pursue this work and then a full report will be considered by a subsequent Cabinet and Full Council meeting when the evidence can be weighed up and considered.

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## RESOURCE/POLICY/FINANCIAL/LEGAL IMPLICATIONS:

### Financial

24. The recommendations would involve a reasonable amount of officer time and there is a potential risk of legal action and/or compensation. It is considered this is manageable.

### Property / Other

25. None

### Legal

26. Town & Country Planning Act

### Policy

27. None

## Appendices/Supporting Information:

### Further Information Available From:

**Name:** Chris Lyons

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# Agenda Item 9

<b>DECISION-MAKER:</b>	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE		
<b>SUBJECT:</b>	SCRUTINY PANEL A: MAINTAINING BALANCED NEIGHBOURHOODS THROUGH PLANNING INQUIRY – FINAL REPORT		
<b>DATE OF DECISION:</b>	12 JUNE 2014		
<b>REPORT OF:</b>	CHAIR OF SCRUTINY PANEL A		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	<b>Mark Pirnie</b>	<b>Tel:</b> <b>023 8083 3886</b>
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<b>STATEMENT OF CONFIDENTIALITY</b>			
None			

## **BRIEF SUMMARY**

From November 2013 to May 2014 Scrutiny Panel A undertook an inquiry examining the contribution planning can make to maintaining balanced neighbourhoods and the quality of life for their residents. The final report of the Panel is attached as Appendix 1 for consideration and approval by the Overview and Scrutiny Management Committee.

## **RECOMMENDATIONS:**

- (i) To consider and approve the final report of Scrutiny Panel A, attached as Appendix 1, and forward it to the Executive for consideration and further action.
- (ii) To delegate authority to the Chair of the Committee to approve any minor amendments arising from considerations raised at the Committee's meeting on 12<sup>th</sup> June 2014.

## **REASON FOR REPORT RECOMMENDATIONS**

1. In accordance with the Council's constitution, this Committee must approve the final report of a Scrutiny Inquiry and refer it to the Executive for consideration and further action.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

2. None.

## **DETAIL (Including consultation carried out)**

3. On 12<sup>th</sup> September 2013 the Overview and Scrutiny Management Committee agreed the indicative terms of reference for an Inquiry examining the contribution planning can make to maintaining balanced neighbourhoods. The set objectives of the Inquiry were:
  - To review how effectively the City Council's Article 4 and HMOs Supplementary Planning Document is working
  - To increase understanding of the various Government proposals to relax permitted development rights, including those relating to extensions and office to residential conversions, and to consider if a

local response should be developed

- To consider the Council's approach to planning enforcement.
4. The Inquiry was undertaken by Scrutiny Panel A with information presented to 6 meetings from November 2013 to May 2014.
  5. The final report contains 21 recommendations in total, summarised in Appendix 2, which if implemented the Panel believe will help to maintain balanced communities in Southampton.
  6. The recommendations are grouped under the following key themes:
    - Houses in Multiple Occupation
    - Planning Enforcement
    - Permitted Development Rights
    - Community Led Planning
  7. A final report of the Inquiry is attached as Appendix 1. This Committee needs to consider whether the report adequately responds to the Inquiry objectives outlined in the Terms of Reference shown within the attached report.
  8. The Overview and Scrutiny Management Committee procedure rules within the constitution require that within two months of the date that this committee approves a final inquiry report, the Executive will consider the report and submit its findings to either this Committee or to Council. If this Committee is therefore minded to accept the final version of the report, then the document will be forwarded to the Executive on 17<sup>th</sup> June for further action.

## **RESOURCE IMPLICATIONS**

### **Capital/Revenue**

9. In practice any future resource implications arising from this review will be dependent upon whether, and how, each of the individual recommendations within the Inquiry report are progressed by the Executive. More detailed work will need to be undertaken by the Executive in considering its response to each of the recommendations set out in the Inquiry report.

### **Property/Other**

10. None.

## **LEGAL IMPLICATIONS**

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

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

### **Other Legal Implications:**

12. None

## **POLICY FRAMEWORK IMPLICATIONS**

13. The proposals contained within the appended report are in accordance with the Council's Policy Framework.

**KEY DECISION?** No

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

**Appendices**

1.	Final Report – Scrutiny Panel A Inquiry
2.	Summary of Recommendations

**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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# Scrutiny Panel A

## Maintaining Balanced Neighbourhoods Through Planning



### PANEL MEMBERSHIP

- Councillor Burke (Chair)
- Councillor Claisse (Vice-Chair)
- Councillor L Harris
- Councillor Lloyd
- Councillor McEwing
- Councillor Mintoff
- Councillor Vinson

Improvement Manager - Mark Pirnie

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## **Maintaining Balanced Neighbourhoods Through Planning**

### **Introduction**

1. The role of Southampton as the sub-regions economic driver and a provider of higher education creates additional pressure on the city's housing stock and infrastructure.
2. Although the demography of the city is complex the planning system can assist in achieving a mix of households within the city's neighbourhoods, meeting different housing needs whilst protecting the interests of other residents, landlords and businesses.
3. Recognising the importance of maintaining balanced communities within Southampton the Overview and Scrutiny Management Committee (OSMC), at its meeting on 12<sup>th</sup> September 2013, requested that Scrutiny Panel A undertake an inquiry looking at 3 specific areas; the Houses in Multiple Occupation Supplementary Planning Document; Planning enforcement and Permitted development rights.
4. The agreed purpose of the Inquiry was to examine the contribution planning can make to maintaining balanced neighbourhoods and the quality of life for their residents.
5. The set objectives of the Inquiry were:
  - a. To review how effectively the City Council's Article 4 and HMOs Supplementary Planning Document is working.
  - b. To increase understanding of the various Government proposals to relax permitted development rights, including those relating to extensions, office to residential conversions and changing retail use without consent, and to consider if a local response should be developed.
  - c. To consider the Council's approach to planning enforcement.
6. As the meetings progressed the Panel had a number of discussions relating to empowering communities to have a greater say in the future growth and development of their neighbourhoods. This led to a meeting of the Panel to focus on Neighbourhood Planning.

The full terms of reference for the Inquiry, agreed by the OSMC, are shown in Appendix 1.

### **Consultation**

7. Scrutiny Panel A undertook the Inquiry over 4 evidence gathering meetings and received information from a wide variety of organisations to meet the agreed objectives. A list of witnesses that provided evidence to the Inquiry is detailed in Appendix 2. Members of the Scrutiny Panel would like to thank all those who have assisted with the development of this review.

## **Houses in Multiple Occupation**

### **Background**

8. Southampton has a large number of Houses in Multiple Occupation (HMOs). These play an important role in meeting people's housing needs in Southampton, by providing shared accommodation that is affordable to young workers, postgraduate students, some undergraduate students, and others. Without HMOs, many young professionals and students would not be able to afford to live in Southampton.
9. However, in some areas of the city, high concentrations of HMOs are resulting in changes to the character of the local area, and may also contribute to local parking problems, large numbers of transient households, and the affordability of renting or buying homes in the city. This has led some people to believe that their communities are becoming unbalanced, because the number of short-term tenants with less established community ties has grown too large.
10. To prevent the development of excessive concentrations of HMOs, and to encourage a more even distribution across the city, the Council, in March 2012, resolved to make an Article 4 (1) direction to remove the permitted development rights of house owners to convert a single dwelling house (class C3) into an HMO. Accompanying this the Council approved a Houses in Multiple Occupation Supplementary Planning Document (HMO SPD) to guide the interpretation of the policy and to ensure that HMOs were spread across the city with no area (within a 40m radius) having more than either 20% or 10% of properties as HMOs so communities were balanced (defined as the "tipping point").
11. As the Article 4 and HMO SPD had been in place for 18 months it was appropriate that the Panel reviewed the policies and considered how effective they were in meeting the objectives identified above.
12. The Panel were informed that the National HMO Lobby and the National Organisation of Residents Associations believe that 10% is the tipping point given that it equates to 20-30% of the population, and of the adoption by neighbouring south coast cities Bournemouth and Portsmouth of 10% thresholds.
13. In addition, the Panel discussed at the 9 January 2014 meeting the Additional HMO Licensing Scheme. Since July 2013 the City Council has had a designation for Additional HMO Licensing in 4 wards (Bevois, Bargate, Portswood and Swaythling). This means that all HMOs in these 4 wards need to be licensed.
14. A summary of the key findings from the meeting can be found attached at Appendix 3. The agenda papers for the 9 January 2014 Panel meeting can be found here:

<http://www.southampton.gov.uk/modernGov/ieListDocuments.aspx?CId=424&MId=2816&Ver=4>

## Conclusions and Recommendations

### Houses in Multiple Occupation Supplementary Planning Document (HMO SPD)

15. Evidence was provided to the Panel from various sources advocating changing the HMO SPD thresholds currently in existence, or indeed removing the thresholds altogether. The Panel are aware that it is a balancing act between protecting family housing and balanced communities and meeting housing needs for the city. The Panel, whilst recognising that the HMO SPD is not perfect, were not convinced that the evidence presented to them was robust enough to recommend changes to the existing HMO SPD thresholds, 10% (Bassett/Portswood/Swaythling) and 20% in the rest of the city, at this time. The Panel believe more research is required in assessing housing need in the city as it relates to HMO accommodation, tipping points and in clarifying the number of HMOs in Southampton before the Council reconsiders amending the thresholds. With this in mind the Panel recommend the following:
  - i. That the Administration reconsider the HMO SPD thresholds once accurate and soundly based information on housing need and HMO numbers in Southampton, and the tipping point at which communities become unbalanced has been gathered. The Panel believe that working with the universities in Southampton, perhaps through commissioning a specific investigation, e.g as a student dissertation topic, could be a way forward here. Information gathered could be used in conjunction with the emerging details on location and HMO numbers emanating from the implementation of the Additional HMO licensing scheme in 4 wards of the city. The Panel ask that a) early consideration be given to Freemantle when determining appropriate thresholds, and b) that a consultative task force is established consisting of council officers, universities, representatives of resident's associations and landlords to monitor progress and to advise on the exercise to accumulate evidence on the supply of, and demand for HMOs.
  - ii. That the Executive give consideration to how the HMO SPD can be amended to reflect the population density of HMO occupants rather than just property density. The Executive may, for example, consider utilising information derived from planning applications since March 2012, from the Additional Licensing Scheme, the location of halls of residence and whether an HMO is C4 or Sui Generis.
  - iii. That the Executive amend the HMO SPD to include no new HMOs which would 'sandwich' family homes.
  - iv. That greater emphasis be placed on amenity and neighbourhood character when considering HMO applications.

## HMOs in General

- v. That the Council roll out the Additional HMO licensing scheme to areas within wards that have issues with HMOs as soon as legally and feasibly possible, and deals robustly with irresponsible landlords as the scheme moves into the enforcement phase, including prosecuting where appropriate.
- vi. To address the issue of the proliferation of To-Let signs the Panel supports the motion approved at the 19 March meeting of Council urging the Executive to make full use of the powers available to curb the excessive display of such signs, including consideration of the adoption of a Regulation 7 Direction under the Town and Country Planning (Control of Advertisements) Regulations, and a rigorous Lettings Board Code as adopted by Leeds City Council and others. The Council could, for example, consider the following easy and inexpensive proposals; a total ban in Conservation Areas, a ban on 'Let By / Sold By' boards, and a moratorium of 'Student Let' boards between (say) August and February.
- vii. Development of new student accommodation benefits the wider market, as it frees up homes that are suitable for families and couples. It is therefore recommended that the Executive:
  - a. engage with the two universities in Southampton and encourages the development of additional appropriate purpose built student accommodation;
  - b. review the Council's existing policy with a view to adopting the approach whereby the City Council insist that any student numbers are matched by a proportionate increase in purpose-built student accommodation, and by setting a target for the overall number of students living outside of university provided accommodation at each institution.
- viii. That the Council seek agreement with letting agencies and Universities not to offer unlicensed/unapproved student accommodation to let.
- ix. That the Executive consult with landlords to identify ways of increasing the attractiveness of areas within Southampton in which HMOs are currently significantly underrepresented e.g by improving transport links.
- x. If it is legal it is recommended that the Council develops a closer alignment between Planning and HMO Licensing ensuring that an application for an HMO License is only determined after planning permission has been ascertained. If this is currently illegal then the Council should write to the Government recommending a change in the law.

## **Planning Enforcement**

### **Background**

16. The Planning Enforcement function was the subject of a review by Internal Audit in 2013. The review identified a number of concerns relating to policies and procedures, complaints and executing enforcement decisions within statutory and legal timeframes.
17. At the meeting of the Panel progress on the management actions undertaken in response to the Internal Audit report was presented. Progress had been made against a number of the actions, however a number of actions were still outstanding.
18. Progress must be seen alongside the workload of the Planning Enforcement Team outlined in the table below and presented to the Panel:

**Table 1**

	<b>2011-12*</b>	<b>2012-13*</b>	<b>2013-14*</b> <b>(31<sup>st</sup> Dec 2013)</b>
<b>Enquiries</b>	291	430	268
<b>Stop Notice</b>	3	1	0
<b>Enforcement Notice</b>	6	6	12
<b>Breach of Condition Notice</b>	8	5	4
<b>s.215 untidy site notice</b>	0	1	2

19. A summary of the key findings from the meeting can be found attached at Appendix 3. The agenda papers for the 6 February 2014 Panel meeting can be found here:

<http://www.southampton.gov.uk/modernGov/ieListDocuments.aspx?CId=424&MId=2817&Ver=4>

## **Conclusions and Recommendations - Planning Enforcement**

20. The Panel recognise that planning enforcement in Southampton has improved recently but more could be done to ensure that the planning function is not undermined by a lack of prompt and effective enforcement. The following actions are recommended:
- i. That the planning enforcement action plan is fully implemented, including clear guidance and standards on planning enforcement and the audit plan is completed..
  - ii. That, to act as a deterrent, successful enforcement action is publicised (may be included in Street CRED outcome publicity or through Stay Connected).
  - iii. The Council makes direct representation to the Secretary of State at the DCLG and the Planning Minister requesting:
    - a. The introduction of stop notices to stop unauthorised residential uses
    - b. Shifting enforceability to proof of intent instead of actual occupation
    - c. Stopping the ability to appeal about a planning decision and a subsequent enforcement notice
    - d. An additional fee for those who have applied for retrospective planning permission
    - e. Permission to confiscate rent for unauthorised HMO occupancy
    - f. Power to charge fees for HMO applications and appeals.
  - iv. The Council strengthens checks on established use, with published guidelines.
  - v. The Council makes fuller use of the Proceeds of Crime Act where possible and Section 215 (untidy sites) notices.

## **Permitted Development Rights**

### **Background**

21. On 30 May 2013 a raft of amendments to permitted development and change of use came into effect, lasting for 3 years. The two main changes are:
- The change of use of office to residential use
  - Increasing the size limits for single storey domestic extensions and conservatories.

### **Office to Residential Use**

22. The coalition government amended legislation to allow for offices to convert to homes without having to apply for full planning permission. The policy goal was to make it easier to convert redundant, empty and under-used office space into new homes, promoting brownfield regeneration, increasing footfall in town centres and boosting housing supply.
23. The Panel were informed that in the first 9 months the Council has been notified of 33 proposals under these rights. 16 of these are in the city centre and total a loss of 20,000 sq m of offices. These premises are general older lower quality properties and it is likely the conversion of many of these sites would have been supported had planning permission been required.
24. There is some evidence that there was an initial 'spike' of major applications in response to this temporary measure. Of the 20,000 sq m loss, 90% relates to applications received within the first 3 months of the new permitted development rights.
25. The loss of 20,000 sq m can be seen in the following context. They are:
- 43% of the city centre office losses assumed by the Core Strategy Partial Review (2013 – 2026).
  - 7% of the total city centre office stock.

### **Permitted development rights for residential properties**

26. The Government introduced additional permitted development rights for residential properties, allowing, with some exceptions, extensions of between 4m and 8m for detached houses and between 3m and 6m for all other houses.
27. The Panel were informed that since the scheme came into force, Southampton has received 44 applications under the consultation scheme. Only 3 received objections (4 were still under consideration).
28. A summary of the key findings from the meeting can be found attached at Appendix 3. The agenda papers for the 6 March 2014 Panel meeting can be found here:

<http://www.southampton.gov.uk/modernGov/ieListDocuments.aspx?CId=424&MId=2818&Ver=4>

## **Conclusions and Recommendations - Permitted Development Rights**

29. The Panel were informed about the office to residential conversion and the residential properties permitted development rights (PDR). Members recognised that the various PDRs had the ability to impact on the balance of neighbourhoods but were notified that neither of the PDRs has so far had a significant impact on the city and that they are scheduled to be removed in 2016. The following actions are recommended:
- i.** To raise awareness, the Planning Service provides information to all councillors about the permitted development rights.
  - ii.** That the Council monitors the impact of PDRs with a view to taking appropriate action if it is considered that they are having a detrimental impact on the city.
  - iii.** That the Council makes direct representation to the Secretary of State at the DCLG and the Planning Minister requesting that the Government reconsiders their position regarding including HMOs within the PDRs for residential properties.

## **Community Led Planning: New ways of working – Educate, engage and enforce**

### **Background**

30. Since April 2012, local communities have been able to produce Neighbourhood Plans for their local area, putting in place planning policies for the future development and growth of a neighbourhood. Neighbourhood Planning relates to the use and development of land and associated social, economic and environmental issues. It may deal with a wide range of issues (for example housing, employment, heritage and transport) or it may focus on one or two issues that are of particular importance in a local area. These may be issues that are relevant to the whole neighbourhood or just to part of the neighbourhood.
31. The Panel heard from the Development Manager from Locality who provided a national overview of Neighbourhood Planning. Locality is a nationwide network of settlements, development trusts, social action centres and community enterprises who have been actively involved in Neighbourhood Planning for over 18 months. The Panel were presented with information on how plans are addressing community issues in areas, particularly in urban areas similar to Southampton.
32. Southampton has two emerging Neighbourhood Plans, Basset NP and business led East Street NP, although the latter has currently stalled. The Chair of the Basset Neighbourhood Forum provided the Panel with a synopsis of the journey being undertaken in Bassett in the development of a neighbourhood plan. The key to the progress being made in Bassett has been the co-operative, supportive and hardworking residents associations who have helped drive the process forward.
33. A summary of the key findings from the meeting can be found attached at Appendix 3. The agenda papers for the 8 April 2014 Panel meeting can be found here:

<http://www.southampton.gov.uk/modernGov/ieListDocuments.aspx?CId=424&MId=2819&Ver=4>

### **Conclusions and Recommendations – Community Led Planning**

34. The Panel were informed about the new approaches that seek to empower local communities to shape their neighbourhoods. Despite limitations in approaches such as Neighbourhood Planning the Panel saw the value in encouraging, supporting and empowering communities across Southampton to work collectively to develop local solutions. These could work alongside Council enforcement in areas such as Waste Enforcement, HMO Additional Licensing Scheme, Planning Enforcement, Environmental Health and StreetCRED to address negative impacts associated with unbalanced communities. To further this community led approach it is recommended that:

- i. The Council supports Neighbourhood Plans across Southampton.
- ii. With councillors taking the lead, the Council pilots working on a street by street basis, with local residents, resident associations and landlords to address the problems associated with HMOs in certain communities.

### **General Comment**

35. This review has identified the significant pressures facing the Planning Service. Whilst the Panel recognises the immense financial pressures facing the Council there were concerns that the existing service is under resourced and that further reductions in resources would be detrimental to maintaining balanced neighbourhoods in Southampton. It is therefore recommended that:
- i. The Executive review the resources allocated to deliver the Planning Service, particularly for enforcement, to ensure that it is sufficient to deliver the service required by the City of Southampton

## **Appendices**

Appendix 1 – Inquiry Terms of Reference

Appendix 2 – Inquiry Plan

Appendix 3 – Summary of Key Evidence

**Maintaining balanced neighbourhoods through planning  
Terms of Reference**

**1. Scrutiny Panel:** Scrutiny Panel A

**2. Membership:**

- a. Councillor Derek Burke
- b. Councillor Matthew Claisse
- c. Councillor Les Harris
- d. Councillor Mary Lloyd
- e. Councillor Catherine McEwing
- f. Councillor Sharon Mintoff
- g. Councillor Adrian Vinson

**3. Purpose:**

To examine the contribution planning can make to maintaining balanced neighbourhoods and the quality of life for their residents.

**5. Background:**

- To address concerns related to Houses in Multiple Occupation (HMOs), the Council, in 2011, introduced an Article 4 direction to require planning consent to create new HMOs and has produced a Supplementary Planning Document to accompany this change. This policy has been in place for over 18 months and now is an opportunity to reflect on its effectiveness.
- In addition to HMOs there are wider issues relating to planning enforcement. The Council has recently undertaken an internal audit of this area and this review provides members with an opportunity to identify where improvements can be made in addition to the action plan developed following the audit.
- In May 2013 the Government relaxed certain Permitted Development Rights. These include the following;
  - increasing the size limits for single storey domestic extensions and conservatories;
  - the change of use of office to residential use.

The Government has also recently consulted on another proposal, although there has been no decision as to whether this change will happen:

- the change of retail to residential use

Members have an opportunity to explore the proposals, their potential impact on Southampton and how, if at all, the Council want to respond to the proposals. All of the above must be considered in light of the budget pressures the Council is facing.

## **6. Objectives:**

- a. To review how effectively the City Council's Article 4 and HMOs Supplementary Planning Document is working.
- b. To increase understanding of the various Government proposals to relax permitted development rights, including those relating to extensions, office to residential conversions and changing retail use without consent, and to consider if a local response should be developed.
- c. To consider the Council's approach to planning enforcement.

## **7. Methodology:**

- a. Outline of current national policy and local activity including:
  - Key findings from recent internal audit of Planning Enforcement
  - Review recent decisions of the Planning Inspectorate
  - Government Policy
- b. Engage members, partners and community representatives
- c. Identify and consider best practice and options for future delivery:
  - National best practise examples
  - Local success stories

## **8. Proposed Timetable:**

Six meetings November 2013 – May 2014

## **9. Inquiry Plan** (subject to the availability of speakers)

### **Meeting 1: 28<sup>th</sup> November 2013**

- Introduction, Context and Background

#### To be invited:

Cllr Letts

Senior officers from Planning

### **Meeting 2: 9<sup>th</sup> January 2014**

- To review the effectiveness of the Councils Article 4 and HMO Supplementary Planning Document

#### To be invited:

Residents Association Representative

Landlord Representative

Universities / Student Unions

Senior officers from Planning and HMO licensing officer

### **Meeting 3: 6<sup>th</sup> February 2014**

- Consider the Councils approach to planning enforcement

#### To be invited:

Cllr Blatchford, Chair of the Planning Committee

Senior officers from Planning

**Meeting 4: 6<sup>th</sup> March 2014**

- To increase understanding of the various proposals to relax certain permitted development rights

To be invited:

Senior officers from Planning

**Meeting 5: 3<sup>rd</sup> April 2014**

- To summarise the inquiry's evidence and highlight emerging recommendations

To be invited:

Senior officers from Planning

**Meeting 6: 8<sup>th</sup> May 2014**

To approve the final report of the inquiry and recommendations

DATE	MEETING THEME	TOPIC DETAIL	EVIDENCE PROVIDED BY
28/11/13	Agree Terms of Reference		<ul style="list-style-type: none"> <li>• Dr Chris Lyons (Planning &amp; Development Manager, SCC)</li> </ul> <p><b>Items appended to report:-</b></p> <ul style="list-style-type: none"> <li>• Draft ToR</li> <li>• Background to the review</li> <li>• HMO SPD</li> </ul>
09/01/14	To review the effectiveness of the Council’s Article 4 and HMO SPD	Since its introduction in April 2012, how effective has the HMO SPD been in terms of meeting its original aims?	<ul style="list-style-type: none"> <li>• Dr Chris Lyons (Planning &amp; Development Manager, SCC)</li> <li>• Janet Hawkins (HMO Licensing)</li> <li>• Prof Roger Brown, Simon Hill and Jerry Gillen (Highfield Residents Association)</li> <li>• Roger Bell and Dr Julian Jenkinson (Southern Landlords Assoc)</li> <li>• Liz Mackenzie (National Landlords Assoc)</li> </ul> <p><b>Other written evidence submitted</b></p> <p><b>Member feedback from:-</b></p> <ul style="list-style-type: none"> <li>• Cllrs Moulton, Hannides, Shields and Noon</li> </ul> <p><b>Resident Association’s feedback from:-</b></p> <ul style="list-style-type: none"> <li>• Pointout Residents Group</li> <li>• East Basset RA</li> <li>• Tower Gardens NWA RA</li> <li>• Thornbury RA</li> <li>• Portwood Residents Gardens Conservation Area (Planning group)</li> <li>• Individual residents from Polygon, Bedford Place, Freemantle, Highfield, Portwood</li> </ul> <p><b>University and Student Union response: -</b></p>

DATE	MEETING THEME	TOPIC DETAIL	EVIDENCE PROVIDED BY
			<ul style="list-style-type: none"> <li>• University of Southampton</li> <li>• Southampton University Students' Union</li> <li>• Solent University</li> <li>• Solent Students' Union</li> </ul> <p><b>Other items appended to report:-</b></p> <ul style="list-style-type: none"> <li>• HMO SPD</li> <li>• Southampton HMO Planning applications - summary</li> <li>• HMO Licensing Scheme – FAQs</li> </ul>
06/02/14	<b>Consider the Councils approach to planning enforcement</b>	To review the Council's approach to planning enforcement.	<ul style="list-style-type: none"> <li>• Councillor Letts (Leader SCC)</li> <li>• Councillor Blatchford (Chair of Planning and Rights of Way Panel)</li> <li>• Dr Chris Lyons (Planning &amp; Development Manager, SCC)</li> </ul> <p><b>Other written evidence submitted</b></p> <ul style="list-style-type: none"> <li>• Response from Pointout Residents Group</li> <li>• Response from Southern Landlords Assoc</li> </ul> <p><b>Other items appended to report:-</b></p> <ul style="list-style-type: none"> <li>• Internal Audit Final Report: Development Management – Enforcement</li> <li>• Update on Internal Audit Action Plan</li> <li>• Enforcement table of feedback (Including feedback from Cllrs Moulton, Noon, HRA, East Basset RA, Portswood RGCA, Bedford Place/ Polygon Resident, Southampton University Students' Union)</li> <li>• Roger Bell (SLA)</li> </ul>
06/03/14	<b>To increase understanding of the various proposals to relax certain permitted</b>	The Panel will focus on increasing understanding of the various Government proposals to relax permitted	<ul style="list-style-type: none"> <li>• Dr Chris Lyons (Planning &amp; Development Manager, SCC)</li> </ul> <p><b>Other items appended to report:-</b></p> <ul style="list-style-type: none"> <li>• Southampton Overview of PDR's</li> </ul>

DATE	MEETING THEME	TOPIC DETAIL	EVIDENCE PROVIDED BY
	<b>development rights</b>	development rights <ul style="list-style-type: none"> <li>• Office to Residential (C3)</li> <li>• Residential Properties (extensions)</li> </ul>	<ul style="list-style-type: none"> <li>• Written Ministerial Statement by Planning Minister</li> <li>• National Overview of Office to Residential Conversions - VGA</li> <li>• Liz Slater (Housing Needs Manager, SCC) submission of evidence 'HMOs – Housing Need in Southampton'.</li> </ul>
<b>08/04/14</b>	<b>Neighbourhood Plans</b>	The Panel will focus on increasing understanding of Neighbourhood Plans. <ul style="list-style-type: none"> <li>• Setting the scene including national context</li> <li>• The councils approach to Neighbourhood Planning</li> <li>• What's happening locally: update on Basset Neighbourhood Plan</li> </ul>	<ul style="list-style-type: none"> <li>• Deb Appleby (Development Manager, Locality)</li> <li>• Councillor Les Harris (SCC and Chair of Basset Neighbourhood Forum)</li> <li>• Dr Chris Lyons (Planning &amp; Development Manager, SCC)</li> </ul> <b>Other items appended to report:-</b> <ul style="list-style-type: none"> <li>• Locality: A quick guide to Neighbourhood Plans</li> <li>• DCLG: Notes on Neighbourhood Planning (March 2014)</li> </ul>
<b>08/05/14</b>	<b>To summarise the inquiry's evidence and highlight emerging recommendation and agree final report</b>	Approve report for submission to Overview and Scrutiny Management Committee	

## Summary of Key Evidence

### Inquiry Meeting – 9<sup>th</sup> January 2014

To review the effectiveness of the Councils Article 4 and HMO Supplementary Planning Document.

#### Summary of information provided:

**Regulatory Services- HMO Licensing, SCC** - Janet Hawkins (outside the remit of the inquiry TOR - invited to attend to discuss additional HMO licensing scheme that is focussed on addressing some of the general concerns about impact of HMOs)

- Two licensing schemes; mandatory and additional, which is currently voluntary (enforcement phase March 2014)
- Both schemes aim to improve and regulate HMOs.
- Have received 1300 applications to date
- Good working relationship with Planning and Legal and have been working with landlords groups in the city through the new consultative forum.
- Starting to plan a new stakeholder's forum where interested residents can attend.

#### **Planning & Development Manager, SCC** - Dr Chris Lyons

- A number of issues have arisen since the Council adopted the HMO SPD relating to the Planning & Rights of Way Panel refusing planning applications that meet the requirements of the SPD. They have been rejected on the grounds of being out of character with the area and the Planning Inspectors have supported the Panel's decisions. However, the SPD was intended to address the character argument as well and to give clarity on where HMOs would be supported by the Council.
- This has created uncertainty. If the existing SPD is not right for Southampton then it is suggested that it should be changed but clarity is required.
- Any changes must take into account the resources available.

**Highfield Residents Association (HRA)** - Prof Roger Brown (chair), Simon Hill (Planning sub committee) and Jerry Gillian (committee member)

- HMO SPD not achieving its original aim. It is clear from the Planning Inspectorate's judgements that it is not having a sufficiently restrictive effect.
- **HRA recommendations presented to Panel:**
  - a) HRA would like to see a single limit of 10 per cent to be applied in each ward across the city. In areas where the 10 per cent has already been reached then no new HMOs to be introduced. This change is essential if Southampton is to not become a 'transit' city.

Or

**b)** HMO SPD is changed to reflect a two-tier approach, it would provide some protection against concentrations of HMOs but would not deal with the central issue of the city's character. The two-tier approach would consist of initially a 100 meter radius test, if the test finds a concentration of more than 10 per cent the application would be refused, if less than 10 per cent the 40 meter radius would be applied.

- To refuse an application where the site is adjacent to a family dwelling and where there is an existing approved HMO on the other side ('sandwiching').
- HMOs must not be created through the 'back-door' means such as the conversion of houses into flats, or extensions that require no planning permission.
- HRA feel that their recommendations are in line with the National Houses in Multiple Occupation Lobby and the National Organisation of Residents Association.

**Southern Landlords Association** - Roger Bell (chair) and Dr Julian Jenkinson (committee member)

- The current thresholds have limited any increase in HMOs in high concentration areas, and have the Planning Panel have stopped any successful applications elsewhere in the city. As a result HMO numbers are decreasing, the opposite of the HMO SPDs original aim.
- When thresholds were created they were merely a guesstimate and were produced on no evidence, as there wasn't the evidence to base it on. The council is now at a point where the thresholds can be set.
- The market could set the thresholds, and the 'tipping point' could be based upon whether there is a difference in the market value of family housing over HMOs on a street.
- Working collectively is the way forward - Most landlords are reasonable and would welcome participation in schemes to improve areas. Could collectively, pilot a street to target and improve areas.
- Cannot move HMOs to elsewhere in city if demand not there. Market will follow demand, but demand in other areas i.e. Bitterne is not there.
- Purpose built student accommodation will only be successful for first year students; second/ third year students prefer houses.
- **SLA recommendations presented to Panel:**
  - a) Amend HMO SPD to provide clarity with regards to areas where there are only a few C3 houses remaining.
  - b) To increase the threshold/ tipping point
  - c) To consider creating thresholds using housing market intelligence

**National Landlords Association** - Liz Mackenzie (area representative)

- The HMO SPD in its current form has created a catch 22 situation. This is because:-
  - 1.) Property within an area of high HMO density, C4 planning application is turned down because thresholds are exceeded.

- 2.) Property within an area of low HMO density, C4 planning application is granted initially, but then turned down on the change of character to the area an HMO would bring.
- The result of the HMO SPD and the Article 4 direction has so far frozen the housing mix at pre- April 2012 levels.
  - The HMO SPD increases the cost of renting because it limits the supply of rented housing, and this is at a time when there is increased demand. The HMO SPD has not taken welfare reform into consideration. It appears that the Council used planning to try and affect social issues, which is inappropriate.
- **NLA recommendations presented to Panel:**
    - a) To remove the HMO SPD and the Article 4 direction, as it has failed.
    - or
    - b) The Council clarifies the standard under which a property will be granted C4 planning permission in each ward.

### **Conclusions from meeting:**

#### **Impact of HMOs**

- Most issues raised by residents focussed on the impact that HMOs can have on communities and were not directly related to the Article 4 or HMO SPD.
- There was universal support for the additional HMO licensing scheme, including from landlords association representatives who believe that it could help to address unscrupulous landlords.
- Recognition that to overcome wider HMO issues there is a need for landlords, residents and the council to work together, potentially on a street by street basis.

#### **Article 4 & HMO SPD – Have objectives been achieved?**

1. Spreading HMOs across the city to create balanced communities?
  - No - There have been only 19 successful C3 to C4 applications since the implementation of the A4D. The majority of these came in the early days of the A4D prior to any appeal results. In the last 12 months since we have had the benefit of the appeal results there have been 6 successful applications for conversion from C3 to C4 across the city.
  - Few applications for conversion to an HMO have been submitted for areas outside the central and northern wards, reflecting the lack of market driven demand in these locations (access to key locations is essential).
2. Preventing the development of excessive concentrations of HMOs?
  - Yes - As only 6 new HMOs have been created in last 12 months then concentrations remain unchanged.
3. Increased the supply of HMOs?
  - No – Only 6 new HMOs in past year, and this does not include HMOs that could have converted back to family housing.

## Summary

- For many residents associations, and some existing landlords, the Article 4 & HMO SPD is working by preventing additional HMOs in their neighbourhoods. The thresholds are preventing new HMOs in areas where there is a concentration of HMOs. The Planning and Rights of Way Panel, supported by the Planning Inspectorate, is rejecting applications for HMO conversions, in opposition to the HMO SPD, in areas where there are few HMOs on the grounds of the impact an HMO would have on the character of the area.
- This has created a static housing market for HMOs, causing problems for residents in family houses trying to move out of areas that have exceeded the 'tipping point' as homes are difficult to sell because strict interpretation of exceptional circumstances (para 6.6.1) allowing conversion to HMOs, as well as restricting the growth in supply of HMOs in the city.
- For residents, landlords, planning officers and the future of the city there is a need for clarity on HMO conversion policy.

## Potential areas for recommendations

### HMO SPD:

- Need to ensure that the HMO SPD is aligned to the interpretation of the impact on character being applied by the Planning and Rights of Way Panel, or change the SPD in a way that the Planning & Rights of Way Panel can support - *How? Is the evidence strong enough?*
- To enable residents to sell properties at a fair price in areas that have exceeded the tipping point there is a need for greater flexibility in the interpretation of 6.6.1 in the HMO SPD.
- Revisit the HMO SPD thresholds when the additional HMO licensing scheme has uncovered more accurate information on the number and location of HMOs.

### HMOs in general:

- Roll out the additional HMO licensing scheme to wards that have HMO issues as soon as legally and feasibly possible.

## Inquiry Meeting – 6<sup>th</sup> February 2014

To review the Council's approach to planning enforcement.

### Summary of information provided:

#### Leader SCC – Cllr Letts

- Demand for HMOs will continue into the future – Supports development of more purpose built student accommodation by universities
- HMO Licensing Scheme – Suggested that if the Panel are considering recommending the geographical expansion of the scheme that focus is placed not on entire wards but on areas within wards that have a significant number of HMOs.

- Article 4 / HMOSPD – Would like the same threshold to be applied across the city
- Permitted Development Rights for extending HMOs – Whilst this may help to reduce pressure for new HMOs the Panel may wish to request that the Council write to the Government outlining concerns with this development.

**Chair of Planning and Rights of Way Panel – Cllr Blatchford**

- Article 4 / HMOSPD – For equality would like the same threshold to be applied across the city
- Concerned that areas of the city that do not have active residents associations have not made representations to the Panel.
- Enforcement – Need sufficient capacity within enforcement and legal services to enable the various aspects requiring enforcement to be enforced appropriately.

**Planning and Development Manager – Dr Chris Lyons**

- In recognition of the problems relating to protracted cases and decision making, it was requested that Internal Audit reviewed planning enforcement.
- Internal Audit identified several areas where improvement was required. An action plan was developed in response to the report findings. The action plan has not yet been fully implemented.
- Demand on the service has increased. Only 3 enforcement officers so capacity is a constraint.
- Operate within national legal system. Have a duty to negotiate with people and to try to find a solution. Serving notice is last resort and only take enforcement action if it is expedient to do so (harm that needs to be rectified).
- Legal system does not allow stop notices to be served until HMOs are occupied even if intent is clear.
- Provided re-assurance that planning enforcement has improved, stronger relationship with Legal Services, backlog is clearing and happy to listen to residents and consider evidence provided relating to enforcement issues.

**Proactive enforcement**

- General consensus that a more proactive, robust and well publicised approach to planning enforcement would help to improve confidence in the planning system.
- S215 notices (untidy site notices) for example are easier to prove, send the right message out, equitable but only 2 notices issued in 2013/14 so far.
- The resources available restrict Council's ability to be proactive. The Council does write to people about untidy sites and enforcement officers are active in Street CRED events. Most issues are resolved without the need to issue a notice.
- Publicising action taken place by house owners before enforcement would help reinforce the message about enforcement.

### **Conclusions from meeting:**

- Recognition that planning enforcement in Southampton has improved but more could be done to ensure that the planning function is not undermined by a lack of prompt and effective enforcement.
- A more proactive approach to enforcement would be beneficial to the city but capacity limits ability of the service to be proactive.
- Clearer guidance on enforcement and publicity when enforcement action has been successful would be beneficial.
- The Council should seek to influence national policy.

### **Potential areas for recommendations**

#### Planning enforcement:

- That the planning enforcement action plan is fully implemented, including clear guidance and standards on planning enforcement, and the service is re-assessed by Internal Audit to review how fit for purpose the service is now.
- Successful enforcement action is publicised, including where issues have been rectified before the need for enforcement notices (may be included in Street CRED outcome publicity).
- Subject to legal restrictions, up to date progress on enforcement cases is available on the Council's website. *(Legal have subsequently confirmed we cannot advertise allegations on our website)*
- The Council seeks voluntary agreement from letting agents not to advertise properties that do not hold valid planning permissions
- The Council considers sharing the cost of legal advice with residents and residents associations who are willing to fund such action *(We cannot share advice with a third party as that could hamper our own case)*
- The Council makes direct representation to the Secretary of State at the DCLG and the Planning Minister requesting:
  1. The introduction of stop notices
  2. Burden of proof of intent
  3. Cap on repeated submissions for the same site. *(There already are stops on repeat applications)*
  4. Stopping the ability to appeal about a planning decision and a subsequent enforcement notice
  5. Additional fee for those who have applied for retrospective planning permission
  6. Fees should be chargeable for HMO applications and appeals. *(There is the power to confiscate income under the Proceeds of Crime Act already)*

## **Inquiry Meeting – 6<sup>th</sup> March 2014**

Permitted Development Rights (PDRs)

### **Summary of information provided:**

**Planning and Development Manager – Dr Chris Lyons**

#### **Office to Residential (C3)**

- Council has been notified of 33 proposals under these rights. Mostly they have been for older, lower quality premises. 90% of applications were received within first 3 months of new PDRs.
- SCC applied to Secretary of State for a small area of the city to be exempt from the PDR but this, along with most submitted nationally, was rejected.
- The option available to the City Council to remove the PDR is to use an Article 4 Direction. The Planning and Development Managers advice is that it is not necessary now to develop an Article 4 but to keep a close on eye on developments. The PDR is scheduled to be removed in 2016.
- Concerns about the quality of the office to residential accommodation. Building Regulations still apply, where relevant, but Planning Regulations do not.

#### **Residential Properties**

- Since the scheme came into force 44 applications have been made and only 3 objections received. The Council can only refuse an application if an objection has been raised, and meets other criteria.
- The PDR applies to all residential properties, including HMOs following High Court proceedings that resulted in revised guidance to Planning Inspectors being issued.
- Again the option available to the Council to remove the PDR is to use an Article 4 Direction. For an Article 4 to be agreed by Govt there is a need to prove harm. Difficult to evidence harm with only 44 applications received and 3 objections. The Planning and Development Managers advice is that, to reduce risk of compensation it would be advisable to give 1 years notice if an Article 4 was to be developed. This would possibly lead to rush of applications in year when notice given (similar to HMO Article 4). The PDR is scheduled to end in 2016.

#### **Conclusions from meeting:**

- Neither PDR has so far had a significant impact on the city. To our knowledge this is largely reflected nationally outside of London.
- It is important that Members are aware of the PDRs and informed of applications.

#### **Potential areas for recommendations**

Permitted Development Rights – Residential properties

- That the Planning Service provides information to all councillors about the permitted development rights.

## Inquiry Meeting – 8<sup>th</sup> April 2014

### Neighbourhood Plans

#### Summary of information provided:

#### Locality Development Manager – Deb Appleby

- A new approach to Planning introduced by the Localism Act 2011, Neighbourhood Plan's (NP) are a legal document that can be used as a tool to empower communities to work collectively to identify local solutions by having a stronger influence over aspects of land use and development.
- Can help inform, direct and shape development and must comply with European, National and Local Planning Policies and strategies. NP cannot be used as a barrier to stop growth. Must be community led and evidence based.
- Three main stages: Designation > Independent examination (locally appointed examiner both agreed by LA and Forum) > Referendum (51% or more = adoption of NP)
- Approx 1,000 NPs are at varying stages, 17 plans at examination and have been most popular in the South East.
- Referendums present a cost to LA's, but £30k can draw down 'Additional Burdens Funding' to cover costs. There is a limit of how many referendums can be funded for NP, though it is approx 20. This shouldn't be an issue for Southampton as only 2 have been developing over the past year to 18 months.
- Areas must be designated by the LA, can be ward boundaries but often predefined areas chosen by communities (can encroach into other LA areas).
- Funding available to assist groups to develop NPs (up to £7k). Groups can also access the Big Lottery scheme 'Awards for All Scheme' (up to £10k).
- Southampton has no Parish Councils, meaning that a Neighbourhood Forum (with at least 21 local members) would need to be created to drive every NP.
- Urban areas such as Leeds, Exeter, Bristol and Birmingham are pursuing them. Case studies on the Locality website.
- Exeter St James adopted NP in 2013. It is an area with high number of HMOs. Projects include 'working with the Council and University to manage any adverse impacts that arise from high level of student accommodation within the ward' and have Planning Policies that relate to HMOs, and large/ small scale purpose build student accommodation. Survey for NP identified same issues of noise and bins being important to permanent residents and students.
- Limitations include: NPs can be a lengthy process, on average 12-18 months (one has taken up to 3 years) and it very much depends on the drive and skills of the local community.
- Some LA's have developed helpful guides to NP
- The best NP have given consideration to what they like and don't like about the area and think 15 years ahead and about sustainability.

## **Planning and Development Manager – Dr Chris Lyons**

- Southampton has two emerging Neighbourhood Plans, Basset NP and business led East Street NP, although the latter has currently stalled.
- Basset NP has passed designation stage, awaiting independent examination and it is likely that the referendum will take place towards the end of this year.
- Would encourage members and the community to discuss with the Planning Dept a NP after giving consideration as to what you want to achieve.
- The city has a target of 16,000 additional homes, 5,000 of those in inner city. The remainder of the target is not broken down into other areas of the city.
- NP's could cause complications to SCC Planning Policies if it were to encroach into other LA boundaries, especially those where Planning Policies conflict (e.g. Code 4 and Code 3).
- Resources within the Planning Dept have been significantly reduced from six to three policy officers. Don't have resources to do technical work for NP
- Whilst the external resources available to fund a referendum is £30k this may not cover actual cost to LA.
- The Council website has some useful information on NPs.

## **Basset Neighbourhood Forum Plan (Chair) – Councillor Les Harris (SCC)**

- Started journey two years ago, started off being a fairly simple process until the 'goal posts' changed part way through. This resulted in changing the style in the way the NP was written. Although, has now passed designation stage.
- The community, which include 12 Residents Associations, have put in a huge amount of time and effort which has resulted in community ownership of the NP.
- Whilst creating the Forum, in areas where there were no regular Resident Assoc's, Councillors on behalf of the forum, helped out by simply knocking on resident's doors to ensure these areas had fair representation. In turn, the Forum itself has resulted in the community working collectively to address some of the wider issues in their area.
- To help support the development of the plan, funding has been received from Locality (£7k) and have had assistance from Planning Aid to help with the technical planning aspects of the plan. Resident groups have also assisted with funding.
- The NP has the designated boundaries of Basset ward with a population of 14,559, with over 6,219 of those being residences and 2,397 flats. High levels of remaining homes have been converted to HMOs.
- Consulted with residents, land owners, local developers, businesses, the University and the hospital, which resulted in 3 key themes: *Housing density* (including area character), *HMO's* and *Parking*. Whilst a NP cannot deal with parking issues directly, as they are not planning issues, the NP encourages any new development to include adequate parking, unfortunately the City's parking policy does not promote or encourage development to provide sufficient parking off street, and accepts more on street parking.

- A real need to have planning expertise on hand as there is a need to understand planning law.
- Overall it has been a worthwhile community project.

**Conclusions from meeting:**

- Neighbourhood Plans are an effective tool for the community to come together to have a stronger influence over aspects of land use and development but in turn there appear to be 'spin-offs' from creating Neighbourhood Forums that in themselves could be used as a tool to address some of the underlying social issues within communities.
- It is recognised that Neighbourhood Plans are quite a lengthy process, taking on average 12-18 months to implementation and input from individuals with specialised skills (e.g. knowledge of Planning law) within the community to help drive them is invaluable.

**Potential areas for recommendations**

- The Council actively encourage Neighbourhood Plans across Southampton, with local councillors playing a pivotal role in bringing communities together to ensure representation.

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### Appendix 2

#### Scrutiny Panel A Inquiry – Summary of Recommendations

##### Houses in Multiple Occupation Supplementary Planning Document (HMO SPD):

Evidence was provided to the Panel from various sources advocating changing the HMO SPD thresholds currently in existence, or indeed removing the thresholds altogether. The Panel are aware that it is a balancing act between protecting family housing and balanced communities and meeting housing needs for the city. The Panel, whilst recognising that the HMO SPD is not perfect, were not convinced that the evidence presented to them was robust enough to recommend changes to the existing HMO SPD thresholds, 10% (Bassett/Portswood/Swaythling) and 20% in the rest of the city, at this time. The Panel believe more research is required in assessing housing need in the city as it relates to HMO accommodation, tipping points and in clarifying the number of HMOs in Southampton before the Council reconsiders amending the thresholds. With this in mind the Panel recommend the following:

1. That the Administration reconsider the HMO SPD thresholds once accurate and soundly based information on housing need and HMO numbers in Southampton, and the tipping point at which communities become unbalanced has been gathered. The Panel believe that working with the universities in Southampton, perhaps through commissioning a specific investigation, e.g as a student dissertation topic, could be a way forward here. Information gathered could be used in conjunction with the emerging details on location and HMO numbers emanating from the implementation of the Additional HMO licensing scheme in 4 wards of the city. The Panel ask that a) early consideration be given to Freemantle when determining appropriate thresholds, and b) that a consultative task force is established consisting of council officers, universities, representatives of resident's associations and landlords to monitor progress and to advise on the exercise to accumulate evidence on the supply of, and demand for HMOs.
2. That the Executive give consideration to how the HMO SPD can be amended to reflect the population density of HMO occupants rather than just property density. The Executive may, for example, consider utilising information derived from planning applications since March 2012, from the Additional Licensing Scheme, the location of halls of residence and whether an HMO is C4 or Sui Generis.
3. That the Executive amend the HMO SPD to include no new HMOs which would 'sandwich' family homes.
4. That greater emphasis be placed on amenity and neighbourhood character when considering HMO applications.

##### HMOs in general:

5. That the Council roll out the Additional HMO licensing scheme to areas within wards that have issues with HMOs as soon as legally and feasibly possible,

and deals robustly with irresponsible landlords as the scheme moves into the enforcement phase, including prosecuting where appropriate.

6. To address the issue of the proliferation of To-Let signs the Panel supports the motion approved at the 19 March meeting of Council urging the Executive to make full use of the powers available to curb the excessive display of such signs, including consideration of the adoption of a Regulation 7 Direction under the Town and Country Planning (Control of Advertisements) Regulations, and a rigorous Lettings Board Code as adopted by Leeds City Council and others. The Council could, for example, consider the following easy and inexpensive proposals; a total ban in Conservation Areas, a ban on 'Let By / Sold By' boards, and a moratorium of 'Student Let' boards between (say) August and February.
7. Development of new student accommodation benefits the wider market, as it frees up homes that are suitable for families and couples. It is therefore recommended that the Executive:
  - a. engage with the two universities in Southampton and encourages the development of additional appropriate purpose built student accommodation;
  - b. review the Council's existing policy with a view to adopting the approach whereby the City Council insist that any student numbers are matched by a proportionate increase in purpose-built student accommodation, and by setting a target for the overall number of students living outside of university provided accommodation at each institution.
8. That the Council seek agreement with letting agencies and Universities not to offer unlicensed/unapproved student accommodation to let.
9. That the Executive consult with landlords to identify ways of increasing the attractiveness of areas within Southampton in which HMOs are currently significantly underrepresented e.g by improving transport links.
10. If it is legal it is recommended that the Council develops a closer alignment between Planning and HMO Licensing ensuring that an application for an HMO License is only determined after planning permission has been ascertained. If this is currently illegal then the Council should write to the Government recommending a change in the law.

### **Planning Enforcement:**

The Panel recognise that planning enforcement in Southampton has improved recently but more could be done to ensure that the planning function is not undermined by a lack of prompt and effective enforcement. The following actions are recommended:

11. That the planning enforcement action plan is fully implemented, including clear guidance and standards on planning enforcement and the audit plan is completed.
12. That, to act as a deterrent, successful enforcement action is publicised (may be included in Street CRED outcome publicity or through Stay Connected).

13. The Council makes direct representation to the Secretary of State at the DCLG and the Planning Minister requesting:
  - a. The introduction of stop notices to stop unauthorised residential uses
  - b. Shifting enforceability to proof of intent instead of actual occupation
  - c. Stopping the ability to appeal about a planning decision and a subsequent enforcement notice
  - d. An additional fee for those who have applied for retrospective planning permission
  - e. Permission to confiscate rent for unauthorised HMO occupancy
  - f. Power to charge fees for HMO applications and appeals.
14. The Council strengthens checks on established use, with published guidelines.
15. The Council makes fuller use of the Proceeds of Crime Act where possible and Section 215 (untidy sites) notices.

### **Permitted Development Rights:**

The Panel were informed about the office to residential conversion and the residential properties permitted development rights (PDR). Members recognised that the various PDRs had the ability to impact on the balance of neighbourhoods but were notified that neither of the PDRs has so far had a significant impact on the city and that they are scheduled to be removed in 2016. The following actions are recommended:

16. To raise awareness, the Planning Service provides information to all councillors about the permitted development rights.
17. That the Council monitors the impact of PDRs with a view to taking appropriate action if it is considered that they are having a detrimental impact on the city.
18. That the Council makes direct representation to the Secretary of State at the DCLG and the Planning Minister requesting that the Government reconsiders their position regarding including HMOs within the PDRs for residential properties.

### **Community led Planning: New ways of working – Educate, engage and enforce**

The Panel were informed about the new approaches that seek to empower local communities to shape their neighbourhoods. Despite limitations in approaches such as Neighbourhood Planning the Panel saw the value in encouraging, supporting and empowering communities across Southampton to work collectively to develop local solutions. These could work alongside Council enforcement in areas such as Waste Enforcement, HMO Additional Licensing Scheme, Planning Enforcement, Environmental Health and StreetCRED to address negative impacts associated with unbalanced communities. To further this community led approach it is recommended that:

19. The Council supports Neighbourhood Plans across Southampton.
20. With councillors taking the lead, the Council pilots working on a street by street basis, with local residents, resident associations and landlords to address the problems associated with HMOs in certain communities.

### **General comment – Planning resources**

This review has identified the significant pressures facing the Planning Service. Whilst the Panel recognises the immense financial pressures facing the Council there were concerns that the existing service is under resourced and that further reductions in resources would be detrimental to maintaining balanced neighbourhoods in Southampton. It is therefore recommended that:

21. The Executive review the resources allocated to deliver the Planning Service, particularly for enforcement, to ensure that it is sufficient to deliver the service required by the City of Southampton.

# Agenda Item 10

<b>DECISION-MAKER:</b>	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE		
<b>SUBJECT:</b>	LGA COMMUNITY SAFETY PEER CHALLENGE		
<b>DATE OF DECISION:</b>	12 JUNE 2014		
<b>REPORT OF:</b>	CABINET MEMBER FOR COMMUNITIES		
<b><u>CONTACT DETAILS</u></b>			
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<b>STATEMENT OF CONFIDENTIALITY</b>			
None			

## **BRIEF SUMMARY**

In February 2014 a Peer Review Team from the LGA were invited to assess the effectiveness of the city's approach to addressing community safety and youth offending. This report provides an overview of the findings of the Community Safety Peer Challenge and outlines the actions to be taken in response to the recommendations.

## **RECOMMENDATION:**

- (i) The Committee is requested to consider and note this report.

## **REASON FOR REPORT RECOMMENDATIONS:**

In response to a request for this item to be discussed at the OSMC meeting in June 2014.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:**

None.

## **DETAIL:**

1. The Safe City Partnership faces the challenge of continuing to sustain effective partnership working in a climate of reduced resources and significant change. To help address these challenges, and to learn from best practice, the Safe City Partnership invited the Local Government Association (LGA) to undertake a Community Safety Peer Challenge of Community Safety and Youth Offending in Southampton from 25<sup>th</sup> - 28<sup>th</sup> February 2014.
2. The Peer Challenge is part of the benefits we receive from our membership of the LGA and involved an experienced team, including a Head of Community Safety, a Youth Justice Manager and a Detective Inspector

visiting the council and speaking with members of the Safe City Partnership, various groups of staff, councillors and partners.

3. The Peer Challenge feedback and recommendations are attached as Appendix 1. The report identifies a number of strengths and areas where improvements can be made and is structured around the following issues:
  - Community safety priorities and governance
  - Improving performance
  - Section 17 - leveraging greater contributions
  - Youth offending
  - Partnership capacity and finance.
4. In response to the recommendations the Safe City Partnership are currently developing an action plan and will be taking the findings into account in the development of the Safe City Strategy 2014/17, which is due to be completed in the autumn.

## **RESOURCE IMPLICATIONS**

### **Capital/Revenue:**

5. No implications at this stage

### **Property/Other:**

6. No implications at this stage

## **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. These will be defined as the work progresses.

### **KEY DECISION?**

No

### **WARDS/COMMUNITIES AFFECTED:**

All

## **SUPPORTING DOCUMENTATION**

### **Appendices :**

1.	LGA Community Safety Peer Challenge Final Report – This is NOT a confidential report
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**Documents In Members' Rooms:**

1.	None
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**Equality Impact Assessment:**

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

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

Title of Background Paper(s)

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

1.	None	
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## Community Safety Peer Challenge

## Safe City Partnership

## Southampton

February 2014

Report

## Background and scope of the peer challenge

The peer team would like to say how much we enjoyed spending time in Southampton to work with you on the recent community safety peer challenge. We very much appreciated the welcome we received and the honesty with which people engaged in the process and the support provided in the lead up to, and during the course of, the challenge.

It is testimony to the Safe City Partnership's (SCP) and the council's desire for constructive external insight that Southampton commissioned the peer challenge. Peer challenges are managed and delivered by experienced elected member and officer peers. It is important to stress that this was a peer challenge of a theme – community safety – and not of any one organisation. The peer challenge looked across a number of public agencies in their delivery of community safety and related governance issues; including the proposal of the SCP taking on the governance of youth justice.

The peers who delivered the peer challenge were:

- Alastair Macorkindale, Head of Community Safety, Waltham Forest (lead peer)
- Sue Dicks, Community Safety Manager, Bath & NE Somerset
- Nick Metcalfe, Youth Justice Manager, Kingston upon Hull City Council
- Detective Inspector Tom Harding, West Mercia Police
- Neil Shaw, Programme Manager, LGA
- Mike Short, Senior Adviser, LGA

It is important to stress that this was not an inspection. Peer challenges are improvement-orientated and tailored to meet individual needs of councils and partnerships. The peers used their experience and knowledge to reflect on the evidence presented to them by people they met, things they saw and material that they read. The guiding issues, as identified by the Partnership in their position statement for the peer challenge, were:

- How well SCP is meeting the community safety priorities of Southampton and how the governance arrangements for different aspects can be strengthened?
- Exploring how SCP can significantly improve its performance (including a specific focus on improving YOT performance)
- Examining how the council complies with its Section 17 obligations and how to lever a greater contribution to community safety outcomes from the wider involvement of other services
- What can we learn from good practice that partnerships and partners are doing elsewhere?
- A review of the operational practice in relation to the risk assessments and victim support work in the YOS.
- In delivering this focus the peer team will also consider the core components that all peer challenges cover:

- Understanding of local context and priority setting: Does the SCP understand its local context and has it established a clear set of community safety priorities?
- Financial planning and viability: Does SCP have financial plan/arrangements in place to ensure long term viability and is there evidence that it is being implemented successfully?
- Political and managerial leadership: Does SCP have effective political and managerial leadership and is it a constructive partnership?
- Governance and decision-making: Are effective governance and decision-making arrangements in place to respond to key challenges and manage change, transformation and disinvestment?
- Organisational capacity: Are organisational capacity and resources focused in the right areas in order to deliver the agreed priorities?

## Executive Summary

Southampton has seen significant economic growth in recent years and is a place which continues to change. It has also experienced the national trend of notable reductions in crime rates for a number of years. However, the city is not without its community safety challenges and it looks to see how it can have a stronger impact on community safety outcomes and get more added value out of agencies working together on the issue.

SCP currently has five key priorities and overall positive outputs are being delivered in each of the areas. The partner agencies have also been working hard on making stronger linkages to other agendas like safeguarding and health. There are a number of highly visible community safety projects and initiatives that show a real willingness for agencies to work together, often beyond the statutory remit of their own services. This creates optimism for the future tackling of community safety issues.

However, the future landscape is likely to be very different. As public sector budgets continue to reduce it will be increasingly important to understand how working together is creating more added value than the individual actions of single organisations. There will be more need to focus on a smaller number of key priorities and support this with an approach to governance that focuses on providing strategic direction, aligning resources and holding agencies to account for delivery.

The context to the peer challenge was ably set out in a position statement that explained how Southampton is on a journey of radical change and improvement. The commitment of community safety partners at all levels to work together to address issues is reflected in a variety of examples. Overall the partner agencies have managed to maintain their services above and beyond those of their statutory responsibilities. However, whilst, for the most part, positive outcomes are being achieved in terms of reducing crime and disorder, the City's comparative position is not improving at a pace.

Therefore, the scope of the review focussed principally on:

- Community safety priorities and governance
- Improving performance
- Section 17 - leveraging greater contributions
- Youth offending
- Partnership capacity and finance.

### **Governance, priorities and decision making**

We noted that SCP governance architecture is sound and the partnership has five key priorities with positive outputs being delivered in each. The current partnership structure and behaviours (not enough challenge) are hampering this process. Therefore, given the reducing resources in the public sector, we suggest that the SCP needs to focus on a smaller number of priorities with a greater level of challenge between partners on performance. As a more strategic top level partnership, the SCP should be focusing on two or three key priorities and developing a more streamlined governance structure to deliver this.

Growing the city's economy is the single biggest driver to helping the vulnerable to achieve more and Southampton has admirable ambitions in this area. Reducing reoffending and tackling youth crime is likely to make a significant contribution to these intertwined agendas and this might be a useful starting point for a discussion on more focused priorities.

The SCP is currently more operational than strategic in nature and yet with continuing reducing resources it will be even more important to take a more strategic approach and be better linked to other partnerships. There is a need for the SCP to clarify its governance and operational arrangements so that the links to statutory boards (such as Youth Offending Partnership, Safeguarding Boards and Health and Wellbeing Board) is clear. There also needs to be clarification and rationalisation of operational task and finish groups set up to better deliver a smaller number (perhaps just two or three) priorities. The SCP could better deliver on its priorities by concentrating on an outcome focus by looking at existing methodologies to assist partnerships to help clarify vision, outcomes and benefits.

### **Improving performance**

The SCP can demonstrate improving year-on-year performance across nearly all its core crime reduction and community safety areas of performance. However, there is a need to better understand 'what works' as the Partnership is currently not able to say with confidence which initiatives, projects and campaigns are driving down crime. Some of the building blocks to drive future improvement are not yet in place and the approach to performance management is underdeveloped. Taking a more evidence based approach will be important in analysing crime patterns and the impact of specific initiatives. This needs to be through a more systematic evaluation of existing interventions, projects and campaigns accompanied by a change in behaviours where agencies are more systematically held account for their performance against the SCP's objectives. This is also likely to make better use of

resources and will be made more achievable if the SCP focuses on a smaller number of priorities with clear accountability and expectations of what each of the partners have to deliver in respect of these priorities. Southampton's universities could make an important contribution to supporting this more evidence driven approach, along with stronger use of analytical capability across the partnership's agencies.

### **The council's community safety responsibilities: section 17 and leveraging greater contributions**

There are good examples where public services across Southampton have embraced (or considered) their community safety responsibilities. Many of the council's functions played an integral part in delivering on community safety issues and in this context the council plays a critical role. The peer team were impressed with a number of examples of how the council's functions played an integral part in community safety, for example from teams in housing, licensing, planning, environmental health and safeguarding. This is evidenced in Planning considering crime issues as part of new city centre regeneration schemes.

Housing Services business/service plans which are based on local community priorities, the linkages made through locating Independent Domestic Violence Advocates (IDVAs) in Children Services which also has responsibility for Families Matter and safeguarding. Progress on Families Matter appears to be good - the work is targeting the right families, delivering support and there are early signs of delivering positive outcomes. While council requires all reports to either council or cabinet meetings to consider section 17 issues, this has to be used as a mechanism for more systematic and consistent consideration of community safety implications of council policies, actions and decisions.

### **Youth Offending Service**

Southampton Youth Offending Service (SYOS) is making steady progress and there is evidence of increased confidence in the management and staff of the service to deliver against the Service strategic plan. For example it has implemented potentially effective programmes for reducing first time entrants and reducing reoffending. It also needs to do more to reduce the numbers of young people entering the criminal justice system. SYOS has implemented programmes for reducing youth crime, such as triage, youth crime diversion and the Priority Young People scheme. The impact of these schemes will take time to be reflected in positive outcomes. They are still works in progress and it will be important to monitor that they are having the desired impact.

We have been made aware of discussions about potentially combining the Youth Offending Partnership (YOP) and SCP. We recognise that this proposal to combine governance arrangements for SCP and YOP was to ensure engagement of senior officers in progressing youth offending issues and this is now beginning to bear results, for example in custody issues. However, it is our view that any changes to the formal governance of the YOP need to be made with care; loss of focus on this subject could engender significant risk and lack of traction on future performance improvement. We therefore recommend no changes are made to the current

governance arrangements for the Youth Justice Board as the risks outweigh the possible benefits at this time. [This recommendations has been implemented now]

### **Partnership capacity and finance**

In a climate of reducing capacity and resources for community safety, the SCP has maintained good relationships between agencies and there continues to be an overall reduction in crime in the city. There is willingness at the senior officer level to take a joined up approach and maintaining a good pace of improvement. In part this is as a result of the strong leadership from the council's chief executive and the collective courage of the partners to be brave and bold. The SCP Chair is both visible and well respected by the agencies. However, like all other cities, there are financial challenges facing all public sector agencies and resultant reductions in services. There are recent examples of agencies represented on the SCP withdrawing services as funding reduces, some of which have been with limited discussion of the wider impact on other agencies of such service reductions. Any future service reductions by any partner need to be discussed by SCP so the impact on others can be explored.

### **Recommendations**

As a result of our main findings above the peer team developed a number of key recommendations which we feel would greatly assist the improvement of community safety in Southampton. These are;

- Strategic priorities, governance and leadership
  - Build on the shared vision for the city being developed by Southampton Connect to decide what is important in delivering community safety outcomes (ensuring that this is partnership driven and evidence based)
  - Developing the economy is the single biggest driver to helping the vulnerable to achieve more, therefore, consider what aspects of community safety help or hinder in delivering this priority.
  - Strengthen strategic leadership and ensure that the delivery structure is fit for purpose to achieve better understanding of needs and risks, differentiate between needs and reduce to two or three priorities and hold each to account in a transparent way with a focus on outcomes
  - Reduce the number of sub groups
- Improve performance
  - Measure the right things
  - Develop a culture of evidence based policy making by significantly improving analytical understanding of crime and disorder. Maximise the relationship with Southampton's universities, in particular their inputs into the 'What Works Centre' for crime reduction at The College of Policing
  - All partners need to work together to identify and make effective use of analytical resources across partnership to achieve agreed outcomes as research and analysis is needed for partnership work to be effective.
  - Set evidence based, stretch but achievable target setting
  - Have regular stop/start continue conversations based on impacts
  - Facilitate data sharing and don't let agencies hide behind Data Protection Act

- Youth Offending
  - Maintain separate governance arrangements for the Youth Justice Board but ensure these have senior representations from all the key agencies and improve alignment between the Safe City Partnership and the Youth Offending Partnership, for example through combined meetings.
  - Work with the Police about best way to reduce offending and identifying best places for people to be referred to
  - Develop real time proxy data
- Section 17
  - Identify risks in a systematic manner embedded in policy and operational decision making and manage them robustly
- Golden thread – deliver the improvements recommended in the Corporate Peer Challenge report and use the assistance offered from the LGA and peers (Transforming Awards Challenge – Element B funds via CLG)

SCP and the council embraced the challenge positively and supported the process very well and we have offered further peer support to help them in facilitating some of the further improvement of the SCP identified in this report if that would be helpful. This would be aimed at building on the outcomes from the peer challenge and possibly in supporting SCP in their work to review community safety policies.

## Detailed findings in the focus areas

### COMMUNITY SAFETY PRIORITIES AND GOVERNANCE

#### Strengths

We noted that the SCP governance architecture works well and that its quarterly meetings are well attended. Overall the SCP agencies have managed to maintain services above and beyond those of its statutory responsibilities.

The partnership has established five key priorities. Overall, positive outputs are being delivered in each of the five priority areas;

- Reduce crime and anti-social behaviour in key locations
- Reduce the harm caused by drugs and alcohol
- Reduce repeat victimisation
- Reduce reoffending
- Reduce youth crime

Details of SCP achievements and good examples in these priority areas are more fully outlined in the appropriate sections below.

We understand that while Southampton Connect is the strategic city partnership, other partnership boards such as SCP do not formally sit under Connect. However, there seems to be some overlap between the priorities of different partnership boards and how they work. For example, there is an overlap between the SCP and the Health and Wellbeing Board (HWB). There could be some considerable benefit in instigating regular meetings of the Chairs and Vice Chairs of these two Boards with the Police & Crime Commissioner (PCC) in order to ensure that focus and work of the respective Boards are aligned alongside the priorities of the PCC's Police and Crime Plan. We acknowledge that SCP has recognised this issue and will shortly be working to address clearer working arrangements.

We recognise that the HWB focus has a much wider than that of the SCP and that the council has a clear understanding of what health and well-being is and what works well. This has resulted in good support to health as part of the council's transformation work. The HWB is learning to work differently in preparation for future budget cuts, people are clear on their ambitions and the politicians are supporting and engaging by being on board with the key principles. The HWB feel that the new three way work streams of vulnerable adults and children together with prevention and positive lives will provide the opportunities for change and better governance.

The peer team received consistent feedback that the top level SCP needs to retain a consistent strategic focus as it is too often drawn into operational issues. Governance of community safety issues will be significantly strengthened if SCP focused on providing direction, directing resources, managing performance and holding partners to account.

Under SCP there are a number of separate task and finish groups with a community safety remit. They are part of the complex Southampton partnership structure which

is currently being streamlined. With reduced partnership capacity it will be critical to reduce the number of these groups being supported. It is for SCP to determine the number and nature of the group(s). However, SCP may wish to consider a radical approach by having a single 'delivery group' alongside the geographical tasking groups currently in existence. Although there are disadvantages to this, it would significantly streamline the number of groups and free up considerable time. A less radical evolution would be to retain groups closely aligned to delivering SCP's priorities and terminate others that do not.

There is currently seems to be disconnect between the priorities of the Police & Crime Commissioner and SCP. Ideally, SCP and the PCC would be able to collectively discuss and agree a set of priorities upon which to focus. This has not happened to date and it is the responsibility of both parties to work to make this happen for the benefit of Southampton residents. An annual priority setting process, supported by a clear evidence base to inform priority setting may help this. This may require some external facilitation or brokerage and the LGA would be pleased to assist.

### Moving Forward

There is an overlap in some areas between SCP and HWB (e.g. impact of alcohol). There could be some benefit in instigating regular meetings of the Chairs and Vice Chairs of these two Boards with the Police & Crime Commissioner in order to ensure that respective focus and work of the two Boards are aligned.

As the capacity of agencies to support the community safety agenda has reduced, the number of priorities for SCP has grown. Now is the time to take stock and reduce the number of priorities to two or three issues, driven by the strategic assessment and a judgement of where SCP can make the strongest impact. With such a strong focus on the city's economy, this is likely to mean a strong community safety focus on reoffending and youth crime.

The interplay between SCP and linked partnerships is not as clear as the diagram in its Annual Plan for 2012/13 implied. The SCP is more operational than strategic in nature and yet with continuing reducing resources it will be even more important to be more strategic and linked to other partnerships. There is a need to clarify the role and remit of 'operational groups', which are often described as boards, to align with perhaps just two or three priorities. Operational groups below the SCP have grown and declined over a number of years. Now is the time to reduce these significantly, aligned to a smaller number of priorities.

SCP should be concentrated on an outcome focus. There is likely to be a benefit in looking at existing methodologies such as CHaMPS2 used by Birmingham City Council to assist their partnership to clarify vision, outcomes and benefits. In addition there is assistance from the LGA to support community safety partnerships in using principles of change management and programme and project management as applied to 'whole place community budget pilots'. This bespoke improvement offer is in two parts;

- Community Safety Strategic Challenge - to help inform the next phase of improvement, supporting the identification of economies of scale, exploring opportunities of wider partnership working and joint working
- Community Safety Leadership Academy - which includes workshops, mentoring and support on an on-going basis on the development of relationships with PCCs, HWBs, Clinical Commissioning Group (CCG) and relevant community groups

#### Recommendations

- Build on the shared vision for the city being developed by Southampton Connect to decide what is important in delivering community safety outcomes (ensuring that this is partnership driven and evidence based)
- Developing the economy is the single biggest driver to helping the vulnerable to achieve more, therefore, consider what aspects of community safety help or hinder in delivering this priority.
- Strengthen strategic leadership and ensure that the delivery structure is fit for purpose to achieve better understanding of needs and risks, differentiate between needs and reduce to two or three priorities and hold each to account in a transparent way with a focus on outcomes
- Reduce the number of sub groups

### **IMPROVING PERFORMANCE**

The peer team focused on SCP's achievements in delivering on its priorities and on identifying key areas where future performance needs to be significantly improved. Southampton can demonstrate improving year-on-year performance across nearly all its core crime reduction and community safety areas of performance. This has followed the national trend of seeing significant overall reductions across all crime categories.

Some of the performance management 'architecture' exists to enable the collection and presentation of most performance data. The establishment of the Performance Review Group is welcomed in that it has created an opportunity to more systematically collect performance data.

To assess how SCP were performing against their five priorities we looked at raw data information available on LG Inform for a range of nine performance indicators to assess how SCP compares against three comparison groups of the nine English Core Cities, all English single tier authorities and all single tier and county councils in the South East. Please see appendix A for full details.

- all crime figures (2009/10, 2010/11 and 2011/12)
- burglary of dwellings (2009/10, 2010/11 and 2011/12)
- robbery offences (2009/10, 2010/11 and 2011/12)
- violence against the person offences recorded (2009/10, 2010/11 & 2011/12)
- adult reoffending (2011, 2012 and 2013)
- drug offences (2013)

- rate of hospital admissions per 100,000 for alcohol related harm (2013)
- sexual offences (2013)
- first time entrants to the youth justice system (2010/11, 2011/12 and 2012/13)

This information indicates that:

- Compared with Core Cities the SCP has performed well on the first seven indicators, however, in comparison on first time entrants to the youth justice system SCP, although performing well with a lower than average figure in 2010/11, performed less well with higher than average figures in 2011/12 and 2012/13. The figures have been consistently increasing in stark contrast to the other eight core cities where reductions are being achieved. Southampton is ranked ninth in 2012/13. And for sexual offences in 2013 SCP has performed less well with a figure just higher than the average and with worsening figures during each quarter. Southampton is ranked sixth. However, all 9 core cities have worsening figures throughout the year.
- Compared with all English single tier authorities the SCP has performed well only on robbery offences. It has performed less well but with some improvements on;
  - all crime with higher than average figures for all three years but with improved figures year on year
  - drug offences with slightly higher than average figures but with improving figures through the year
  - adult reoffending with higher than average figures in 2010 and 2011 but performed better with a lower than average figure in 2013
  - burglary dwellings in 2009/10 and 2010/11 with higher than average figures but has performed well with lower than average figures in 2011/12
- However, the SCP has performed less well with little sign of improvement on:
  - violence against the person offences with higher than average figures for
  - rate of hospital admissions per 100,000 for alcohol related harm with figures just above the average in 2013
  - sexual offences with a figure just above the average in 2013
  - first time entrants in the youth justice system with higher than average figures in 2011/12 and 2012/13
- Compared to all single tier and county councils in the South East region SCP has performed less well but with some signs of improvement for all crime and adult reoffending. However, SCP has performed less well with little sign of improvement on;
  - burglary dwellings with higher than average figures
  - robbery offences with higher figures than the average
  - violence against the person offences with higher than average figures
  - drug offences with higher than average figures in 2013

- first time entrants to the youth justice system with higher than average figures
- rate of hospital admissions per 100,000 for alcohol related harm with a higher than average figure in 2013
- sexual offences with a higher than the average figure in 2013

On balance there is concern on SCP performance in particular for first time entrants into the youth justice system, sexual offences, violence against the person offences and the rate of hospital admissions per 100,000 for alcohol related harm when compared across all three comparison groups.

However, some of the building blocks to drive improvement are not yet in place and the approach to performance management is underdeveloped. Specifically, this includes:

- the lack of a complete set of performance measures related to the partnership's priorities e.g. alcohol reduction
- incomplete use of data e.g. anti-social behaviour council data, performance indicator missing data
- limited consideration of how some targets are set
- the use of datasets from different time periods creating problems of comparability

### Strengths

Southampton can demonstrate improving year-on-year performance across nearly all its core crime reduction and community safety areas of performance. The SCP's Annual Plan for 2013/14 has a set of five priorities and some of the performance management 'architecture' exists to enable the collection and presentation of most performance data. The establishment of the Performance Review Group is welcomed in that it has created an opportunity to more systematically collect performance data.

The peer team were impressed by the Integrated Commissioning Board which enables the NHS and council to jointly commission services, and at an operational level officers share 'soft intelligence' between each other, enhancing their understanding of the 'hard' performance data. So, for example, it is positive to see some agencies involved in activities that are not part of their 'core' business and that they use these opportunities to add value. Those we noted include the fire service attending MARACs and housing attending community tasking groups.

### Moving forward

However, some of the building blocks to drive improvement are not yet in place and the approach to performance management is underdeveloped. Specifically, this includes:

- the lack of a complete set of performance measures related to the partnership's priorities e.g. alcohol reduction

- incomplete use of data e.g. ASB council data, performance indicator missing data
- limited consideration of how some targets are set
- the use of datasets from different time periods creating problems of comparability

So despite a desire by senior partner representatives to take a single approach to the issue of community safety, some agencies are clearly still reluctant to share their data consistently. The SCP is struggling to obtain NHS data on alcohol related hospital admissions, timely data from the Drug and Alcohol Team (DAT) and occasionally experiences problems obtaining probation data. This data exists and there is no significant reason why this cannot be shared. Until these basic issues are resolved, the SCP will struggle to have a clear and useful picture of performance on which to base future decisions.

A considerable wealth of data exists within current organisational domains. A more evidence driven approach in future should make considerably better use of the available data. The creation of 'community mapping' using a wealth of data sets from the agencies will provide a much more sophisticated picture of vulnerable communities and individuals and assist the SCP to know they are meeting their needs.

The other significant building block of the evidence led approach will be more systematic evaluation of existing interventions, projects and campaigns. This is currently very limited and the partners struggle to articulate how their interventions are leading to a positive impact on crime issues. In a time of declining resources, the partners need to more systematically evaluate interventions to understand 'what works' and therefore where resources can have most impact.

Additional shared analytical capacity is likely to be a help in drawing this together, but any additional capacity will need the support of senior partnership representatives to build the appropriate relationships within the agencies. Data protection concerns are being used as a smokescreen to artificially create barriers to practical data sharing and need to be removed.

However, the better evidence driven approach must also be accompanied by a change in behaviours where agencies are more systematically held account for their performance against the SCPs objectives by the partner agencies.

Southampton is fortunate to have two universities within the city. These provide potential opportunities to grow the research/analytical/evaluation capacity of the SCP. The team feel the SCP could work with the universities to offer a basket of potential research/evaluation projects to undergraduate students annually.

## Recommendations

- Measure the right things
- Develop a culture of evidence based policy making by significantly improving analytical understanding of crime and disorder. Maximise the relationship with Southampton's universities, in particular their inputs into the 'What Works Centre' for crime reduction at The College of Policing
- All partners need to work together to identify and make effective use of analytical resources across partnership to achieve agreed outcomes as research and analysis is needed for partnership work to be effective.
- Set evidence based, stretch but achievable target setting
- Have regular stop/start continue conversations based on impacts
- Facilitate data sharing and don't let agencies hide behind Data Protection Act

## SECTION 17 OBLIGATIONS

### Strengths

The peer team were impressed with a number of examples of how the council's functions played an integral part in delivering on community safety issues. There are good examples of public services across Southampton embracing (or considering) their community safety responsibilities. This includes:

- Housing Services creating a junior wardens scheme and being significantly involved in ASB work and the neighbourhood warden scheme
- Planning considering crime issues as part of new regeneration schemes
- Licensing and Environmental Health supporting ASB work
- The Fire and Rescue Service becoming involved in health improvement activities
- Independent Domestic Violence (IDVAs) sit under Children Services and they link well with Families Matter and safeguarding.
- Leisure Services working with young people on diversionary activities
- Street cleaning and park services involved in StreetCRED and night time economy issues
- Social Care being significantly involved in Family Matters and youth crime issues

In addition the council requires all reports to either council or cabinet meetings to consider section 17 issues.

### Moving forward

The linkages between the council's community safety team, the youth offending service and housing service need strengthening as the information flow and data sharing is patchy between the two service areas and SYOS. There needs to either be a much more joined up approach, or an agreement that one area will take a lead on ASB issues.

We were aware of the number of staff reductions in the Community Safety Team and using raw data from LG Inform noted that the figures for the estimated budget net

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Chief Executive: Carolyn Downs

expenditure on community safety (taken from the Revenue Accounts Budget) in 2011/12, 2012/13 and 2013/14 indicate that compared with;

- Core Cities: the council has spent below the average figure for all three years with declining figures over all three years. Southampton is ranked ninth in 13/14 with expenditure reducing 35% over three years compared to the average of 21%
- All English single tier authorities: the council has spent above the average figure over the first two years but spent less than the average in 2013/14. The reduced budget of 35% compares to a 16% average reduction across England
- All single tier and county councils in the South East region: the council has spent above the average figure for all three years. The reduced budget of 35% compares to a reduction of 32% in the average across the region

Given the above average reductions made to their budget we would suggest a thorough review of all possible models of delivery and consideration of whether such reductions should continue to be made. This could include looking at different models as for example Portsmouth are examining as part of their work on 'Delivering Differently' with support from Cabinet Office, CLG and LGA. It would also be helpful for Southampton to use LG Inform to identify how other authorities with similar reduced expenditure profiles are performing against their priorities. We would suggest ongoing discussions with Core Cities via their quarterly meetings and in particular liaising with Newcastle who have a similar expenditure profile but better figures than Southampton for example on;

- all crime figures
- first time entrants into the youth offending service
- violence against the person offences recorded

Although the council requires all reports to consider section 17 issues, there is little evidence that this responsibility is understood and applied widely. It appears that generally only cursory attention is paid to this issue in council reports. The approach to section 17 obligations needs to be taken more seriously in practical terms. This will require middle managers to have a refresher briefing on the opportunities section 17 creates and encourage middle managers to approach community safety staff to consider the implications of major service changes or projects.

#### Recommendation

- Identify risks in a systematic manner embedded in policy and operational decision making and manage them robustly

## **YOUTH OFFENDING SERVICE**

The peer team focused on examining the operational practice and governance of SYOS). The SYOS has been previously inspected by HMIP and come in for some negative criticism from the Youth Justice Board. SCP was keen to explore the current performance of SYOS. The peer challenge took place at the same time as a HMIP inspection of probation. The peer challenge does not aim to duplicate this process, but to examine the overall performance of SYOS and its governance arrangements.

### Strengths

SYOS is making steady progress in creating its own identity and direction following the disaggregation from Wessex Youth Offending Service (WYOS). The changes resulting from the disaggregation of the WYOS in terms of governance, resource reallocation and personnel change, as well as the loss of the (previous) highly respected and experienced SYOS Manager, created a period of uncertainty and inertia in the performance of the service. There is however evidence that there is increased confidence in the management and staff of the service to deliver against the service's strategic plan.

SYOS has implemented potentially effective programmes for reducing first time entrants (triage and youth crime diversion) and reducing reoffending (Priority Young People scheme). The positive impact of these schemes will take time to be reflected in historic headline key performance indicators. These initiatives are still works in progress and have some way to go before they are established and proven. They are local protocols and operating procedures owned by partners which need to be improved to achieve sustained success.

The service has a well-motivated multi agency staff team strongly committed to making a difference to the lives of its client children and young people. There are low levels of staff turnover in the small service. Individuals seem to support each other and internal communication is effective. There are systems for regular supervision and staff training.

Risk assessment has been recognised as being of improved quality; there is now increasing recognition that safeguarding and protecting children has an equal part in the domains of risk of reoffending and risk of serious harm to others. The Short Quality case file inspection undertaken by HMI Probation in 2013 found acceptable levels of practice; an improvement plan has been completed.

### Moving Forward

We have been made aware of discussions about potentially combining the YOP and SCP. We recognise that this proposal to combine governance arrangements for SCP and YOS was to ensure engagement of senior officers in progressing youth offending issues and this is now beginning to bear results, for example in custody issues. However, it is our view that any changes to the formal governance of the YOP need to be made with care; loss of focus on this subject could engender significant risk and lack of traction on future performance improvement. We therefore recommend no changes are made to the current governance arrangements for the Youth Justice Board as the risks outweigh the possible benefits at this time. [We

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Chief Executive: Carolyn Downs

understand that a decision has recently been made to keep separate governance arrangements but to align them better and to ensure seniority on the YOS Board.]

We found no evidence that the SCP has the capacity to take on the governance of youth justice at this moment in time. While it's important to have clearly understood links between the YOP and the SCP, there are also strong views in central government (Ministry of Justice Guidance of Partnership Management Boards 2013) and HMI Probation that any changes should strengthen the focus on performance improvement, not weaken it.

There are examples from other community safety partnerships looking to improve working relationships, such as in Windsor and Maidenhead, where they meet as a CSP, but divide the agenda into sections, so that for part of the meeting they meet as the YOT management board. In Wokingham the YOT management board has been combined with their Substance Misuse Board, so that at each meeting half of the agenda is on YOT matters and half on substance misuse.

Local Youth Offending performance needs increased detailed analysis using real time data collection, with more informed understanding at political and corporate management level. The headline performance data currently being used to measure local performance is both historic and wholly dependent on raw data drawn from the Police National Computer. There is little evidence of local detailed analysis to verify its accuracy or its implications for local strategy. There are different youth justice models now available or currently in development from the Youth Justice Board.

There is unlikely to be real improvement achieved in youth offending key performance indicators of First Time Entrants, Reoffending and Use of Custody without the whole hearted policy support of all partners, and in particular Hampshire Constabulary. This pilot has now been agreed by the police. It is important in the development of pre court disposal and early intervention programmes.

With an increased focus on a smaller cohort of children and young people with complex needs and higher risk levels, the SYOS will require stronger support from social care and health partners. It is well recognised that effective early intervention and pre court disposal schemes leads to smaller caseloads of high risk cases. These young people will have additional needs which overlap into Families Matter, mental health and associated health needs, and safeguarding issues.

There is a Junior PCSO scheme and there are opportunities to link this with the Junior Warden Scheme in Housing Services. Neither was aware of each other and both work in schools separately. So perhaps there are on tap resources here to access at no costs. In addition for youth offenders in rehabilitation there are some wider schemes with which they could potentially engage; such as 'Young People's voice for their future', Youth Service User group and a Youth buddying/mentoring scheme.

At the appropriate time and to fit with the implementation of the new Assetplus assessment tool, a Youth Justice Sector lead peer review would be offer the local

partnership a more detailed assessment of youth offending service performance.

#### Recommendations

- Maintain separate governance arrangements for the Youth Justice Board but ensure these have senior representations from all the key agencies and improve alignment between the SCP and the YOP, for example through combined meetings.
- Work with the Police about best way to reduce offending and identifying best places for people to be referred to
- Develop real time proxy data

## **PARTNERSHIP CAPACITY & FINANCE**

### Strengths

In a climate of reducing capacity and resources for community safety, the SCP has maintained good relationships between agencies and there continues to be an overall reduction in crime in the city. Partners are committed to making a positive impact on crime and community safety issues. There is a good willingness at the senior officer level to take a joined up approach and maintain a good pace of improvement. In part this is as a result of the strong leadership from the council's chief executive and the collective courage of the partners to be brave and bold. The SCP Chair is both visible and well respected by the agencies.

The partners are gaining additional capacity and making creative use of existing resources by contributing to each other's agendas, for example, drawing other organisations into projects like StreetCRED and Hampshire Fire Service recruiting volunteers.

### Moving forward

There are examples of the agencies withdrawing services as funding reduces, with limited discussion of the wider impact on other agencies of such service reductions. The capacity of the agencies to tackle the community safety agenda will only get further stretched as the resource base declines. Any future service reductions need to be discussed at SCP so the impact on other agencies can be explored. For example the capacity of the council's community safety function has been significantly reduced in the last couple of years but there is little evidence of discussion about the potential implications for the overall capacity of the SCP to deliver community safety interventions.

## **Conclusions**

Finally, we would like to thank colleagues and members at Southampton, especially James, Suki, Caronwen and Miranda for their support in the lead up to the peer challenge and during the challenge itself. The council embraced the challenge positively and supported the process very well.

We have offered further peer support for council members/officers to help them in facilitating some of the further improvement of the SCP identified in this report if that would be helpful. This would be aimed at building on the outcomes from the peer challenge and possibly in supporting SCP in their work to review community safety policies.

### **Contacts**

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# Agenda Item 11

<b>DECISION-MAKER:</b>	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE		
<b>SUBJECT:</b>	MONITORING SCRUTINY RECOMMENDATIONS TO THE EXECUTIVE		
<b>DATE OF DECISION:</b>	12 <sup>TH</sup> JUNE 2014		
<b>REPORT OF:</b>	ASSISTANT CHIEF EXECUTIVE		
<b><u>CONTACT DETAILS</u></b>			
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<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 –12 <sup>th</sup> JUNE 2014
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**Documents In Members’ Rooms**

1.	None
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**Equality Impact Assessment**

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

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

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

# Overview and Scrutiny Management Committee: Holding the Executive to Account

Scrutiny Monitoring – 12<sup>th</sup> June 2014

Date	Portfolio	Title	Action proposed	Action Taken	Progress Status
10/04/14	Education & Change	Transformation	1) That, for the next quarterly OSMC discussion, the Transformation Strategy and high level business cases for the 11 priority projects is circulated to the Committee.	Information will be provided to OSMC as part of the update in July and will cover the next phase of the transformation programme.	
			2) That the list of 'transformation' projects not included in the 11 priority projects be circulated to the OSMC.	These will be sent out by email by 12 <sup>th</sup> June 2014.	
			3) That the governance structure for the Transformation Programme be circulated to the Committee, highlighting political representation.	This will be sent out by email by 12 <sup>th</sup> June 2014.	
			4) That the latest PID for each of the major projects is circulated to the OSMC.	Considerable work is underway to align the transformation programme with the draft council strategy and this will be presented to Cabinet and Council in July. Major projects such as Business Support Transformation will be presented to Cabinet for approval and therefore it will be more appropriate to circulate details prior to Cabinet consideration rather than PIDs.	
			5) That the Executive's latest thinking with regards to shared services, including services within the Place Directorate, is circulated to the OSMC.	This will be provided at the meeting in June 2014.	
			6) That the Cabinet Member updates the Committee on progress with regards to the Energy Pipeline proposal from the Marchwood Incinerator.	The Cabinet Member has requested that the lead officer for sustainability arranges a briefing on this.	

Date	Portfolio	Title	Action proposed	Action Taken	Progress Status
10/04/14	Education & Change	School Admissions	1) That the Cabinet Member provides the Committee with information on what schools in the city do not have, within their admission criteria, a priority for children subject to a child protection plan, the reason given for this, and if we have been informed of their intention to include this for 2015/16 or 2016/17.	To be circulated to the OSMC following 4 <sup>th</sup> June Council.	
			2) Subject to the above recommendation the Chair of the OSMC writes to the Chair of Governors for each school that does not have, or does not intend to have a subject to a child protection plan criteria in their admission arrangements seeking clarification as to why this is.		
			3) That the Cabinet Member updates the OSMC in due course on progress relating to discussions about a common admissions statement.	Agreed	
			4) That information on the methodology for forecasting school admission numbers is circulated to the Committee, including whether the process takes into consideration planned developments that may result in a significant rise in families coming into or out of the city.	To be circulated to the OSMC following 4 <sup>th</sup> June Council.	

Date	Portfolio	Title	Action proposed	Action Taken	Progress Status
10/04/14	Health & Adult Social Care	Adult and Young Person Carer Contract	1) To enable scrutiny to engage in the process of informing service specifications, information is circulated to the OSMC and HOSP on services being commissioned by the Integrated Commissioning Unit (ICU) over the next 12-18 months.	The Integrated Commissioning Unit has a programme of work for 14/15. In addition a list of all potential procurements has been collated in conjunction with CAPITA colleagues. These will be shared with the OSMC and HOSP chairs to identify areas that they may wish to include for discussion at an early stage in the development. In addition invitations could be sent to HOSP and OSMC for involvement in stakeholder events around particular service reviews.	
			2) That, following the discussion at HOSP on market development within the ICU, a briefing paper is circulated to OSMC for information.	The market development briefing paper is being developed and will be circulated to OSMC at a future date. The post holder for the newly created Market Development lead role within the Integrated Commissioning unit commences in early July.	

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