

Scrutiny Inquiry Panel - Protecting, Preserving and Promoting The River Itchen in Southampton

Thursday, 6th October, 2022
at 5.30 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 - Civic Centre

This meeting is open to the public

Members

Councillor Cooper
Councillor Bunday
Councillor Moulton
Councillor Savage
Councillor White

Contacts

Democratic Support Officer
Melanie Morley
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Scrutiny Manager

Mark Pirnie
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PUBLIC INFORMATION

Role of Scrutiny Panel Inquiry –

Purpose: In partnership with stakeholders to identify opportunities to protect, preserve and promote the River Itchen in Southampton.

Use of Social Media:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting.

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Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

Southampton: Corporate Plan 2020-2025

sets out the four key outcomes:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time

Public Representations

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

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 the disabled. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2022/2023

6 October 2022
17 November 2022
1 December 2022
19 January 2023
16 February 2023
2 March 2023
20 April 2023

CONDUCT OF MEETING

Terms of Reference

The terms of reference of the Committee are contained in the Council's Constitution.

Business to be discussed

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

Rules of Procedure

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

Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is 3 (including 1 Independent Member).

Disclosure of Interests

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

Personal Interests

A Member must regard himself or herself as having a personal interest in any matter

- (i) if the matter relates to an interest in the Member's register of interests; or
- (ii) if a decision upon a matter might reasonably be regarded as affecting to a greater extent than other Council Tax payers, ratepayers and inhabitants of the District, the wellbeing or financial position of himself or herself, a relative or a friend or:-
 - (a) any employment or business carried on by such person;
 - (b) any person who employs or has appointed such a person, any firm in which such a person is a partner, or any company of which such a person is a director;
 - (c) any corporate body in which such a person has a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - (d) any body listed in Article 14(a) to (e) in which such a person holds a position of general control or management.

A Member must disclose a personal interest.

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Prejudicial Interests

Having identified a personal interest, a Member must consider whether a member of the public with knowledge of the relevant facts would reasonably think that the interest was so significant and particular that it could prejudice that Member's judgement of the public interest. If that is the case, the interest must be regarded as "prejudicial" and the Member must disclose the interest and withdraw from the meeting room during discussion on the item.

It should be noted that a prejudicial interest may apply to part or the whole of an item.

Where there are a series of inter-related financial or resource matters, with a limited resource available, under consideration a prejudicial interest in one matter relating to that resource may lead to a member being excluded from considering the other matters relating to that same limited resource.

There are some limited exceptions.

Note: Members are encouraged to seek advice from the Monitoring Officer or his staff in Democratic Services if they have any problems or concerns in relation to the above.

Principles of Decision Making

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

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

In exercising discretion, the decision maker must:

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

AGENDA

1 APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)

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

2 ELECTION OF CHAIR AND VICE-CHAIR

To elect the Chair and Vice Chair for the Municipal Year 2022-2023.

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 INQUIRY TERMS OF REFERENCE (Pages 1 - 6)

Report of the Director of Legal and Business Operations requesting that the Panel discuss, amend and approve a final version of the attached outline inquiry project plan.

8 PROTECTING, PRESERVING AND PROMOTING THE RIVER ITCHEN IN SOUTHAMPTON - INTRODUCTION, CONTEXT AND BACKGROUND (Pages 7 - 10)

Report of the Director of Legal and Business Operations requesting that the Panel consider the comments made by the invited guests and use the information provided as evidence in the review.

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Agenda Item 7

DECISION-MAKER:	SCRUTINY INQUIRY PANEL
SUBJECT:	INQUIRY TERMS OF REFERENCE
DATE OF DECISION:	6 OCTOBER 2022
REPORT OF:	DIRECTOR – LEGAL AND BUSINESS SERVICES

<u>CONTACT DETAILS</u>			
Executive Director	Title	Director of Legal and Business Services	
	Name:	Richard Ivory	Tel: 023 8083 2794
	E-mail	Richard.ivory@southampton.gov.uk	
Author:	Title	Scrutiny Manager	
	Name:	Mark Pirnie	Tel: 023 8083 3886
	E-mail	Mark.pirnie@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

None

BRIEF SUMMARY

On 8 September 2022 the Overview and Scrutiny Management Committee (OSMC) agreed the terms of reference for a scrutiny inquiry focusing on protecting, preserving and promoting the River Itchen in Southampton.

The outline project plan for the inquiry identifies themes for each meeting. This report invites the Panel to note the terms of reference and to amend and approve a final version of the outline inquiry project plan.

RECOMMENDATIONS:

	(i)	That the terms of reference set out in Appendix 1 be noted.
	(ii)	That the Panel discuss, amend and approve a final version of the attached outline inquiry project plan, allowing for sufficient flexibility and the availability of suitable witnesses.

REASONS FOR REPORT RECOMMENDATIONS

1.	To enable the Scrutiny Inquiry Panel to commence the evidence gathering process.
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ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2.	There are numerous options that could be included within the draft terms of reference. The version attached reflects the feedback from the OSMC.
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DETAIL (Including consultation carried out)

3.	The OSMC agreed the outline terms of reference for a scrutiny inquiry focusing on protecting, preserving and promoting the River Itchen in Southampton on 8 September 2022.
4.	Panel members are invited to note the terms of reference and to amend and approve a final version of the attached outline inquiry project plan. The

	approved plan will then provide the structure to the subsequent meetings of this review, allowing for flexibility and the availability of suitable witnesses.
5.	The outline inquiry project plan identifies that the review will be conducted over 7 meetings of the Scrutiny Inquiry Panel with a final report to be considered at the 20 April 2023 meeting.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue/Property/Other</u>	
6.	Resources to support the scrutiny review will come from existing budgets.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
7.	The duty to undertake overview and scrutiny is set out in Part 1A Section 9 of the Local Government Act 2000.
<u>Other Legal Implications:</u>	
8.	None
RISK MANAGEMENT IMPLICATIONS	
9.	None
POLICY FRAMEWORK IMPLICATIONS	
10.	None
KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	None
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Terms of Reference and Draft Inquiry Plan
Documents In Members' Rooms	
1.	None
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out?	No
Data Protection Impact Assessment	
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out?	No
Other Background Documents	
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
1.	None

Protecting, Preserving and Promoting the River Itchen in Southampton Scrutiny Inquiry - Terms of Reference and Outline Inquiry Plan

1. Scrutiny Panel membership:

Councillor Savage
Councillor A Bunday
Councillor Cooper
Councillor Moulton
Councillor White

2. Purpose:

In partnership with stakeholders to identify opportunities to protect, preserve and promote the River Itchen in Southampton.

3. Background:

- The River Itchen in Hampshire is an example of a chalk stream, rivers that rise from springs in landscapes with a bedrock of chalk. It is approximately 28 miles in length.
- The source of the river is just south of the village of Cheriton, and the river becomes tidal after it passes under Woodmill Bridge in Swaythling.
- The Itchen has been the lifeblood of Southampton since Roman and Saxon times, it divides the city in two and is an important commercial and natural resource.
- Marinas, wharves, and quays are located at the lower reaches of the river and businesses line its banks. In Southampton the river is also used by numerous clubs involved in water sports as well as SWAC (Southampton Water Activities Centre) and Woodmill Activity Centre.
- Areas of the River Itchen in Southampton are identified as Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC) and Special Protection Areas (SPA) and as the Itchen meanders through Southampton it does, in places, offer opportunities for communities to access the waterfront and enjoy being by the water.
- The river is subject to use by numerous, and, at times competing interests that can create pressure on the natural environment and tensions between user groups. In addition, ownership and oversight of the river is complex and the responsibility of a number of different organisations.
- Reflecting their importance to communities, across the UK there are examples of local approaches where stakeholders are working in partnership to protect, preserve and promote urban rivers.

4. Objectives:

- a) To identify the various different users and uses of the River Itchen in Southampton and the challenges this presents.
- b) To understand existing plans and opportunities to address the identified challenges.

- c) To identify good practice being employed to protect, preserve and promote urban rivers elsewhere.
- d) To identify what initiatives and approaches could work well in Southampton to protect, preserve and promote the River Itchen.

5. Methodology:

- a) Seek the views of residents and stakeholders
- b) Undertake desktop research
- c) Identify best practice

6. Proposed Timetable:

Seven meetings between October 2022 and April 2023

Meeting 1: 6 October 2022

- Introduction, context and background
 - Ownership
 - Responsibilities
 - Rules governing the river
 - Uses of the river
 - Feedback from resident's survey

Meeting 2: 17 November 2022

- The condition of the river and plans for improvement
 - Water quality
 - Habitat and biodiversity
 - Chessel Bay case study

Meeting 3: 1 December 2022

- Economic importance of the river (Understand the role of the river in the local economy and recognise the impact of some commercial use)
 - Wharfs
 - Marinas
 - Hazards / Wrecks
 - Business along riverbanks
 - Housing and transport developments
 - Planning policies and development

Meeting 4: 19 January 2023

- Flood Risk Management
 - River Itchen Flood Risk Alleviation Scheme

Meeting 5: 16 February 2023

- Recreation / Community use and access to the river (How can more people enjoy the river?)
 - Water sports / Anglers
 - Friends of groups
 - Houseboat residents
 - Riverside walks and access

Meeting 6: 2 March 2023

- Review of best practice (What urban areas have sought to address the challenges raised?)

Meeting 7: 20 April 2023

- Consideration of the final report

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Agenda Item 8

DECISION-MAKER:	SCRUTINY INQUIRY PANEL
SUBJECT:	PROTECTING, PRESERVING AND PROMOTING THE RIVER ITCHEN IN SOUTHAMPTON – INTRODUCTION, CONTEXT AND BACKGROUND
DATE OF DECISION:	6 OCTOBER 2022
REPORT OF:	DIRECTOR – LEGAL AND BUSINESS SERVICES

<u>CONTACT DETAILS</u>			
Executive Director	Title	Director of Legal and Business Services	
	Name:	Richard Ivory	Tel: 023 8083 2794
	E-mail	Richard.ivory@southampton.gov.uk	
Author:	Title	Scrutiny Manager	
	Name:	Mark Pirnie	Tel: 023 8083 3886
	E-mail	Mark.pirnie@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

None

BRIEF SUMMARY

In accordance with the inquiry plan, for the opening meeting of the ‘Protecting, Preserving and Promoting the River Itchen in Southampton Inquiry’ the Panel will be considering the following issues:

- Ownership and responsibilities in relation to the river
- Legislation and guidelines governing the river
- Feedback from community surveys about the River Itchen in Southampton

RECOMMENDATIONS:

	(i)	The Panel is recommended to consider the comments made by the invited guests and use the information provided as evidence in the review.
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REASONS FOR REPORT RECOMMENDATIONS

1.	To enable the Panel to compile a file of evidence in order to formulate findings and recommendations at the end of the review process.
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ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2.	None.
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DETAIL (Including consultation carried out)

3.	For the opening meeting of the inquiry Cllr Keogh, Cabinet Member for Transport and District Regeneration, has been invited to launch the inquiry by outlining the importance of the inquiry for the city of Southampton.
4.	This will be followed by a presentation from Dr David Rumble, Chief Executive Officer at Wessex Rivers Trust, an environmental charity dedicated to the

	conservation of chalk streams and rivers in Wessex, working towards healthy rivers for wildlife and people. Dr Rumble will be outlining the importance of the River Itchen to Southampton.
5.	Reflecting the complex nature of the ownership and oversight of the River Itchen, Sam Foulds, Flood Risk Management Team Leader at Southampton City Council, and Cara Brims, Flood Risk Officer at Southampton City Council, will outline for the Panel the relevant legislation governing the river, the environmental designations associated with the river and the organisations who are responsible for various aspects related to the management of the River Itchen in Southampton.
6.	To help inform the inquiry moving forward, the final presentation will outline for the Panel findings from community surveys about the river. Rose Nicole, co-founder of Respect the River campaign and co-ordinator of Friends of Chessel Bay Nature Reserve, will provide feedback from the recent surveys undertaken by the Respect the River Campaign. This will be followed by an overview of the initial findings from the River Itchen Inquiry Survey (southampton.gov.uk) delivered by Southampton City Council's Scrutiny Manager.
7.	The invited guests will take questions from the Panel relating to the evidence provided. Copies of any presentations will be made available to the Panel.

RESOURCE IMPLICATIONS

Capital/Revenue/Property/Other

8.	None
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LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

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

10.	None
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RISK MANAGEMENT IMPLICATIONS

11.	None
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POLICY FRAMEWORK IMPLICATIONS

12.	None
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KEY DECISION?	No
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WARDS/COMMUNITIES AFFECTED:	None
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SUPPORTING DOCUMENTATION

Appendices

1.	None
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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 and Safety Impact Assessment (ESIA) to be carried out?		No
Data Protection Impact Assessment		
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out?		No
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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