

# Public Document Pack

## Cabinet

Tuesday, 17th October, 2017  
at 4.30 pm

### **PLEASE NOTE TIME OF MEETING**

Council Chamber - Civic Centre

This meeting is open to the public

#### **Members**

Leader - Councillor Simon Letts  
Children's Social Care - Councillor John Jordan  
Communities, Culture and Leisure- Councillor Satvir Kaur  
Education and Skills - Councillor Darren Paffey  
Environment and Transport - Councillor Jacqui Rayment  
Finance - Councillor Mark Chaloner  
Health and Community Safety - Councillor Dave Shields  
Housing and Adult Care - Councillor Warwick Payne  
Sustainable Living - Councillor Chris Hammond

(QUORUM – 3)

#### **Contacts**

Cabinet Administrator

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Service Director, Legal and Governance

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## **BACKGROUND AND RELEVANT INFORMATION**

### **The Role of the Executive**

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

### **The Forward Plan**

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

### **Implementation of Decisions**

Any Executive Decision may be “called-in” as part of the Council’s Overview and Scrutiny function for review and scrutiny. The relevant Overview and Scrutiny Panel may ask the Executive to reconsider a decision, but does not have the power to change the decision themselves.

**Mobile Telephones** – Please switch your mobile telephones to silent whilst in the meeting.

### **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.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public. 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.

The Southampton City Council Strategy (2016-2020) is a key document and sets out the four key outcomes that make up our vision.

- Southampton has strong and sustainable economic growth
- Children and young people get a good start in life

### **Executive Functions**

The specific functions for which the Cabinet and individual Cabinet Members are responsible are contained in Part 3 of the Council’s Constitution. Copies of the Constitution are available on request or from the City Council website, [www.southampton.gov.uk](http://www.southampton.gov.uk)

### **Key Decisions**

A Key Decision is an Executive Decision that is likely to have a significant:

- financial impact (£500,000 or more)
- impact on two or more wards
- impact on an identifiable community

### **Procedure / Public Representations**

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

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

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

**Access** – Access is available for disabled people. Please contact the Cabinet Administrator who will help to make any necessary arrangements.

### **Municipal Year Dates (Tuesdays)**

<b>2017</b>	<b>2018</b>
20 June	16 January
18 July	13 February <b>(Budget)</b>
15 August	20 February
19 September	20 March
17 October	17 April
14 November	
19 December	

- People in Southampton live safe, healthy, independent lives
- Southampton is an attractive modern City, where people are proud to live and work

## **CONDUCT OF MEETING**

### **TERMS OF REFERENCE**

The terms of reference of the Cabinet, and its Executive Members, are set out in Part 3 of the Council's Constitution.

### **RULES OF PROCEDURE**

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

### **DISCLOSURE OF INTERESTS**

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

### **DISCLOSABLE PECUNIARY INTERESTS**

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

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

(ii) Sponsorship:

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

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

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

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

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

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

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

### **Other Interests**

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

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

### **Principles of Decision Making**

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

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

### **BUSINESS TO BE DISCUSSED**

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

### **QUORUM**

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

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

To receive any apologies.

### 2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

## EXECUTIVE BUSINESS

### 3 STATEMENT FROM THE LEADER

### 4 RECORD OF THE PREVIOUS DECISION MAKING (Pages 1 - 2)

Record of the decision making held on 15 August 2017.

### 5 MATTERS REFERRED BY THE COUNCIL OR BY THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE FOR RECONSIDERATION (IF ANY)

There are no matters referred for reconsideration.

### 6 REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES (IF ANY)

There are no items for consideration

### 7 EXECUTIVE APPOINTMENTS

To deal with any executive appointments, as required.

## ITEMS FOR DECISION BY CABINET

### 8 DELEGATED DECISION - TUPE TRANSFER OF STAFF FROM FAMILY MOSAIC TO SOUTHAMPTON CITY COUNCIL'S OLDER PERSONS (OP) HOUSING RELATED SUPPORT (HRS) SERVICE (Pages 3 - 12)

Report of the Cabinet Member for Housing and Adult Care noting the Delegated Decision taken on 14 September 2017 by the Chief Executive.

**9 AUTHORISATION TO MAKE A COMPULSORY PURCHASE ORDER IN RELATION TO THE REDEVELOPMENT OF BARGATE SHOPPING CENTRE AND ADJOINING LAND** (Pages 13 - 52)

Report of the Leader of the Council seeking a resolution to make a Compulsory Purchase Order in relation to the redevelopment of the Bargate Shopping Centre and adjoining land and to authorise officers to make the CPO and carry out all necessary steps in conjunction with the CPO.

**10 REDESIGN OF OLDER PERSONS DAY CARE SERVICES (AS PART OF THE DEVELOPMENT OF A NEW OFFER OF SUPPORT AND ACTIVITIES FOR SOUTHAMPTON CITY RESIDENTS)** ( (Pages 53 - 72)

Report of the Cabinet Member for Housing and Adult Care seeking approval to commence a procurement of a new Community Wellbeing Centre Service Model.

**ITEMS FOR DECISION BY CABINET MEMBER**

**11 TO RETAIN OPENING HOURS AT CITY DEPOT & RECYCLING PARK HOUSEHOLD WASTE RECYCLING CENTRE (HWRC)** ( (Pages 73 - 76)

Report of the Service Director, Transactions and Universal Services seeking approval to retain the current opening hours across the year for the HWRC and not implement reduced opening hours and day closure agreed on 16 January 2016.

Monday, 9 October 2017

Service Director, Legal and Governance

SOUTHAMPTON CITY COUNCIL  
EXECUTIVE DECISION MAKING

RECORD OF THE DECISION MAKING HELD ON 15 AUGUST 2017

Present:

Councillor Kaur	-	Cabinet Member for Communities, Culture and Leisure
Councillor Rayment	-	Cabinet Member for Environment and Transport
Councillor Shields	-	Cabinet Member for Health and Sustainable Living
Councillor Payne	-	Cabinet Member for Housing and Adult Care
Councillor Hammond	-	Cabinet Member for Transformation Projects
Councillor Lewzey	-	Cabinet Member for Children's Social Care
Councillor Dr Paffey	-	Cabinet Member for Education and Skills

Apologies: Councillor Letts and Chaloner

**COUNCILLOR RAYMENT IN THE CHAIR**

14. LOCAL AUTHORITY TRADING COMPANY FOR SOME COUNCIL SERVICES

DECISION MADE: (CAB 17/18 19254)

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

- (i) To consider the outcome of the recent consultation activity on the proposed establishment of the LATCo and, having fully weighed the representations and issues identified through the consultation activity, to:
  - (a) endorse the proposed approach to establishing a LATCo to deliver a variety of Council services; and
  - (b) discontinue the activity for undertaking a procurement process and pursue the establishment of a LATCo without the appointment of external improvement partners.
- (ii) To confirm that the services to be included within the scope of the LATCo are as attached at Appendix 1. The inclusion of Housing services that fall within the statutory definition of 'management' as part of the scope of the LATCo is subject to Secretary of State consent.
- (iii) To note that a further Best Value consultation with residents, statutory consultation with housing tenants and leaseholders, and formal staff consultation required under employment law, will be required on the emerging proposals for the LATCo that will be presented to Cabinet in the new year.
- (iv) To note that following the activities outlined in (iii) above the final decision on the services to be delivered through the LATCo, the staffing provisions, governance arrangements, financial implications and the incorporation of the LATCo will be presented back to Cabinet and Council (as determined by the Constitution) for final decision around May/June 2018.

15. ESTABLISHMENT OF AN IN HOUSE EDGE OF CARE SERVICE

DECISION MADE: (CAB 17/18 19241)

On consideration of the Cabinet Member for Children's Social Care, Cabinet agreed the following:

- (i) To approve the establishment of an in house Edge of Care Service.
- (ii) To note that the cost of this service will be met from existing revenue budgets and expenditure of £173,265 in 17/18 rising to £460k in 2021/22 to deliver the service in house.

16. SUFFICIENCY OF EARLY YEARS PLACES IN MILLBROOK

DECISION MADE: (CAB 17/18 19239)

On consideration of the report of the Cabinet Member for Education and Skills, Cabinet agreed the following:

- (i) Due to the sufficiency of quality early years places in the locality and to enhance the MRM Children's Centre core offer it is recommended to commence public consultation on a proposal to close the direct Council run Little Pickles Pre-school.
- (ii) To delegate consideration of consultation responses and making a final decision on the potential closure (together with ancillary matters such as the timing of the implementation of the decision) to the Service Director Children and Families Services, so that families can be informed of the outcome and, where necessary, supported with their choices of securing alternative places with a new Early Years provider. Cabinet will note any decision to close provision will be subject to a minimum of a month's notice from the decision date.



# Agenda Item 8

<b>DECISION-MAKER:</b>	<b>CABINET</b>		
<b>SUBJECT:</b>	<b>FAMILY MOSAIC STAFF TUPE TO SOUTHAMPTON CITY COUNCIL</b>		
<b>DATE OF DECISION:</b>	<b>17 OCTOBER 2017</b>		
<b>REPORT OF:</b>	<b>CABINET MEMBER FOR HOUSING AND ADULT CARE</b>		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	<b>Sandra Jerrim</b>	<b>Tel:</b> <b>023 80 296039</b>
	<b>E-mail:</b>	<a href="mailto:s.jerrim@nhs.net">s.jerrim@nhs.net</a>	
<b>Director</b>	<b>Name:</b>	<b>Stephanie Ramsey</b>	<b>Tel:</b> <b>023 80 834899</b>
	<b>E-mail:</b>	<a href="mailto:stephanie.ramsey1@nhs.net">stephanie.ramsey1@nhs.net</a>	

## STATEMENT OF CONFIDENTIALITY

Not Applicable

## BRIEF SUMMARY

Family Mosaic operates a small floating support service which focuses on the housing needs of older people living in sheltered housing schemes. This contract was due for an extension, to align with a wider tender. Southampton City Council offered to extend the contract to March 2018, however, due to the recent changes within Family Mosaic, including their loss of business in the recent round of housing related support tenders, Family Mosaic made a strategic decision to withdraw its business from Southampton and Hampshire. This resulted in the need for the Council to find alternative arrangements for the provision. The provider agreed to carry on with the service until the end of September 2017 before handing back the contract.

To enable legal TUPE activity to take place prior to the transfer of 2.55 FTE (4 actual) staff on 2 October 2017 into the council, a Delegated Decision under the Scheme of Delegation (2.2) was taken by the Chief Executive on 14<sup>th</sup> September 2017. This paper is to inform the Cabinet of the Delegated Decision.

## RECOMMENDATIONS:

- |     |  |
|-----|--|
| (i) | To ask Cabinet to note the Delegated Decision taken on 14 September by the Chief Executive after consultation with the portfolio holder. |
|-----|--|

## REASONS FOR REPORT RECOMMENDATIONS

- |    |  |
|----|--|
| 1. | Normally, insourcing TUPE decisions would need to seek Cabinet approval, however, due to the circumstances and the urgency required, the decision was taken outside of the Cabinet, with Cabinet being informed of the decision retrospectively at the Cabinet on 17 <sup>th</sup> October 2017 in accordance with the Constitution. This process is in line with the Officer Scheme of Delegation (Urgent Matters). |
|----|--|

2.	This decision was taken after exploring all the alternative options. The Family Mosaic service specification mirrors that of the 60+ Service run by the Council. The staff have relevant expertise and have received appropriate training to support vulnerable older people with housing needs. There is sufficient funding and the transfer will release savings. TUPE into the Council is our preferred option as it ensures continuity of support and it is in line with our future vision for Older Person services.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
3.	A number of other options were considered before deciding that that TUPE into the Council would be the preferred option, these included:
4.	Appointing another provider to carry on with the contract until March 2018 – this would mirror the current arrangements and result in a small, isolated service, which does not offer good value for money. Rushed procurement increases chances of challenge from unsuccessful providers. Delays within procurement could have caused a gap in provision.
5.	Continuing with the service until March 2018 – Family Mosaic have been shifting their position as to their ability and willingness to carry on with the service until March 2018 – and their final decision was not clear at the point a decision was required to enable legal TUPE processes to be completed. Furthermore, if Family Mosaic agreed to carry on with the service, this option would mirror the arrangements already in place, resulting in an isolated service. Negotiations on the contracts costs are likely, resulting in further delay and staff insecurity. This option is also unlikely to release savings and may increase costs.
6.	The long term plan for this service was to align the funding to support with the development of the Older Person's Offer worksteam – which is due to go live in March 2018. Any changes currently taking place need to be mindful of the long term vision for Older person's services in the city. The option to TUPE staff into the Council supports our long term vision for Older person services. The Service Manager for 60+ Service confirms that they are supportive of the TUPE process.
<b>DETAIL (Including consultation carried out)</b>	
7.	Following changes to contracts providing Housing Related Support (HRS) in Southampton to adults and young people, Family Mosaic felt unable to continue to provide a small residual contract offering HRS to older people. The Council offered to extend the contract to March 2018, however, due to the recent changes within Family Mosaic, including their loss of business in the recent round of HRS tenders, they made a strategic decision to withdraw their business from Southampton and Hampshire. This resulted in the need for the Council to find alternative arrangements for the provision. The provider agreed to carry on with the service until the end of September 2017 before handing back the contract.
8.	Because of these arrangements coming to an end, alternative options have been pursued with the transfer of 2.55 FTE from an external provider to the internal the Council older person HRS service being the most viable and preferred option.

9.	<p>The short notice period has prompted earlier than planned consultation and engagement with landlords and residents about changes to the service. The changes cover the provision of housing management functions, access to activities and housing related support.</p> <p>Housing management functions would normally be provided by the landlords, Hyde and Sovereign. Family Mosaic adopted some of those duties, but with Family Mosaic ending their involvement, Hyde and Sovereign have accepted responsibility to deliver this part of the service from October 2017. There will be no additional cost to the council as a result.</p>										
10.	<p>The current service is provided by 2.55 FTE staff members. There are 4 staff members as follows:</p> <ul style="list-style-type: none"> <li>• Staff member 1, working 0.53 FTE (20hrs)</li> <li>• Staff member 2, working 0.47 FTE (17.5hrs)</li> <li>• Staff member 3, working 0.8 FTE (30hrs)</li> <li>• Staff member 4, working 0.75 FTE (28hrs)</li> </ul>										
<b>CONSULTATION DETAIL</b>											
11.	<p>Leading up to this proposal and decision, consultation led by the landlords, has taken place with residents with Council representatives (from the ICU) in attendance. All residents are fully aware of the proposed changes to their service from October 2017. These changes cover the provision of housing management, activities and HRS. Changes to housing management and provision of site activities will change from October 2017.</p>										
12.	<p>Residents are aware there will be a change of provider offering them housing related support. This has been communicated to them through their current support staff in conjunction with the relevant landlords.</p>										
13.	<p>Consultation with staff commenced in accordance with TUPE requirements, offering meetings with managers from the Council 60+ service followed by one to one appointments as requested.</p>										
<b>RESOURCE IMPLICATIONS</b>											
<b><u>Capital/Revenue</u></b>											
14.	<p>The annual budget for providing HRS for Older people via contracted service for 2016/17 is currently £315,300. Commitments will be as follows</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th></th> <th style="text-align: right;">£</th> </tr> </thead> <tbody> <tr> <td>Contract commitment April – Sept 2017</td> <td style="text-align: right;">£158,082</td> </tr> <tr> <td>Staff (2.55 FTE) costs Q3 &amp; Q4 (includes contingency for travel, mobile phones etc)</td> <td style="text-align: right;">£32,500</td> </tr> <tr> <td>Non Recurring savings 2017/18</td> <td style="text-align: right;">£124,718</td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: right;"><b>£315,300</b></td> </tr> </tbody> </table>		£	Contract commitment April – Sept 2017	£158,082	Staff (2.55 FTE) costs Q3 & Q4 (includes contingency for travel, mobile phones etc)	£32,500	Non Recurring savings 2017/18	£124,718	<b>Total</b>	<b>£315,300</b>
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Non Recurring savings 2017/18	£124,718										
<b>Total</b>	<b>£315,300</b>										

	In the short term, it is anticipated that £124,718 can be made by transferring staff into the council compared to the Family Mosaic contract but this is likely only to be temporary. The services provided in this field are due to be expanded in the next financial year to address pressures elsewhere in the system, for example, providing support when dealing with hoarders etc. The scope for this part of the new HRS service is still being finalised, but it is hoped this along with the annual staffing costs of £65,000 can be delivered for less than the annual £315,300 contract with Family Mosaic by adopting a more efficient and targeted model.
<b><u>Property/Other</u></b>	
15.	None
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
16.	This process is in line with Southampton City Council's Officer Scheme of Delegation .
17.	The transfer of staff is in line with the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE).
<b><u>Other Legal Implications:</u></b>	
17..	None
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
19.	The recommendations in this paper support the delivery of outcomes in the Council Strategy. They also contribute to the City Strategy and the Health and Wellbeing strategy. The proposals particularly support Council Priority Outcome: People in Southampton live safe, healthy and independent lives

<b>KEY DECISION?</b>	Yes
<b>WARDS/COMMUNITIES AFFECTED:</b>	None
<b><u>SUPPORTING DOCUMENTATION</u></b>	
<b>Appendices</b>	
1.	Delegated Decision Notice
<b>Documents In Members' Rooms</b>	
1.	None
<b>Equality Impact Assessment</b>	
Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
<b>Privacy Impact Assessment</b>	
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.	No

**Other Background Documents**

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

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

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## DELEGATED DECISION NOTICE

Appendix 1

Directorate:	Integrated Commissioning Unit jointly with Adults, Housing and Communities
Decision Maker:	Dawn Baxendale, Chief Executive
Decision Date:	14 <sup>th</sup> September 2017
Subject:	Family Mosaic staff TUPE to Southampton City Council
Register of Delegated Powers Reference Number or Cabinet Decision Number:	Southampton City Council's Officer Scheme of Delegation May 2017, Part 10 Page 13 Section 2.2 Urgent Matters
Decision / Reason	<p>Family Mosaic operates a small floating support service which focuses on the housing needs of older people living in sheltered housing schemes. This contract was due for an extension in March 2017, to align with a wider tender. SCC offered to extend the contract to March 2018, however, due to the recent changes within Family Mosaic, including their loss of business in the recent round of HRS tenders, Family Mosaic made a strategic decision to withdraw its business from Southampton and Hampshire. This resulted in the need for SCC to find alternative arrangements for the provision. The provider has agreed to carry on with the service until the end of September 2017 before handing back the contract.</p> <p>The current service is provided by 2.55 FTE staff members, with an annual salary of £18,750 pro rata. There are 4 staff members as follows:</p> <ul style="list-style-type: none"> <li>• Staff member 1, working 0.53 FTE (20hrs)</li> <li>• Staff member 2, working 0.47 FTE (17.5hrs)</li> <li>• Staff member 3, working 0.8 FTE (30hrs)</li> <li>• Staff member 4, working 0.75 FTE (28hrs)</li> </ul> <p>After exploring alternatives it is proposed that the staff from Family Mosaic TUPE transfer to into Southampton City Council's Older Persons (OP) Housing Related Support (HRS) Service. The Family Mosaic service specification mirrors that of the 60+ Service run by SCC. The staff have relevant expertise and have received appropriate training to support vulnerable older people with housing needs. There is sufficient funding and the transfer will release savings. TUPE into SCC is our preferred option as it ensures continuity of support and it is in line with our future vision for OP services.</p> <p>Normally, TUPE decisions would need to seek cabinet approval, however, due to the circumstances and the urgency required, the decision was taken outside of the Cabinet, with a plan to inform the Cabinet of the decision retrospectively at the next Cabinet member meeting taking place on 17th October 2017. This process is in line with Southampton City Council's Officer Scheme of Delegation May 2017, 23 Part 10 Page 13 Section 2.2 Urgent Matters .</p>

Alternative Options, if any, considered and rejected

ICU have considered other options before deciding that that TUPE into SCC would be our preferred option, however, they were deemed unsuitable:

- a. Appointing another provider to carry on with the contract until March 2018 – this would mirror the current arrangements and result in a small, isolated service, which does not offer good value for money. Rushed procurement increases chances of challenge from unsuccessful providers. Delays within procurement could have caused a gap in provision
- b. Continuing with the service until March 2018 – Family Mosaic have been shifting their position as to their ability and willingness to carry on with the service until March 2018 – and their final decision is not clear at this stage. If Family Mosaic agreed to carry on with the service, this option would mirror the arrangements already in place, resulting in an isolated service. Negotiations on the contracts costs are likely, resulting in further delay and staff insecurity. This option is also unlikely to release savings and may increase costs.
- c. The long term plan for this service was to align the funding to support with the development of the Older Person's Offer worksteam – which is due to go live in March 2018. Any changes currently taking place need to be mindful of the long term vision for Older person's services in the city. The option to TUPE staff into SCC supports our long term vision for OP services. Jean Brown, Service Manager for 60+ Service confirms that she is supportive of the TUPE process.

Declared Officer / Member Interests

n/a

Details of consultation undertaken (other reasons / organisations consulted)

	Yes	No	Date
Executive Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	14.09.2017
Ward Councillors	<input type="checkbox"/> x	<input type="checkbox"/>	14.09.2017
Chief Officer affected	<input type="checkbox"/>	<input type="checkbox"/>	
Others (specify)	x	<input type="checkbox"/>	Discussions with and agreement from: Councillor Letts, Leader of Council Councillor Payne Portfolio holder Jean Brown Service Lead & Wellbeing & Prevention Informed Chair of OSMC



Contact Person

Stephanie Ramsey, Director  
of Quality and Integration

Sandra Jerrim, Senior  
Commissioner

Dorota Strzelecka, Housing  
Development Officer

Telephone No:

02380296941

02380 296039

02380 833819

Authorised Signatory



Dawn Baxendale

Date

15/09/2017



<b>DECISION-MAKER:</b>	<b>CABINET</b>		
<b>SUBJECT:</b>	<b>AUTHORISATION TO MAKE A COMPULSORY PURCHASE ORDER IN RELATION TO THE REDEVELOPMENT OF BARGATE SHOPPING CENTRE AND ADJOINING LAND</b>		
<b>DATE OF DECISION:</b>	<b>17 OCTOBER 2017</b>		
<b>REPORT OF:</b>	<b>LEADER OF THE COUNCIL</b>		
<b><u>CONTACT DETAILS</u></b>			
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<b>STATEMENT OF CONFIDENTIALITY</b>	
<b>None</b>	
<b>BRIEF SUMMARY</b>	
<p>This report outlines proposals by Bargate Property Limited (“BPL”) for the comprehensive redevelopment of the former Bargate Shopping Centre and adjoining land to provide a mixed use scheme and seeks a resolution to (i) make a compulsory purchase order (“CPO”) to assist with the site assembly required to facilitate the implementation of the redevelopment proposals of the former Bargate Shopping Centre and surrounding area (as edged red on the plan at Appendix 1), and (ii) authorisation for officers to make the CPO subject to the prior completion of an indemnity agreement and to carry out all necessary steps in conjunction with the CPO to secure its confirmation and subsequent implementation.</p>	
<b>RECOMMENDATIONS:</b>	
(i)	To resolve, subject to consideration of the matters set out in this report and the prior completion of the proposed CPO Indemnity Agreement (“CPOIA”), to make a compulsory purchase order pursuant to powers under sections 226(1)(a) of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 for the acquisition of the land and new rights for the purposes of securing the comprehensive redevelopment and improvement of the Bargate Shopping Centre and surrounding land to provide a mixed use development with associated parking and servicing, landscaping and public realm.
(ii)	To authorise the Service Director: Growth in consultation with the Service Director: Legal and Governance to carry out the functions set out in (a), (d), (e) and (h) below and to authorise the Service Director: Legal and Governance to carry out the functions set out in

		<p>(b), (c), (f) and (g) below:</p> <ul style="list-style-type: none"> <li>a) To negotiate and enter into the CPOIA;</li> <li>b) Subject to the completion of the CPOIA and subject to the requirements of the CPOIA, to take all steps to secure the making, confirmation and implementation of the Compulsory Purchase Order (“Order”) including the publication and service of all notices and the promotion of the council’s case at any public inquiry;</li> <li>c) To make any amendments, deletions or additions to the land identified in this report to be subject to the Order (“Order Land”) as to include and describe all interests in land and rights required to facilitate the carrying out of the redevelopment and regeneration of the Bargate Shopping Centre and surrounding area;</li> <li>d) To identify and acquire interests and new rights required to facilitate delivery of the redevelopment and regeneration of the Bargate Shopping Centre and surrounding area either by agreement or compulsorily pursuant to the Order (including pursuant to any blight notices as appropriate) including conduct of negotiations, making provision for the payment of compensation;</li> <li>e) To negotiate, agree terms and enter into agreements with interested parties including agreements for the withdrawal of blight notices and/or the withdrawal of objections to the Order and/or undertakings not to enforce the Order on specified terms, including where appropriate removing land or rights from the Order, making provision for the payment of compensation and/or relocation;</li> <li>f) In the event the Order is confirmed by the Secretary of State, to advertise and give notice of confirmation and thereafter to take all steps to implement the Order including, as applicable in accordance with the CPOIA to execute General Vesting Declarations and/or to serve Notices to Treat and Notices of Entry in respect of the acquisition of interests in and rights over the Order Land;</li> <li>g) To take all steps in relation to any legal proceedings relating to the Order including defending or settling claims referred to the Lands Tribunal and/or applications to the courts and any appeals; and</li> <li>h) To retain and/or appoint external professional advisers and consultants to assist in facilitating the promotion, confirmation and implementation of the Order, the settlement of compensation and any other claims or disputes.</li> </ul>
<b>REASONS FOR REPORT RECOMMENDATIONS</b>		
1.		<p>The Bargate Shopping Centre and adjoining land is in need of redevelopment. It has been identified as a “Very Important Project” and is allocated for redevelopment in the City Centre Action Plan 2015. Planning Permission was granted for redevelopment of the site in August 2017 and a Compulsory Purchase Order is required to achieve site assembly and enable the development to proceed. The development promotes the social,</p>

	<p>environmental and economic objectives of Southampton which are considered to outweigh the harm caused by interference with the human and other rights of those likely to be affected by compulsory purchase. In officers' view, there is a compelling case in the public interest sufficient to justify the making of the Order and that the requirements of making a CPO as detailed in the Government's CPO Guidance are met.</p>
<p><b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b></p>	
<p>2.</p>	<p>Although site assembly could be sought by private treaty alone it is unlikely that this could be achieved within a reasonable timescale without CPO powers. It is therefore considered crucial that the site is supported by a CPO in order to achieve certainty of delivery. Officers understand that BPL will continue to seek the purchase of interests by agreement.</p>
<p><b>DETAIL (Including consultation carried out)</b></p>	
<p>3.</p>	<p><b>BACKGROUND</b></p> <p>The redevelopment of the former Bargate Shopping Centre sits within the "Heart of the City", which is one of the council's "Very Important Projects". The Bargate area is part of Southampton city centre's main retail area. It links the main shopping facilities together. The shopping centre is currently closed, vacant and in need of re-development. The Scheduled Ancient Monuments of the Old Town Walls and Bargate Monument also fall within the redevelopment area.</p> <p>The site was allocated as a redevelopment site in the Southampton City Centre Area Action Plan 2015.</p> <p>The Bargate Shopping Centre was previously owned by Parkridge and the Council was working with them in respect of achieving its redevelopment. Parkridge went into administration on 24 August 2011. A number of developers had discussions with the Council and the administrators over the next few years and Bargate Property Ltd ("BPL") acquired the property in Summer 2015.</p> <p>On 29<sup>th</sup> July 2016, Bargate Property Limited submitted a planning application ( ref: 16/01303/FUL) for "<i>Demolition of existing buildings (Bargate Shopping Centre and multi-storey car park; 77- 101 Queensway; 25 East Street; 30-32 Hanover Buildings; 1-16 East Bargate; and 1-4 High Street, excluding the frontage); refurbishment of basements and mixed use development comprising 152 flats (63 x one bedroom and 89 x two bedroom) (Use Class C3); 185 units of student residential accommodation (451 bedrooms); retail use (Class A1); flexible retail, office or food and drink use (Classes A1-A3); in new buildings ranging in height from 4-storeys to 9-storeys; with associated parking and servicing, landscaping and public realm.</i>" This is referred to as "the Development" in the report.</p> <p>The Council's Planning and Rights of Way Panel considered the application and resolved to grant planning permission on 10 January 2017. This is a</p>

	<p>background paper.</p> <p>Planning permission was granted on 10 August 2017 following the completion of a section 106 agreement.</p> <p>The application site is in multiple ownerships. BPL owns the majority of the freehold land. It has also agreed heads of terms to acquire some freehold land owned by the Council required as part of the redevelopment proposals. BPL is able to secure vacant possession of the Site from the majority of its business occupiers. There remain, however, some leasehold properties, which BPL has not yet been able to acquire through negotiation and it is unable to rely on landlord and tenant powers to achieve vacant possession in the proposed development timescales. It is these properties that will be primarily the subject of the CPO.</p> <p>BPL has also applied to the Secretary of State and will also apply to the Council for stopping up orders in relation to highway which is required for the new development. The ownership of the subsoil to some of the areas to be stopped up is not known and it is considered prudent to include these areas of subsoil with the CPO to ensure that possession of all land needed to deliver the Bargate Centre redevelopment can be secured.</p> <p>Lastly, BPL will require some new rights to be acquired to enable it to carry out construction works required to deliver the Development. It is proposed these new rights will also be secured via the CPO.</p> <p>When exercising CPO Powers, the Council is liable for any compensation payable to the affected third parties. It is therefore important that BPL indemnifies the Council for all costs arising from the use of CPO powers in relation to this development. The proposed CPOIA indemnifies the Council against, and provides for payment by BPL, of all costs and liabilities reasonably incurred by the Council arising out of the use of its CPO powers including acquisition costs, compensation payments, inquiry costs and legal and valuation costs in connection with processing and implementing the CPO (including the costs of the Council's consultants and officers).</p>
<p><b>4.</b></p>	<p><b>THE ORDER LAND</b></p> <p>The redevelopment site includes the former Bargate Shopping Centre and associated land, including the western frontage to Queensway and the 3 storey (part 4 storey) building fronting the Bargate monument occupied by Mettricks coffee shop, Lush and Maplin amongst others. The partially exposed old Town Walls (also a Scheduled Ancient Monuments) are also located within the development area.</p> <p>As mentioned above, the majority of the land required for the Development to be delivered is in the control of BPL. The council is in discussions with BPL in</p>

respect of the disposal of its interests to BPL within the development site. BPL has sought and is continuing to seek to acquire by negotiation, four leasehold properties where it is the freehold owner. The four properties together with details of the leasehold interests as well as other land interests are set out below:

- i. 77 Queensway. This is a 10 year lease expiring on the 21st June 2020 held by Meridian Logistics Limited (trading as Pack & Send). The lease has the protection of the Landlord and Tenant Act 1954. There is no ability for the landlord to determine the lease earlier than the lease expiry dates.
- ii. 81 -38 Queensway. Two leases are held by individuals for the shop known as Tiffany's Ladies Fashion and Accessories. Both leases are for a 10 year term expiring on the 24th March 2023. The lease has the protection of the Landlord and Tenant Act 1954. BPL has no rights to determine the lease earlier than the lease expiry date.
- iii. 85-87 Queensway, held by individuals for the restaurant known as Casanova Italian Restaurant on a 10 year lease expiring on the 30th August 2027. The lease has been contracted out of the security of tenure provisions of the Landlord and Tenant Act 1954. BPL has no rights to determine the lease earlier than the lease expiry date.
- iv. 99-101 Queensway. The property is held by the British Heart Foundation on a 10 year lease expiring on the 12th March 2019. The lease benefits from the protection of the Landlord and Tenant Act 1954 ('1954 Act') and will need to be brought to an end through the service of a s.25 notice with compensation payable under s.37 of the 1954 Act. If a CPO is required, the likelihood is that by the time the CPO is confirmed, the s.25 notice will have been served and as such there will be no need to acquire the interest via the CPO but, BPL has requested, and officers would recommend, including the interest in the CPO so to ensure that possession can be obtained within a reasonable timeframe.
- v. Electricity Sub-stations – there are two electricity substations which will need to be relocated and/or removed as part of the Development, one at Hanover Buildings and another at York Buildings. The Hanover Buildings sub-station only served the previous shopping centre and therefore is no longer required. The York Buildings sub-station will need to be relocated as it currently serves East Street. Both of these interests fall into the category of special kinds of land for the purposes of CPO, which may require separate Secretary of State approval to the CPO if the statutory undertakers for the substations objects. It is anticipated that BPL will be able to reach an agreed position on this sub-stations.
- vi. Subsoil – BPL has applied for a stopping up order pursuant to Section 247 of the Town and Country Planning Act 1990 and will also apply to

	<p>the Council for a separate stopping up order pursuant to section 257 of the 1990 Act in relation to a small area of footpath at Queensway. On securing a stopping up order, and following its implementation the sub-soil of the highway will revert to the original landowners. Investigations are being undertaken to identify ownership of those sub-soil areas. In the event that ownership does not rest with the Council or BPL it will be necessary to include those areas also within the CPO to ensure that all land needed to facilitate the development is secured.</p> <p>Throughout the CPO process, BPL will continue to negotiate with the leaseholders to seek to acquire their interest by agreement.</p> <p>BPL has identified that for the purposes of constructing the development, it will also need new rights over some adjoining properties and it is proposed that these also be secured via the CPO. It is currently anticipated that rights will needed for the erection of protective scaffolding in relation to properties at 24 East Street and 5 East Bargate and delegated authority is sought from members to include any such rights in the Order: see recommendation (ii)(c). BPL has also identified that it may need additional rights over an existing substation known as the Haymarket substation. As part of the Development BPL propose to build a new wall around the sub-station for good design purposes. It may be therefore that this right needs to be secured together with such other protective works to the substation as may be needed to facilitate that.</p>
5.	<p><b>LEGAL BACKGROUND TO COMPULSORY PURCHASE POWERS</b></p> <p>In respect of the proposed redevelopment proposals for the Bargate Shopping Centre and surrounding area, the most appropriate and specific power available to the council to make a compulsory purchase order is section 226(1)(a) of the Town and Country Planning Act 1990 (as amended). It states that a local authority shall have power to acquire compulsorily any land in their area <i>“if the authority think that the acquisition will facilitate the carrying out of development/re-development or improvement on or in relation to the land.”</i></p> <p>Under section 226(1A), the power must not be exercised unless members think that the development, re development or improvement of land is likely to contribute to the achievement of the promotion of improvement of the social, economic and/or environmental well-being of the area.</p> <p>The Council should also have regard to the CPO Guidance<sup>1</sup> published by Government.</p> <p>Paragraph 1 of the CPO Guidance states <i>“Compulsory purchase powers are</i></p>

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<sup>1</sup> **Guidance on Compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion - 2015**



*an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, essential infrastructure, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life.”*

Paragraph 2 of the CPO Guidance goes on to state “*Acquiring authorities should use compulsory purchase powers where it is expedient to do so. However, a compulsory purchase order should only be made where there is a compelling case in the public interest”* and that authorities “*should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected”*.”

Compulsory purchase is intended as a last resort to secure land assembly. However, the CPO Guidance does acknowledge that given the length of time it can take to secure a CPO, it can be sensible to plan for and initiate the formal CPO process alongside the negotiation process. Officers understand that BPL have been in negotiations with the leaseholders of the properties which are proposed to be subject to CPO, over the course of the last 8 months and despite that engagement, BPL has no comfort that settlement terms will be completed within timescales which dovetail with its wider redevelopment timetable.

A CPO requires confirmation from the Secretary of State unless no objections are made or are not withdrawn, in which event the Council can confirm the CPO itself. An outline of the CPO process is set out in the next heading. In the event that the CPO is made and objections are made and not withdrawn, it is likely that a public inquiry will be held and a planning inspector appointed to consider the case and to make a recommendation to the Secretary of State who will decide whether or not to confirm the CPO.

The CPO Guidance sets out the key matters that the Secretary of State will have regard to when considering whether to confirm a CPO and what an acquiring authority will need to demonstrate, in particular:

- whether the purpose for acquisition fits with the planning framework for the area;
- the extent to which the scheme will contribute to the achievement of the economic, social and/or environmental well being of the area;
- whether the necessary resources are available to achieve the purpose of the Order within a reasonable timescale;
- that the scheme is unlikely to be blocked by legal or physical impediments
- whether the purpose for which the Order land is to be acquired could be achieved by any other means.

The Council will need to demonstrate having regard to the above, and having particular consideration to the impact of the proposed CPO on Human Rights, and Section 149 of the Equality Act 2010, that there is a compelling case in

	<p>the public interest for the making and confirmation of the CPO.</p> <p>These matters are addressed in the balance of this report.</p>
<p><b>6.</b></p>	<p><b>OUTLINE OF THE COMPULSORY PURCHASE PROCESS</b></p> <p>The procedures for compulsory purchase under planning powers are mainly governed by the Acquisition of Land Act 1981, the Compulsory Purchase (Vesting Declarations) Act 1981 and the Compulsory Purchase Act 1965. Compensation for affected parties is governed by a number of statutes including, in particular, the Land Compensation Acts 1961 and 1973, the Compulsory Purchase Act 1965 and a considerable body of case law.</p> <p>In outline, if Cabinet resolves to make an Order the main steps which will be taken include:</p> <ol style="list-style-type: none"> <li>1. Making the Order</li> <li>2. Notification of persons affected and publicity for the making of the Order and the Council's intention to submit it to the Secretary of State for confirmation</li> <li>3. Submission of the Order to the Secretary of State</li> <li>4. Minimum of 21 days from notification of the order for the public to make representations/objections</li> <li>5. Public local inquiry (if objections outstanding)</li> <li>6. Inspector's report to the Secretary of State</li> <li>7. Secretary of State's decision on confirmation</li> <li>8. Notification and publicity for the Secretary of State's decision (if confirmed)</li> <li>9. Six week challenge period</li> <li>10. Acquiring /taking possession of the Order Land</li> <li>11. Compensation</li> </ol> <p>Alongside these steps, reasonable efforts to acquire land and rights by agreement would be expected to continue.</p> <p>The necessary work in gathering information needed to draw up the Order will need to be completed. The Order will include a schedule listing all owners, lessees, tenants and occupiers and others who are likely to have a claim for compensation if compulsory purchase takes place. These affected parties are known as "qualifying persons" and they must all receive the statutory notices once the Order is made.</p> <p>In addition they will be provided with a (non-statutory) "Statement of Reasons" for making the Order. The statutory notices will invite them to make representations/objections to the Secretary of State within a specified period of at least 21 days (step 4).</p>

	<p>If valid objections to the Order are made to the Secretary of State by qualifying persons and they are not withdrawn he is likely to arrange for a public local inquiry to be held and the Council and all objectors will be notified (objections which relate exclusively to compensation may be disregarded for this purpose). The date of the Secretary of State's notification confirming his intention to hold a public inquiry is known as the "relevant date". The public local inquiry would normally take place within 22 weeks of the relevant date. The Council will be required to provide the Planning Inspectorate and National Planning Casework Unit and all objectors with a Statement of Case within 6 weeks after the relevant date. The Secretary of State may require other parties to prepare outline and full Statements of Case.</p> <p>After the inquiry the inspector will report to the Secretary of State who will decide whether the Order should be confirmed, modified or rejected (step 7). If the Order is confirmed the Council must publish notice of confirmation and give individual notices to all qualifying persons with a copy of the Order as confirmed (step 8). The date on which notice of confirmation is first published is important as a number of key time limits run from this date, in particular, the 6 week statutory challenge period (step 9) and the three year period within which the powers to acquire land under the Order must be "exercised", either by serving notice to treat or by executing a general vesting declaration (step 10).</p> <p>So far as possible, all claims for compensation will be settled by agreement. Rights to compensation include not only the value of land and rights acquired (and the diminution in value of land adversely affected but not acquired), but claims in respect of disturbance to business and occupation and basic loss and occupier loss (in respect of non-residential properties). Disputes over compensation are determined by the Upper Tribunal (Lands Chamber).</p> <p>Once the Order has been submitted to the Secretary of State, properties with a low rateable value may be entitled to submit claims for blight, in effect, seeking early acquisition of their land interest. Under the CPOIA BPL will be obliged to meet the cost and any compensation payment associated with a validly served blight notice.</p>
7.	<p><b>COMPLIANCE OF THE DEVELOPMENT WITH THE ADOPTED PLANNING FRAMEWORK AND LACK OF PLANNING IMPEDIMENTS</b></p> <p>The development plan for the city of Southampton comprises the Core Strategy (amended 2015), the Local Plan Review (amended 2015) and the City Centre Action Plan 2015. An extract from the developer's Planning Statement setting out details of the relevant national and local planning policies is included at Appendix 2 to this report to which members are referred. In summary, the Development is:</p> <ul style="list-style-type: none"> <li>• consistent with the National Planning Policy Framework 2012 ("NPPF") which supports the vitality of town centres though the "town centres</li> </ul>

	<p>first “ approach and the National Planning Practice Guidance (“NPPG”) which gives guidance on how to interpret the NPPF.</p> <ul style="list-style-type: none"> <li>• compliant with the Council’s development plan.</li> </ul> <p>Policy AP28 of the City Centre Action Plan allocates the site for redevelopment and is thus the principal policy directing development on the site.</p> <p>The background to the policy says that redevelopment of the Bargate Centre will provide opportunities for high quality retail led redevelopment and public realm improvements to open up and improve the surroundings of the Town Walls and the Bargate monument itself. It goes on to add that the Bargate is a medieval town gate which forms the principal entrance to the Old Town and is a key local landmark. It is a Grade I Listed Building and Scheduled Ancient Monument. As sections of the Town Wall which were connected to the Bargate were demolished, redevelopment should therefore realign the new building more closely around the Bargate to follow the historic street pattern and mark the entrance to the Old Town. A key objective of the policy is that new development needs to respect the setting of the Bargate and Town Walls as well as further improve it.</p> <p>The Development provides for a mixed-use redevelopment of the site to provide replacement retail, private and student residential, and a public pedestrianised route, above associated basement car parking. The development seeks to physically and visually link the Bargate with Queensway and, in this respect, seeks to use the existing Debenhams as an anchor to the scheme. A key aspiration of the proposal is to open up public access to the Town Walls that currently sit in a backland location hard up against the existing shopping centre.</p> <p>Planning permission for the Development was granted on 10 August 2017 following completion of a section 106 agreement. In granting planning permission, the Council concluded that the Development accorded with the development plan as a whole and that there were no material considerations which indicated that permission should be refused. Accordingly, officers consider that the Development is capable of implementation and that there are no planning impediments that would be likely to prevent the delivery of the Development. Members are asked to pay special attention to the desirability of preserving or enhancing the character or appearance of the setting of the conservation area, the ancient monuments and registered parks in relation to the Development, which was considered in the determination of the planning permission.</p>
<p><b>8.</b></p>	<p><b>CONTRIBUTION TO THE ECONOMIC, SOCIAL AND ENVIRONMENTAL WELL-BEING OF THE AREA</b></p> <p>The key benefits of the Development are:</p>

- Substantial investment in Southampton City Centre;
- The development of a largely vacant, under-utilised site to form a mixed-use development that will contribute to the economic vitality of the city centre;
- The delivery of employment accommodation in the form of retail and restaurant space which will provide employment opportunities (forecast to provide 280 new jobs);
- The delivery of 152 residential units on a brownfield site in a sustainable location helping to meet the Council's housing targets;
- The creation of 185 purpose-built student accommodation units, helping to accommodate the growth in the student population helping alleviate the reliance of students on houses of multiple occupation which in turn makes these properties available for families, etc.;
- The delivery of a significant amount of new public realm and the opening up of the historic Town Walls to the public so the Grade I listed building and scheduled ancient monuments can be enjoyed and their setting vastly improved this includes a Section 106 obligation to secure the provision of or contribution towards works along the line of the missing Town Walls between Bargate and the First Tower and from Polymond Tower within the site;
- The creation of a new public link connecting the pedestrianised high street with Queensway, better incorporating both the development and the adjacent Debenhams department store as part of the prime retail area;
- The new residential and student units will result in additional economic activity in the city centre, with the occupants of these properties expected to contribute over £5m of additional spending per annum.
- The promotion of a night time economy in keeping with the designation of the area as an Evening Zone through the introduction of suitable food and drink uses either side of the entrance to the High Street and kiosks along the Town Wall.
- The creation of an enhanced retail offer and new modern retail space which is in keeping with the Council's policy requirements to maintain and enhance Southampton's role as a regional shopping destination, focusing on new major retail within its area.
- Measures to enhance arrival and movement to and from the site including the creation of a permitted route for pedestrians and cyclists between Bargate and Queensway;
- Various new highway improvements to improve movement of pedestrians and vehicles around the site;

The Environmental Statement, which accompanied the planning application for the Development set out some of the economic benefits of the Development. These were set out in the officers' report to the council's Planning and Rights of Way Panel and are repeated below:

*"6.2.4 The Environmental Statement (ES) suggests that increased levels of*

*proposed expenditure would be expected to occur as a result of the increased residential population of the development. For example, according to a 2013 report on Family Spending (published by the Office for National Statistics in 2013) the average total weekly household expenditure on basic consumables per week was £147.90. Therefore, it is possible that the 152 flats could generate in the region of £1,100,000 of direct expenditure on goods per annum. It is envisaged that a significant proportion of this would be spent locally and would, therefore, be a benefit to the local economy, as jobs would be supported and maintained.*

*6.2.5 In addition, Policy CS16 of the Core Strategy confirms that 'in response to concern about the concentration of student accommodation within parts of the city, the Council will work in partnership with universities and developers to assist in the provision of suitable, affordable accommodation for students to relieve the pressure on housing markets'. This policy confirms the Council's dual approach of delivering purpose built student accommodation whilst simultaneously managing the conversion of existing family housing to HMOs to relieve the pressure on local markets. Since the application also proposes purpose-built accommodation for students, it would be consistent with this approach. In addition to this, 'saved' Local Plan Policy H13 supports the delivery of student accommodation in locations accessible to the universities and where there is an identified need. The planning application draws on previous submissions to evidence need. The location of the site, within the city centre and close to the Solent University, with excellent public transport links to the University of Southampton's Highfield campus is appropriate for a significant level of student accommodation as is proposed.*

*6.2.6 In order to establish the benefits of the student accommodation, in terms of additional local expenditure, the ES provides figures supplied by the National Union of Students (NUS) in September 2013, which stated that across the UK students spend on average £9,204 per annum on items and services such as personal items, household goods, food, travel and leisure. Assuming that the uptake of the 451 student bedrooms is 100% (as predicted) the ES suggests that this could mean an additional £4 million (excluding rents and tuition fees) of spending in Southampton per annum for the life of the project.*

*6.2.7 The regeneration benefits of this development are considerable especially in the current economic circumstances. A number of employment generating uses are proposed, albeit mainly in the retail sector, although the scheme will also require on-site management and security in addition to the creation of jobs to support the student housing. The applicant predicts that the scheme could generate up to 280 jobs. The inclusion of an Employment and Training Management Plan, as part of the Section 106 agreement, would help to include opportunities for unemployed local people during both the construction and operational phases. Furthermore, the creation of a high quality public realm, and the opening up of the Town Walls thereby creating a unique retail destination, would have wider benefits to the city centre. According to the Council's Local Transport Plan (LTP) Implementation Plan and Streets and Spaces Framework it is anticipated that the city generates £5*

	<p><i>of private inward investment for every £1 spent on its public realm. The applicant's high design aspirations for the scheme, and associated public realm and CIL contribution (if allocated), would continue to raise the architectural standard for other future developments in the city."</i></p> <p>In respect of environmental benefits alone, it should be noted that the commercial accommodation will be built to a standard that will achieve a BREEAM rating of excellent, the Scheme provides for the installation of a Combined Heat and Power facility on site (if progressed - at present the inclusion of a CHP is provisional), the inclusion of green roofs on some aspects of the development.</p>
<p><b>9.</b></p>	<p><b>REASONABLE PROSPECT OF THE DEVELOPMENT PROCEEDING</b></p> <p><u>BPL's Resources</u></p> <p>BPL is a special purpose vehicle which holds part of the Bargate Centre. Tellon Capital LLP act as the acquisition and development manager for BPL, and it specialises in investing in UK real estate through partnerships with high net worth individuals, families and institutional investors. The founders of Tellon Capital LLP have a background and established history of delivering mixed use development schemes similar to the Bargate Development proposals.</p> <p>BPL has indicated that its current intention is to fund the obligations under the CPOIA and the Development through BPL's shareholders private equity, without the need for securing any external funding or investment.</p> <p>The Development, provides a sufficient level of return for BPL to commit to its delivery. BPL, during the planning process, stated "<i>We wish to regenerate this part of Southampton and develop an asset which we intend to hold as an investment for many years to come. We propose to develop the site to protect the long term income and potential of the site. As a private development company we will consider working on lower than the appraised initial profit margins as we intend to retain the scheme. This means that we are looking at the revenue stream as well as the capital appreciation over a longer time period than the analysis provides.</i>"</p> <p><u>Lack of impediments</u></p> <p>On the issue of scheme deliverability, the Secretary of State will also wish to be satisfied that there are no physical or legal impediments to the Development proceeding.</p> <p>Investigations undertaken by BPL to date have not found any physical factors which would impede development.</p> <p>Planning permission for the Development was granted on 10 August 2017.</p>

Following the grant of planning permission, BPL has begun discharging pre-demolition conditions attached to the planning permission and are intending to commence demolition of the Bargate shopping Centre later this year. A contractor to carry out the demolition works is currently being procured.

Officers understand that BPL is also in discussions with the University of Southampton relating to the provision of the proposals for student housing. BPL has stated its intention to have the student housing available by September 2019, this being an arbitrary delivery date given this is the start of the new academic year.

Ancient Monument Consent is required from Historic England as the Development abuts the Bargate; this is required to ensure that the Town Wall and Bargate are adequately protected during the demolition and construction process and for any repair works to be carried out. BPL has already had pre-application discussions with Historic England and has confirmed it will be submitting the first of two applications (the first being to address the demolition stage) imminently, and there is no reason why consent should not be forthcoming.

BPL has also applied for the necessary stopping up in respect of the public highway that runs through the application site. BPL will also apply to the Council to stop up a section of footway on Queensway. This is to stop up those parts of the highway on which the Development will be constructed.

One or more agreements under section 278 of the Highways Act 1980 are to be entered into by BPL with the council as highway authority in respect of works required under the s.106 agreement related to the Development.

Taking into account the above factors, it is considered that there is a reasonable prospect of the Development proceeding if the Order is made.

Whether the purpose for which the land is proposed to be acquired could be achieved by other means including alternative proposals by owners of the land, or any other persons for its reuse and/or the suitability of an alternative location for the purpose for which the land is being acquired.

The purpose for which land and any rights are proposed to be acquired is to enable the comprehensive redevelopment of the application site (in which the Order land falls) in accordance with the adopted planning policy framework. The planning permission which has been granted secures the comprehensive redevelopment in general accordance with those policies.

The nature and number of existing leasehold interests in the proposed Order Land and the negotiation carried out to date indicate that the prospects of



acquisition of all the available interests by agreement to enable comprehensive redevelopment within a reasonable timescale are unlikely. Similarly, waiting for those leases to expire will not lead to redevelopment within a reasonable timescale, with one of the leases not due to expire until 2027.

Officers have considered whether redevelopment in accordance with the planning policy objectives might be achieved with the exclusion of the leasehold interests from the development site. This effectively means leaving the Queensway frontage in its existing state. Demolition of all of the properties is required in order to create the pedestrian link and the public realm which opens up the Town Walls. Whilst 77 and 81 Queensway are included within the footprint of phase 2 of the Development they form part of a larger building structure which needs to be demolished to allow phase 1 to be brought forward (through the creation of the public access and new service road). The need to demolish the Queensway buildings early on in the development programme is also reflected in the planning conditions imposed. Planning condition 25 prevents occupation of buildings (other than Site A) until the new access point into the site from Queensway and the new pedestrian link from East Bargate to Queensway have been substantially completed. Developing other elements of the Development whilst waiting for the leases to expire on the Queensway units is therefore not a viable proposition as the length of unexpired lease terms is too long.

BPL is the freeholder of the majority of the site, with the Council owning a small part. Save for those properties which are identified for compulsory acquisition, all other interests can be readily terminated by BPL when required. Accordingly, it is considered that there are no other owners of the Bargate Centre or those with a sufficient interest which could genuinely promote an alternative scheme nor deliver an alternative scheme; indeed no alternative proposals have been put forward.

Whilst alternative sites exist in the city, this Site is identified in Policy AP 28 of the City Centre Area Action Plan; it forms part of the defined City Centre (comprising both primary and secondary shopping frontage) and an opportunity site for a mix of uses including retail, residential and office development. It is also identified as an Evening Zone and forms part of the wider Town Centre Employment Area allocation. Its particular location offers the unique opportunity to secure the long standing aspiration of the Council to create better access to and views of the Town Wall setting and create better pedestrian connectivity within the site itself and to the surrounding area, in particular the creation of a new route from Bargate to Queensway and the opening up of the link along York Wall to reconnect East Street with the High Street and to the park. The redevelopment of this site therefore will secure particular environmental improvements which will not be achieved by developing any alternative site. Each of the sites allocated in the City Centre Area Action Plan will deliver a series of improvements for the benefit of the town centre tailored to the locality of each site; they are not interchangeable in terms of the type and form of development nor of the planning benefits which each will deliver.

	<p>Overall, it is concluded that there is no credible alternative which is likely to deliver a comprehensive scheme which meets the planning policy objectives within a reasonable timeframe.</p>
<p><b>10.</b></p>	<p><b>HUMAN RIGHTS</b></p> <p>In reaching their decision, members should take account of the provisions of the Human Rights Act 1998. As a public authority, the Council must not act in a way which is incompatible with a Convention right protected by the Human Rights Act 1998. As outlined above, in officers' view there are strong grounds on which to conclude that the Development there is a compelling public interest sufficient to justify interfering with the human rights of those with an interest in the Order Land, in compulsorily acquiring the third party interests. The proposed Order does not include the acquisition of any residential properties.</p> <p>The key provision of the CPO Guidance is paragraph 2, quoted in section 5 above. This not only summarises the national policy and the need for there to be a "compelling case in the public interest" for compulsory acquisition, but also meets the requirements of the Convention. In relation to Article 1 of the First Protocol of the European Convention, a fair balance is required to be struck between the public interest and private rights and in relation to Article 8, any interference with the right to respect for a person's private and family life and home must be proportionate.</p> <p>Human rights protected by the 1998 Act of particular importance to the decision on compulsory purchase are those under Articles 6 and 8 and Article 1 of the First Protocol of the Convention.</p> <p>Article 6 provides:</p> <p><i>"In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law."</i></p> <p>The statutory procedures require that all those likely to be affected by the Order are notified and given an opportunity to object. If there are objections the Secretary of State will arrange a public local inquiry so that their objections can be heard (unless all parties agree to the written representations procedure). The legislation provides for statutory review in the event of challenge to the decision of the Secretary of State on confirmation of the Order. Disputes over compensation can be referred for hearing by the Lands Chamber of the Upper Tribunal. Taken together, the availability of these procedures satisfies the requirements of Article 6.</p> <p>Article 1 of the First Protocol provides:</p>

	<p><i>"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law."</i></p> <p>Article 1 of the First Protocol again indicates that compulsory purchase must strike a fair balance between the public interest and the private rights protected by Article 1, equivalent to proportionality under Article 8. For the reasons set out above, it is considered that there is a compelling case in the public interest for the Order to be made and this satisfies the requirements of proportionality and fair balance.</p>
<p><b>11.</b></p>	<p><b>PUBLIC SECTOR EQUALITIES DUTY</b></p> <p>The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Section 149 of the Equality Act 2010 places the Council, as a public authority, under a legal duty ("the public sector equality duty"), in the exercise of all its functions, to have due regard to the need to:</p> <ul style="list-style-type: none"> <li>• eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;</li> <li>• advance equality of opportunity between persons who share a "relevant protected characteristic" (i.e. the characteristics referred to above other than marriage and civil partnership) and persons who do not share it; and</li> <li>• foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> </ul> <p>Section 149 of the Equality Act 2010 and its predecessor provisions have been considered by the courts on a number of occasions. The principles derived from these cases include:</p> <ul style="list-style-type: none"> <li>• "due regard" requires more than simply giving consideration to the above factors, councillors should be aware of the special duties the Council owes to those with protected characteristics;</li> <li>• "due regard" is the regard that is appropriate in all the particular circumstances including, on the one hand, the importance of the areas of life of the members of the protected group that are affected and the extent of the effects; and on the other hand, such countervailing factors as are relevant to the function which the decision-maker is performing;</li> <li>• no duty is imposed to take specific steps, it is a duty to have regard to the need to achieve the various goals referred to above;</li> <li>• the duty must be fulfilled before and at the time that a particular policy which might affect protected groups is being considered. It involves a conscious approach and state of mind. It must be exercised in substance, with rigour and with an open mind. It is not a question of ticking boxes;</li> <li>• the duty must be discharged by the public authority, it cannot be</li> </ul>

	<p>delegated;</p> <ul style="list-style-type: none"> <li>• it is a continuing duty; and</li> <li>• it is good practice for those exercising public functions in public authorities to keep an adequate record showing that they have considered the public sector equality duty.</li> </ul> <p>It is necessary for the Council to have regard to this duty in determining whether to authorise the making of the Order.</p> <p>An Equality Impact Assessment was first undertaken in relation to the redevelopment and regeneration of the Bargate Shopping Centre and surrounding area when the Council was preparing the submission of its City Centre Action Plan, which has now been adopted. That assessment concluded that there would either be a positive or neutral effect on any protected groups.</p> <p>The owners and occupiers of the four commercial properties within the Order Land are likely to be the most affected by the Order. In respect of two of those, the leases are held by limited companies: British Heart Foundation and Meridian Logistics Limited. The leases in respect of the other two properties are held by individuals who aren't considered or known to have any protected characteristics.</p> <p>An Equality and Safety Impact Assessment ("<b>ESIA</b>") has been undertaken to assess the impact on any protected groups of the making of a compulsory purchase order and implementation of the Development, in line with the Equality Act 2010. The assessment concludes that there would either be a positive or neutral effect on any protected groups.</p> <p>The public sector equalities duty is a continuing duty and the impacts on any protected groups will be kept under review should any new information come to light or circumstances change.</p> <p>In view of the above and in summary, officers consider that the making of the Order would not have a detrimental impact on individuals or a groups of individual with protected characteristics. The Order will facilitate the delivery of the Development and it is considered that once the Development has been completed, all groups would benefit from the improved physical environment in the city centre as well as the wider economic benefits stemming from the proposals. The proposed new public spaces would create quality meeting places and help to reduce crime and the fear of crime and would help to foster good relations between all members of the community.</p>
<p><b>12.</b></p>	<p><b>FINANCIAL RISK</b></p> <p>To date, all internal officer costs have been paid by BPL. The council's ongoing internal and external costs until such time as the CPOIA is completed</p>

	<p>are protected by an undertaking by BPL’s solicitors.</p> <p>All costs associated with the CPO process and acquisition costs will be borne by BPL under the CPO Indemnity Agreement with Tellon Capital LLP acting as Guarantor.</p> <p>Whilst it is acknowledge that BPL is a special purpose vehicle whose main assets are the properties it owns in the application site, it is backed by Tellon Capital LLP who has agreed to act as Guarantor to BPL in the CPOIA in respect of any liabilities that the council may incur as a result of the CPO. Given the limited number and nature of the interests subject of the CPO, the likely level of compensation is relatively modest in the context of wider scheme costs. The Council can stop incurring costs associated with the CPO process if its costs remain unpaid within 8 weeks of being requested. Whilst it may be more difficult to pause works in the event of a CPO inquiry process, it is anticipated that these can be adequately managed. When acquiring interests following a confirmed CPO, the Council is not obliged to compulsorily acquire any interest until the Developer has first deposited the properly assessed compensation monies with the Council together with an additional contingency. The Council's risk to exposed financial liability is therefore kept to a minimum</p>
13.	<p><b>COMPELLING CASE IN THE PUBLIC INTEREST AND CONCLUSION</b></p> <p>The need for comprehensive redevelopment of the application site within which the proposed Order Land is located is acknowledged and supported in the adopted planning policy framework as summarised above. Delivery of the Development would fulfil the key planning policy objectives and transform Southampton’s historic Old Town centre and its retail and residential offer. It would contribute significantly to the improvement of the economic, social and environmental well-being of the area as outlined above. Officers consider that there is a reasonable prospect that the Development will proceed and that there are no likely realistic alternatives to compulsory purchase to achieve the purposes of the proposed Order. The impact on the human rights of those likely to be affected by the proposed Order is considered in section 10 of this report. The impact of the Order in the context of the Equalities Act 2010 is considered in section 11 of this report. In officers' view, there are considerable public benefits resulting in environmental, social and economic improvements to the local area to be derived from implementation of the Development. It is considered that these benefits outweigh the harm caused by interference with the human and other rights of those likely to be affected by compulsory purchase. In officers' view, there is a compelling case in the public interest sufficient to justify the making of the Order.</p>
<b>RESOURCE IMPLICATIONS</b>	

<b><u>Capital/Revenue</u></b>	
14.	All costs associated with the CPO and the actions arising from the recommendations will be borne by the developer.
<b><u>Property/Other</u></b>	
15.	The Council holds the freehold interest in part of the subject site. Terms have been agreed under delegated powers to transfer these interests to the developer subject to them completing the remaining acquisitions. The agreed deal will provide the Council with replacement income producing property assets together with the delivery of new public toilets within the scheme which will meet an executive commitment to deliver new public toilets in the city centre.
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
16.	The power to make a CPO and the necessary tests to consider is set out in the body of the report. An outline of the CPO process is set out in the body of the report.
<b><u>Other Legal Implications:</u></b>	
17.	Human rights and public sector equality duties considerations are set out in the body of the report and a more detailed ESIA contained in the background documents to the report.
18.	The council has the power to enter into the CPO Indemnity Agreement under section 1 of the Localism Act and section 110 of the Local Government Act 1972.
<b>RISK MANAGEMENT IMPLICATIONS</b>	
19.	The financial risks are considered in the body of the report. The decision could be challenged by way of a claim for judicial review. The CPO process is set out in the body of the report and the risks of any such challenge will be reviewed at each relevant stage.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
20.	The proposals contained in the report are in accordance with the Council's Policy Framework Plans. The planning permission for the proposed Development accords with the Council's Development Plan (referred to in Article 4 of the Constitution as the Council's Local Development Framework). Accordingly, delivery of the Development will contribute to the outcomes set out in the Council's Strategy (2016-2020) by bringing investment into the City and providing new homes and jobs.

<b>KEY DECISION?</b>	<b>No</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	<b>Bargate ward</b>
<b><u>SUPPORTING DOCUMENTATION</u></b>	

<b>Appendices</b>	
1.	Application site plan
2.	Planning policy framework (Section 5 Planning Statement)
<b>Documents In Members' Rooms</b>	
1.	Equality and Safety Impact Assessment
2.	Privacy Impact Assessment
<b>Equality Impact Assessment</b>	
<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	<b>Yes</b>
<b>Privacy Impact Assessment</b>	
<b>Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.</b>	<b>Yes</b>
<b>Other Background Documents</b>	
Equality and Safety Impact Assessment (ESIA) Data Privacy Impact Assessment (DPIA)	
<b>Other Background documents available for inspection at: Southampton &amp; Fareham Legal Services Partnership, Southampton City Council, Civic Centre, Southampton, SO14 7LY</b>	
<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>
1.	Report Planning and Rights of Way Panel 10 January 2017
2.	

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### 5 PLANNING POLICY AND GUIDANCE

- 5.1 This section examines the planning policy framework against which the redevelopment of the Site will be considered.
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the Development Plan unless material considerations indicated otherwise.
- 5.3 The relevant planning framework for the consideration of the proposed development is the National Planning Policy Framework and the local development plan which comprises the City Centre Action Plan (adopted 2015), Core Strategy including the changes from the Core Strategy Partial Review (Adopted 2015) and the Saved Policies of the Local Plan Review (adopted 2013). The National Planning Practice Guidance and local guidance also represent material considerations for the proposed development.
- 5.4 In addition, the Council consulted on the first stage of the new Local Plan in October 2015; they are currently in the process of preparing new policies for the draft Plan and this should therefore be given limited weight in decision making. The next stage of consultation is proposed to take place in January 2017, with the Council are targeting adoption April 2019.

#### National Planning Policy Framework

- 5.5 The National Planning Policy Framework (NPPF) adopted March 2012 sets out the Government's planning policies for England and how they are expected to be applied. The NPPF seeks to achieve the overarching principle of sustainable development which should be viewed as a 'Golden Thread' running through both plan-making and decision taking (paragraph 14).
- 5.6 For decision making this means:
- Approving development proposals that accord with the development plan without delay; and
  - Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
  - Specific policies in the NPPF indicate development should be restricted.
- 5.7 The NPPF sets out twelve core land-use planning principles which should underpin both plan making and decision taking. In summary the relevant principles set out that planning should:
- Not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve places in which people live;
  - Proactively drive and support sustainable economic growth;
  - Always seek to secure high quality design and a good standard of amenity; and

- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas.

### **Delivering a wide choice of high quality homes**

5.8 One of the primary objectives of the NPPF is to significantly boost housing supply. At the heart of this objective is the requirement to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. In seeking to meet these objectives, planning authorities should plan for a mix of housing based on current and future trends (demographic and market) and the needs of different groups in the community, such as students (Paragraph 50).

### **Ensuring the Viability of Town Centres**

5.9 The NPPF promotes a town centre first approach to development and seeks competitive town centres which are attractive to the whole community as places to live, work, shop and visit. Local Planning Authorities are encouraged to recognise town centres as the heart of their communities and meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. Housing, along with retail, leisure and cultural uses are identified as having an important role to play in maintaining a centre's vitality and viability (Paragraph 23).

### **Requiring good design**

5.10 Good design is a key aspect of sustainable development and is indivisible from good planning (Paragraph 56). Paragraph 58 states that planning authorities should aim to ensure that amongst other things, developments:

- add to the quality of the area;
- ensure development creates attractive and comfortable places to live;
- *“optimise the potential of a site to accommodate development, create and sustain an appropriate mix of uses”*;
- respond to and respect local character and history, reflecting the local identity but whilst not preventing or discouraging appropriate innovation;
- are accessible and safe, taking account of potential for crime and/or fear of crime; and
- be visually attractive as a result of good architecture.

5.11 In terms of architecture, variation and innovation is encouraged and planning authorities should not seek to impose preconceived ideas of appropriate design (Paragraph 60).

## Heritage

- 5.12 The NPPF encourages Local Planning Authorities to conserve and enhance the historic environment and heritage assets. Recognising that heritage assets are an irreplaceable resource and seek to appropriately conserve them (Paragraph 126).
- 5.13 In terms of determination planning application, account should be taken of the following:
- *“The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
  - *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
  - *The desirability of new development making a positive contribution to local character and distinctiveness”* (Paragraph 131).
- 5.14 In addition great weight should be given when considering the impact of a proposed development on the significance of a designated heritage asset.
- 5.15 Planning (Listed Buildings and Conservation Areas) Act 1990 sets out legislation of relevance to this historic context. Section 66(1) requires local authorities, when considering planning applications affecting a listed building or its setting, *“to have special regard to the desirability of preserving the building or its setting”*.
- 5.16 Where a site is in a conservation area, Section 72(1) of the Act requires that *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

## National Planning Practice Guidance (2014)

- 5.17 The revised and updated National Planning Practice Guidance was first published online on the 6 March 2014 and covers wide range of policy topics and the application and interpretation of the principles set out in the NPPF.
- 5.18 Design guidance provides advice on the key points to take into account on design. Paragraph 002 (Reference ID: 26-002-20140306) states that good design should:
- *“Ensure that development can deliver a wide range of planning objectives*
  - *Enhance the quality buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.”*
- 5.19 Furthermore Paragraph 007 (Reference ID: 26-007-20140306) considers how planning should promote local character (including landscape setting) the guidance advises that *“Development should seek to promote character in townscape and landscape by responding to and reinforcing*

*locally distinctive patterns of development...while not preventing or discouraging appropriate innovation.”*

- 5.20 In terms of Vacant Building Credits Guidance Paragraph 022 (Reference ID: 23b-022-20160519) explains the process for determining the vacant building credit and states:

*‘Where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A ‘credit’ should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation... The existing floorspace of a vacant building should be credited against the floorspace of the new development. For example, where a building with a gross floorspace of 8,000 square metre building is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought’.*

- 5.21 The viability guidance assists the Council in considering the viability of planning obligations when decision taking. It states that the Council should be flexible in seeking planning obligations where an Applicant is able to demonstrate to the Council’s satisfaction that the planning obligation would result in the development being unviable, this is particularly important when determining Affordable Housing provision (Paragraph 019 Reference 10-019-20140306).

## Regional Level PUSH

- 5.22 Partnership for Urban South Hampshire (PUSH) is committed to working with the Solent Local Enterprise Partnership (LEP) and other partners to deliver the growth ambitions of the Solent area. PUSH is an important Stakeholder in development in the South Hampshire region and seeks to influence policy formulation related to spatial planning, housing and regeneration as well as producing a range of robust evidence based studies, necessary to articulate the growth ambitions of the Solent area.

## Solent Local Enterprise Partnership

- 5.23 The Solent Local Enterprise Partnership (LEP) is a locally-owned partnership between businesses and local authorities and plays a central role in determining local economic priorities and undertaking activities to drive economic growth and the creation of local jobs.

## Local Level Southampton Local Development Framework

- 5.24 The local development framework comprises the following adopted documents:

- Amended Core Strategy Partial Reviews (adopted 2015);
- City Centre Action Plan (adopted 2015);
- Proposals Map (2015); and
- Saved policies of the Local Plan Review (amended 2015).

5.25 The Council consulted on the first stage of the new Local Plan in October 2015, and are in the process of progressing the draft policies. This should be given some limited weight in decision making.

### Allocations

5.26 The Proposals Map adopted in 2015, illustrates the site-specific policies. Figure 2 below illustrates the site allocations set out by the adopted Proposals Map.

**Figure 2: Extract from Adopted Local Plan Proposals Map (2015)**



5.27 The Site forms part of the defined City Centre. It also forms part of a wider allocation of the Site Specific Policy **AP28**, an opportunity site where a mix of uses including retail, residential, office development, car parking and community facilities are considered to be appropriate. The site also forms part of the wider 'Town Centre Employment Area' allocation.

5.28 The following allocations from the City Centre Area Action Plan also apply to the Site:

- Primary Shopping Frontage (High Street and Shopping Centre);
- City Centre Boundary;
- Evening Zone;
- Western part of the Shopping Centre is within the Conservation Area; and
- Town Centre Employment Area.

### Principle of Development

5.29 **Policy CS1** (City Centre Viability and Vitality) of the Core Strategy and **Policy AP5** of the Adopted City Centre Action Plan seek to enhance Southampton's role as a Primary Regional Centre.

5.30 **Policy AP28** of the City Centre Area Action Plan (East of Castle Way, Bargate Shopping Centre and Hanover Buildings) provides the key allocation for consideration in the redevelopment of the Bargate. The policy seeks to promote retail-led mixed use redevelopment on the Site. It considers that appropriate uses include "retail (A1), food and drink and upper floor residential, hotel, commercial B1 (a) and (b), cultural and leisure uses".

5.31 Of importance, policy notes that although Bargate Shopping Centre is identified as Primary Retail Frontage flexibility will be shown to deliver retail or leisure uses next to the Town Walls. **Policy AP28** states that development will be supported where:

1. *"The access to, views and setting of the Town Walls are improved by opening out the areas immediately surrounding the walls, introducing attractive pedestrian routes and uses with active frontages alongside them and improving legibility and linkages with other sections of the Town Walls;*

2. *Proposed uses are in accordance with the retail policy on primary and secondary retail frontages;*

3. *Active frontages are provided alongside main routes;*

4. *Improved pedestrian links are created through the site;*

5. *The Shopmobility facility is retained or provided in a similarly central location;*



6. *Development fronting High Street provides a high quality entrance to the Bargate shopping centre and enhances the setting of the Bargate;*

7. *The built edge around Bargate is realigned to follow the historic street pattern and development safeguards the opportunity for, or facilitates, a high-level bridge link. Development should seek to retain and incorporate the Art-Deco façade of the former Burtons building into any new development proposals;*

8. *Development includes pedestrian links to the East Street shopping area along the line of the Town Walls and the redevelopment of the Eastern site includes a connection through from the High Street to Castle Way continuing the line of the Town Walls; and*

9. *Development respects and enhances the setting of the Grade II registered park”.*

5.32 **Policy SDP1** (Quality of Development) of the Local Plan Review states that planning permission will only be granted for development which does not unacceptably affect the health, safety and amenity of the city and its citizens, and contributes where appropriate to the complementary mix of uses.

### **Retail Uses**

5.33 In order to maintain and enhance Southampton’s role as a regional shopping destination, **Policy AP6** states that the first focus for new major retail (A1 Use) development within the City will be within the existing Primary Shopping Area.

5.34 **Policy AP5** of the Adopted City Centre Action Plan seeks to safeguard retail uses (A1 Use) at ground floor level within the Primary Retail Frontages. The Policy goes on to state that proposals for the use of upper floors in Primary Frontages for retail, residential, leisure, office or other complementary uses which help to maintain or enhance the character and vitality of the centre will be supported.

5.35 **Policy AP8** considers the night time economy and the Council’s wish to promote a night time economy with a range of activities in designated areas, including the Bargate. Policy states “*in evening zones and late night hubs, extended opening hours for food and drink uses will be supported subject to meeting other policies, particularly those to protect residential amenity and retail areas*”.

5.36 **Saved Policy REI7** (Food and Drink Uses) considers proposals involving classes A3, A4 and A5 and states that these will be permitted in city sites for mixed use areas provided that appropriate planning conditions are imposed to prevent impact to amenity.

## Housing

- 5.37 **Policy AP9** allocates the Site as appropriate for residential development and states that residential development will be supported as part of mixed use development. **Saved Policy H2** of the Local Plan Review seeks to encourage development that ensures the maximum use of derelict, vacant and underused land for residential development.
- 5.38 **Policy CS5** states that high housing densities of over 100 dwellings per hectare should be limited to the most accessible areas, namely the City Centre.
- 5.39 In order to meet the projected supply of housing **Core Strategy Policy CS4** states that residential development will be permitted through the conversion or redevelopment, where appropriate, of commercial premises, particularly redundant shops and offices.
- 5.40 **Policy CS15** of the Core Strategy considers Affordable Housing; it states that where 15 or more net dwellings are proposed, the Council will seek provision through negotiation, of 35% affordable housing. The Policy acknowledges that the portion of affordable housing will take account of the costs of development and viability of the proposal, as assessed using an agreed model.
- 5.41 **Policy CS16** of the Core Strategy sets a target of 30% of total new dwellings (gross) to be provided as family homes on sites of ten or more dwellings. However, the policy also notes that the appropriate percentage of family housing for each site will depend upon the established character and density of the neighbourhood and the viability of the scheme.

## Student Accommodation

- 5.42 **Saved Policy H13** of the Local Plan generally supports the development of student accommodation in appropriate locations. It states that development of student accommodation by private sector providers will only be supported where it is suitably located and where residential accommodation is provided to a level to be agreed with the Council. The Policy notes that permission will be subject to:
- An assessment of need for student accommodation;
  - Phasing of accommodation to accord with academic expansion;
  - Accessibility of accommodation from the relevant educational facility;
  - Agreement on control and management of car parking; and
  - Planning conditions to control the occupancy of the development.

## Heritage

5.43 **Policy CS14** (Historic Environment) states that new development should respect and reflect the underlying archaeology of the area and the development proposed in the city centre will need to pay particular attention to the medieval walled town. It continues:

*“A guiding principle will be to avoid damage to archaeological deposits where possible and to put in place appropriate mitigation measures where damage is unavoidable... Historic assets such as buildings should be reused where possible”.*

5.44 **Saved Policy HE1** (New Development in Conservation Areas) concerns all development proposed within a conservation area, adjacent to it and affecting its setting or views into and out of the area. It states that development must preserve or enhance the conservation area and have regard to the Conservation Area Character Appraisal.

5.45 In terms of Parks and Gardens of Special Historic interest, **Saved Policy HE 5** finds that:

*“Development will not be permitted which would detract from the character or setting of parks and gardens of special historic interest, including those on the national and local register”.*

5.46 **Saved Policy H7** states that planning permission will only be granted for residential development in close proximity to a conservation area and statutory listed buildings, provided it complements and enhances their character and respects their surroundings. Views across public areas are also important in respect of security, hard and soft areas should not provide opportunities for concealment, and minimising the number of through routes in new forms of development should be important.

## Design

5.47 **Policy CS13** of the Core Strategy states that architecture should respond positively and integrate with its local surroundings; character and architecture, whilst contributing positively to the unique image of Southampton and local distinctiveness via innovative and high quality design and reflect the importance of the city’s archaeology, historic and cultural heritage. In addition, when designing new development, proposals should consider landscape, connection movement and inclusive access and urban form and scale.

5.48 In addition **Policy AP16** of the Adopted City Centre Action Plan states that development should relate well to the scale and mass of existing buildings, and be adaptable to future uses. There should be a clear hierarchy of streets and public spaces; the incorporation of active frontages on primary streets is encouraged to improve permeability throughout the site. The design and layout of

the scheme should strengthen the unique distinctiveness of the city's heritage and create a distinctive sense of place. Furthermore proposals should respect the existing residential amenity of neighbouring property and provide safe access and external defensible space where practical and protect strategic views.

5.49 **Policy AP17** of the City Centre Action Plan discusses tall buildings and states that *“tall buildings are restricted in the Old Town in order to respect historic low rise development and its skyline profile”*. Furthermore tall buildings of 5 storeys or more (or of equivalent height) and landmark buildings or structures should be of high quality design and materials; respond well to their site and context and provide a mix of uses. **Figure 3** provides an extract of Map 12 of the City Centre Area Action Plan which shows locations which are deemed to be appropriate for tall and landmark buildings.

**Figure 3: Extract of Map 12 of the CCAP**



5.50 **Saved Policy SDP 6** of Urban Design Principles states that all planning applications for residential schemes of 5 or more units should be accompanied by a design statement that includes context,

urban form and public space, movement and accessibility, massing, scale and appearance, safety and security, resource conservation, landscape and biodiversity.

### **Transport and access**

- 5.51 **Policy CS18** of the Core Strategy states that the Council will require a transport assessment and travel plan for major developments to assess their transport impact on the strategic and local road network and require the provision of mitigation or infrastructure measures. In addition, it is also required that new developments consider the impact on air quality, through the promotion of access by sustainable modes of transport.
- 5.52 **Policy AP18** states that the Council will encourage a significant modal shift from use of the car to other modes of transport. As part of this the Council will promote enhanced crossing points, routes and urban spaces for pedestrians and cyclists by managing vehicular movements appropriately. In addition, the Council will maintain a level of road access and off street car parking provision appropriate to maintain an efficient transport network which achieves a significant switch to non-car transport modes, creates high quality pedestrian/cycle routes and spaces, supports viable development, and promotes a relocation of commuter/visitor parking to the edge of the city centre.
- 5.53 **Saved Policy 5** of the Local Plan Review states that planning permission will only be granted where development meets the adopted standards for each type of car parking provision. **Policy CS 19** of the Core Strategy expands this and states that parking for all development must have regard to the Council's maximum car parking and minimum cycle parking. Parking provision should be *"well designed and seek to enhance the local environment"*.
- 5.54 **Saved Policy SDP4** of the Local Plan Review considers development access and states that development will only be permitted where access into the development is provided in priority order for: pedestrians and disabled people; cyclists; public transport and private transport.
- 5.55 In addition **Saved Policy SDP 11** for accessibility and movement, states that development must contribute to an attractive network of public routes and spaces for pedestrians, cyclists and vehicles. Furthermore, adequate access for all pedestrians' must be secured.
- 5.56 **Saved Policy TI2** finds that *"vehicular access to new development sites from classified roads will not be permitted unless the city council is satisfied that road safety would not be adversely affected"*
- 5.57 **Policy AP19** of the City Centre Action Plan states that the Council will promote an enhanced network of streets and spaces, these will be pedestrian and cycle friendly, cater for people with reduced mobility, and create direct and clearly defined routes. In addition *"an appropriate financial*

*contribution towards creating or enhancing strategic links, the green grid and open space will be secured from developments in line with the Council's CIL policy".*

### **Ecology and biodiversity**

- 5.58 **Policy CS22** of the Core Strategy seeks to ensure the effective protection of biodiversity by preventing development from adversely affecting the integrity of internal designations and ensuring that development is unlikely to have an unacceptable impact on a national or local designation. In addition **Saved Policy SDP 12** states that development proposals will not be permitted without a landscape/habitat creation and management scheme appropriate to its setting.

### **Amenity and Open Space**

- 5.59 **Policy AP 12** of the City Centre Action Plan, concerns Green Infrastructure and Open Space. The Council will seek to improve the quality and accessibility of open space in the city centre by protecting and enhancing existing designated open spaces including Hoglands Park, and improving accessibility to open spaces through creating a network of strategic pedestrian and cycle links and facilitating a Green Grid of routes and spaces throughout the centre linking existing neighbourhoods, destinations, open spaces and the waterfront. In addition, the Council will require that all developments assess the potential of the site for appropriate green infrastructure improvements by using the Council's Green Space Factor, and to improve the score for the site.
- 5.60 **Policy AP13** of the City Centre Action Plan considers public open space in new developments and states that the following provisions apply to all proposals. Development will be expected to provide an appropriate amount of amenity open space on site, the nature of the development and accessibility will be taken account of. The Council will expect development to provide intensive green roof open space where practical and development will provide for other types of open space through a CIL contribution.
- 5.61 **Saved Policy SDP 1** of the Local Plan Review (2015) states that planning permission will only be granted where development does not unacceptably affect the health, safety and amenity of the city and its citizens and contributes, where appropriate, to a complementary mix of uses.
- 5.62 **Saved Policy SDP 8** discusses the urban form and public space. The Policy states that the layout and form of buildings and spaces need to be integrated into the existing urban structure and should be well-defined, usable and connected.
- 5.63 **Saved Policy SDP 10** considers safety and security of new development and states that development will only be permitted where it provides satisfactory lighting and natural surveillance as well as safe and secure public routes and locations for car and cycle parking.

- 5.64 With regard to noise, **Saved Policy SDP 16** states that proposals for noise-generating development will not be permitted if it would cause an unacceptable level of noise impact.
- 5.65 **Saved Policy SDP17** concerns lighting and states that planning permission will be granted where light spill and potential glare is minimised through the control of light direction, particularly in residential and commercial areas. Also the choice and positioning of the light fittings, columns and cables should minimise their daytime appearance and impact on the street scene.

### **Sustainability**

- 5.66 **Saved Policy SDP13** discusses Resource Conservation states that developments should be designed in a way which minimises their overall demand for resources. Development applications will need to demonstrate that they have maximised or incorporated the opportunity to reuse land and buildings wherever possible,
- 5.67 **Core Strategy Policy CS20** addresses Tackling and Adapting to Climate Change and sets out the Council's suitability standards. The Policy seeks to ensure that from 2016 all non-commercial developments achieve BREEAM 'excellent' and that residential development achieves Code Level 6 for Sustainable Homes from 2016. The Policy also sets a target of 15% Carbon Dioxide reduction for the scheme.

### **Infrastructure Delivery and Developer Contributions**

- 5.68 **Policy CS25** of the Core Strategy states that in order for development to be permitted, the necessary infrastructure, services, facilities and amenities will need to be available to meet the needs of the development, or will be provided at the appropriate time. Also the Council will seek developer contributions towards directly related measures to deliver a high quality development.

### **Emerging New Local Plan**

- 5.69 The Council is preparing a new Local Plan for Southampton City Council, which will guide the city centre's future development until 2026. The latest consultation document available is the Local Plan: Issues and Options Paper (October 2015).
- 5.70 The Bargate Centre is identified within Site 11, Bargate Sites, as a city centre site within the Old Town Quarter. The emerging Local Plan identifies the main development proposals for the site as retail, leisure, above ground floor residential, hotel, office, and suggests an alternative option to support a wider mix of uses on ground floor (provided retail/leisure uses are fronting the main routes and town walls). The Council sets the key requirements, in addition to a high quality of design, as follows:

*“ improve access to, views and setting of the Town Walls, provide active frontage on main routes and improve pedestrian links. Retail or re-provide Shopmobility facility. Realign build edge around Bargate. Respect and enhance the setting of the park”*

- 5.71 Paragraph 40 of the emerging document states that as Southampton is an urban area with very little undeveloped land, larger housing developments will be focused on the city centre and the central brownfield areas.
- 5.72 In terms of student accommodation, the Issues and Options draft states that around 40,000 students study in Southampton and it is expected that this could increase by at least 8,000 by 2021 (paragraph 47). The Council will seek to support new purpose built student accommodation, however the guidance states that these should be capable of being adapted if the city's housing needs change in the future.
- 5.73 In respect of design, paragraph 80 states that the emerging Local Plan will seek to encourage innovative design to make the most efficient use of land and respond creatively to constrained development sites and supports the provision of residential development on top of new retail uses.

#### [Supplementary Planning Documents/Guidance](#)

- 5.74 Southampton City Council have adopted a number of Supplementary Planning Documents and Guidance of relevance, these are summarised below.

##### **City Centre Masterplan, 2013**

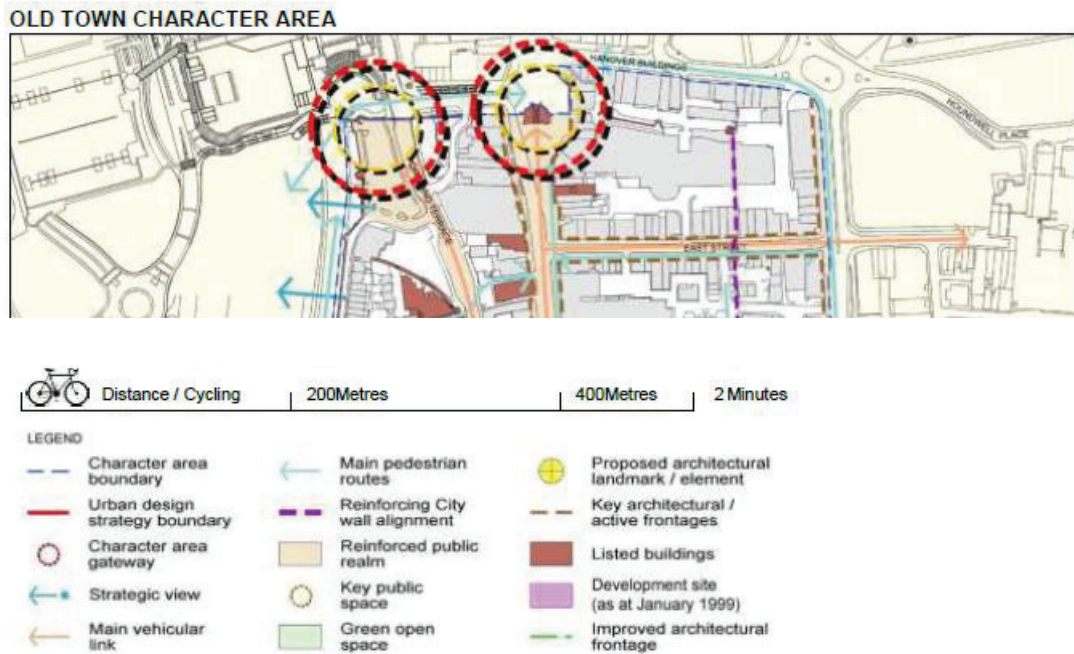
- 5.75 Design Guidance for the City Centre, includes key advice which aims to redevelop the Bargate Shopping Centre and utilise this redevelopment opportunity to open up the historic Town Walls. Chapter 4 discusses the Council's ambition to create vibrant new shopping areas including the Bargate Area to create new high street shops, food supermarket, leisure, bars, restaurants and cafes overlooking the park with housing above.

##### **City Centre Urban Design Strategy/Guide, 2000**

- 5.76 Provides design guidance for future development within the central part of the city. The SPG places the site in the Old Town Character Area. Figure 4 below sets out the key designations for the site.



**Figure 4: Extract of Old Town Character Area**



**Old Town Development Strategy, 2004**

5.77 Sets out a vision to guide the future development of the Old Town over the next ten years, which is a high priority area due to the high level of developer interest.

**Development Design Guide, 2004**

5.78 Aims to promote higher design standards in the development and renaissance of Southampton City Centre.

**Residential Design Guide SPG, 2006**

5.79 Sets out key design principles for the development of new homes and the spaces that surround them.

**Streets and Spaces Framework, 2015**

5.80 Sets out the steps the Council will undertake to improve the quality of streets, parks and open spaces within Southampton. The guidance reinforces the Council's ambitions to enhance connections in and around the Bargate between the Precinct and the High Street whilst re-establishing the sense of transition between the Old Town and the heart of the city (page. 43).

#### **North/South Spine Strategy, 2004**

5.81 Draws on objectives of the Local Plan and Local Transport Plan. The route follows the High Street and passes the west of the Bargate Shopping Centre, seeking to pedestrianize from south of the Bargate to the East Street junction and in association with the Town Walls reinforce historic significance and encourage pavement café activity to temporarily colonise the south side of the space.

#### **Public Art Strategy SPG – Revised Version, 2004**

5.82 Aims to deliver outstanding contemporary art, architecture, landscape architecture and urban design practice through the planning and development control process.

#### **Southampton Housing Strategy, 2011-2015**

5.83 Sets out the Council's priorities to meet housing need and aspirations, which include delivering 5,000 homes in mixed use context within the city centre over the next twenty years.

#### **Parking Standards SPD, 2011**

5.84 Details how the Council will apply the contents of existing Core Strategy Policy **CS19** (Car & Cycle Parking) and other policies in the determination of planning applications for residential and non-residential developments.

#### **Low Carbon City 2011-2020, Part 2: The Strategy, 2011**

5.85 Sets out the actions the Council intends to deliver to adapt to and mitigate against climate change.

#### **Developers Contribution SPD, 2013**

5.86 The guidance document supplements Local Plan Review on the Council's approach to securing contributions from developers, it forms part of the Council's Local Development Framework and is a material consideration when assessing planning applications within the city.

#### **Community Infrastructure Levy**

5.87 Southampton City Council adopted their Community Infrastructure Levy on the 1 September 2013, the charge varies between use classes, retail (A1 – A5) is charged at a rate of £43 per sqm (index linked) and residential (C3, C4 and Sui Generis Houses in multiple Occupation) including self-contained student flats and cluster flats are charged £70 per sqm (index linked).

5.88 The existing occupied floorspace within the site will be discounted from the CIL calculation.

<b>DECISION-MAKER:</b>	<b>CABINET</b>		
<b>SUBJECT:</b>	REDESIGN OF OLDER PERSON'S DAY CARE SERVICES (AS PART OF THE DEVELOPMENT OF A NEW OFFER OF SUPPORT AND ACTIVITIES FOR OLDER PEOPLE IN SOUTHAMPTON CITY)		
<b>DATE OF DECISION:</b>	17 OCTOBER 2017		
<b>REPORT OF:</b>	CABINET MEMBER FOR HOUSING AND ADULT CARE		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	<b>Donna Chapman</b>	<b>Tel:</b> <b>023 80 296004</b>
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<b>STATEMENT OF CONFIDENTIALITY</b>
Not Applicable

<b>BRIEF SUMMARY</b>
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The proposals set out a new model of support and day time activities for older people and will improve outcomes for older people and increase independence by transforming over time the traditional model of day centres for older people that currently exists in the city.

The new model will focus on giving people more choice and control over the support and services they are able to access, utilising direct payments to offer more personalised forms of care and will promote the ethos of early intervention and prevention by developing the market to support more people and maximising the use of community assets.

The proposals have been developed within the context of a range of other developments aimed at supporting older people to maintain their health, wellbeing and independence. The community wellbeing centres described in the proposals will particularly align with developments related to Advice, Information and Guidance (recently tendered by the Council), Southampton Healthy Living Behaviour Change Service (a new service which went live April 2017), Community Navigation (currently being tendered by the CCG) and Housing Related Support to form a new offer of support and activities for older people.

The proposals will be underpinned by and help enable a strengths-based approach to social work practice.

<b>RECOMMENDATIONS:</b>
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	(i)	To note the feedback from the engagement with current day care service users, their carers, service providers and wider services and residents.
	(ii)	To approve the proposals in this report to develop a new model of

		activities and day time support across the city to help people maintain their health, wellbeing and independence.
	(iii)	To approve the recommendation to proceed with a procurement to deliver the new service model, which over time will transform the current traditional model of day centre provision for older people in Southampton.
	(iv)	To delegate authority to the Director of Quality and Integration, following consultation with the Cabinet Member for Housing and Adult Care to decide on the final model of commissioned services and all decision making in relation to this procurement.

### **REASONS FOR REPORT RECOMMENDATIONS**

1.	The over 65 population makes up 14% of the Southampton population (34,600 people) and is set to grow more than any other age group, increasing by 15% between 2015 and 2021 (to 39,800 people), with the over 85 population set to increase by over 20%.
2.	As people get older they are more likely to have health problems that limit their day to day activities and impact on their independence. Furthermore there is evidence that the prevalence of depression increases with age. It has been estimated by the Scrutiny Inquiry on Combating Loneliness in Southampton (2017) that 5,482 people aged 65 and over are experiencing loneliness. Evidence shows that loneliness can have serious consequences and negative impacts at both a personal and community level. It can cause and, at times, worsen existing personal problems (psychological, social, and behavioural) and community issues (fewer social connections, lack of confidence to leave the home).
3.	Given the changing demographics and increasing demand, it is important that the health and care system in and around Southampton adapts to meet the changing and growing needs of the population and has a focus on promoting healthy ageing. The Southampton Health and Wellbeing Strategy notes that there is a clear need to empower people to stay well.
4.	Current day care provision is a traditional basic range of activities and personal care. Services are provided under block contract with limited flexibility for individuals. The current day care service contracts, which are with Social Care in Action (SCA) and Age UK, expire on 31 March 2018 providing an opportunity to review the current model.
5.	The new model has been developed through a process of co-production and engagement with current day care users, their carers, service providers and wider services. It will improve outcomes by focusing on giving people more choice and control over the support and services they are able to access thereby promoting independence, utilising direct payments to offer more personalised forms of care and will promote the ethos of early intervention and prevention by broadening the offer to more people and maximising the use of community assets. It will encourage independence and community resilience.

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

6.	<p>In considering the future procurement of older person's day care provision, a number of alternative options were considered. These included:</p> <ul style="list-style-type: none"> <li>To re-commission the day care services as is (this would still require a procurement as contracts end on 31 March 2018)</li> </ul> <p>This option is not recommended because it does not respond to increasing demand and the need to broaden the offer to also focus on early intervention; it does not offer greater choice for people; and it does not promote people's independence.</p> <ul style="list-style-type: none"> <li>To decommission day services entirely and provide current and future service users (on the basis of assessed need) with a direct payment to purchase their own support and care from the market.</li> </ul> <p>This option is not recommended as the market does not currently offer sufficient choice and capacity to meet the needs of all current service users. There would therefore be a strong likelihood that this option would increase pressure on already over-stretched social care provision e.g. domiciliary care.</p>
<b>DETAIL (Including consultation carried out)</b>	
<b>CURRENT POSITION AND CASE FOR CHANGE</b>	
7.	<p>The Council currently commissions Southampton Care in Action (SCA) and Age UK Southampton to provide five day centres across the city, which are based in the following locations:</p> <ul style="list-style-type: none"> <li>Padwell Road in central Southampton</li> <li>Freemantle Community Centre on west of city</li> <li>Brook Centre on east of city</li> <li>Oak Lodge on east of the city</li> <li>Holy Family Church on west of city</li> </ul>
8.	<p>As well as providing these day services under contract to the Council, Age UK and SCA also offer their services to self funders.</p>
9.	<p>151 older people (over the age of 65) are provided with a service by the Council through the SCA and Age UK day care contracts. Approximately a further 60-70 people access the services as self funders. Data on the Council funded day service users shows that:</p> <ul style="list-style-type: none"> <li>there were 151 older people (+65 years old) using day care services, funded by adult social care as at 30 September 2016.</li> <li>32% of these users were aged 65-74, 33% were aged 75-84 and 34% were aged 85 and over.</li> <li>the majority of day care users live alone and this reflects the need for tackling people's social isolation as a central element of any future provision.</li> <li>40% of service users were having day care on one day of the week and 28% on two days a week.</li> </ul>
10.	<p>An assessment of current user need undertaken by the current providers</p>

	<p>showed that 21% of service users have high needs (defined as requiring two members of staff to support them with moving and handling, eating, engaging with group or individual activities), 56% have medium level needs (defined as requiring one member of staff to help them with the above activities) and 23% have low level needs (defined as being able to undertake the above activities unaided most of the time). Detailed care management reviews are planned for all 151 service users prior to the procurement.</p>
11.	<p>The care offered is a traditional basic range of activities and personal care. Individuals are restricted to using the services on offer at the day centres, although providers do engage with individuals to inform how the service is delivered. For reference, 110 (73%) of people using day care services have a “personal budget”. The term personal budget refers to the service user budget either being directly managed by adult social care, a third party or by a direct payment to the service user. However, only 6 (4%) of current day service users have a “direct payment”.</p>
12.	<p>SCA provide transport for SCC clients to all the centres, under the Council’s contract with SCA.</p>
13.	<p>Access to the existing day care services is dictated by eligibility under the Care Act, or the ability to pay for the service as a self funder. To try to understand how the current numbers of service users compares to potential levels of need, a comparison with the numbers of people known to have long term conditions in the over 65 population was undertaken. This showed that 50% of the over 65 population (17,584) had up to 2 long term conditions and might therefore be classified as having low level needs, 11,443 (32.5%) had 3-5 long term conditions and might therefore be classified as having medium level needs and 6,149 (17.5%) had 6 to 8 long term conditions and might therefore be classified as having high level needs. This is a relatively crude way of looking at demand, but highlights the significant difference between the current 211 – 221 day care centre users (which includes people with eligible needs for care and support funded by the Council as well as the number of self funders estimated to be using the current provision) and the wider population who might benefit from being able to purchase more readily available support and activities to maintain their wellbeing and independence.</p>
14.	<p>While it is important that the care and health needs of people who have the greatest needs in Southampton are met, there is also an opportunity to develop the market to support more people to maintain their independence and wellbeing for longer and thus reduce demand on services.</p>
	<p><b>AIMS AND OBJECTIVES OF PROPOSALS</b></p>
15.	<p>The overall aim is to develop an offer of activities and support to more older people across a broader continuum of need that will:</p> <ul style="list-style-type: none"> <li>• promote wellbeing and independence</li> <li>• reach a greater number of Southampton residents</li> <li>• increase access</li> <li>• be more closely linked to local communities</li> <li>• increase the range of activities available, promoting greater choice.</li> </ul>

16.	<p>Specific objectives include:</p> <ul style="list-style-type: none"> <li>• To enable individuals to be active members of their local community (e.g. volunteering, Timebank members), fostering a sense of positive self esteem.</li> <li>• To promote self-care.</li> <li>• To promote reablement to maintain or regain independence.</li> <li>• To increase access to leisure, cultural activities, exercise, good nutrition and healthy living opportunities which promote physical and mental health and wellbeing.</li> <li>• To enable carers to carry on with their caring roles.</li> <li>• To make information easily available about what is on offer within local communities in terms of support and activities and where to go for additional help. This will include maximising the use of technology.</li> <li>• To support the take up of personal budgets taken as a direct payment and the establishment of a vibrant market that is driven by person centred outcomes.</li> <li>• To ensure that care is person centred and coordinated for those who need it.</li> <li>• To meet need in the most cost effective way and deliver savings</li> <li>• To enable and support a strengths-based approach to social work practice</li> </ul>
<b>PROPOSALS</b>	
17.	<p>It is proposed to transform over time the current traditional model of day care for older people into a new model of community wellbeing centres across the city. This will offer support and activities to older people across a broader continuum of needs, a significant proportion of whom will be self funders. There are 3 basic components to the proposals which aim to increase independence:</p> <ul style="list-style-type: none"> <li>• A stronger focus on personalisation and choice, through the use of personal budgets taken as direct payments, enabled by a new third party budget management option.</li> <li>• Transforming the traditional day centre model and building on existing provisions to develop a number of community wellbeing centres across the city which will provide support and activities that promote health and wellbeing as well as day care</li> <li>• The development of a greater range of activities in local communities as well as within the community wellbeing centres.</li> </ul>
18.	<p>The <b>community wellbeing centres</b> will be based in current day centre buildings (detailed in para 37) but over time could be delivered out of a wider range of buildings including libraries, community centres, faith buildings and Extra Care and other supported housing schemes. The focus will be on delivering activities and support out of a range of facilities which are central to local communities.</p>
19.	<p>The centres will provide activities and support for people across all levels of need, from those wanting to socialise and find out what is happening in their</p>

	local community through to those with high level needs and their carers, whose needs might be more focused on personal care and replacement care (i.e. those who currently access day care).
20.	People who are eligible for Adult Social Care funded services would, wherever appropriate, be supported to take their personal budget as a direct payment and to use this to access services and activities in any one of the community wellbeing centres across the city (i.e. the current day care users who are funded by Adult Social Care). Other people will need to pay a contribution to the provider towards the costs of these services/activities.
21.	The proposals also include developing a <b>wider range of activities in local communities</b> . This might include walking groups, dance, yoga, tai chi, chair based exercise, helping people with shopping and odd jobs, befriending schemes as well as cooking and eating well activities. These activities will be dependent on feedback from local people, both through the engagement undertaken to inform these proposals and further engagement by the Service Provider. Other suggestions from the recent engagement process included outings and walks, singing, gardening, hairdressing, swimming and art.
22.	Finally the proposals include a <b>stronger focus on personalisation and choice, through supporting more people to take their personal budget as a direct payment</b> . The use of personal budgets, particularly when they are provided to individuals as direct payments, offers greater choice and control over the way care is provided. This is not general support but support provided to people who are assessed as eligible under the Care Act 2014.
23.	Individuals are already able to choose who and how their Personal Budget can be managed. They can take it as a direct payment, where they manage the money themselves, leave it with the Council to manage (a managed budget) or ask a provider to help them manage their budget (a third party managed budget). Currently only 4% of day service users are taking their personal budget as a direct payment.
24.	It is recognised that some people may have reservations about managing a direct payment and choosing their own care and support. The proposals therefore include the development of a <b>new third party budget management support function</b> . People can choose whether they want to use this service or not and the service will support people to choose and purchase any activity or service (i.e. it will not be limited to purchasing those services described in this proposal).
25.	Two case studies are included at Appendix 1 to illustrate how the new services will look different to the day care provision available now.
26.	It is proposed to go out to tender for a Service Provider to coordinate the delivery of all three components of the model (the community wellbeing centres, the wider range of community activities and the third party budget management service) as well as provision of transport. It is expected that providers will come together to form consortia or other collaborative arrangements through sub-contracting in order to deliver the full offer.
27.	There will be strong links between this procurement and the commissioning of the community development model. The community development model will



	link with the services in this proposal to support innovation and further growth in community activities.
28.	The proposals will support and help enable a strengths-based approach to social work practice that the council is implementing. This approach looks at an individual's abilities and networks and, wherever possible, supports people to draw on these first to achieve their goals before statutory services are provided and funded. This involves early conversations with individuals and their families about practical steps that can be taken to maintain independence and the proposed community wellbeing centres will support this.
	<b>CONSULTATION DETAIL</b>
29.	At this stage a formal consultation on the changes has not been carried out, owing to the fact that no significant changes to current provision are planned in the first year of the new contract (2018/19) and that commissioners will be working with the new provider post April 2018 on the detail of provision, following which a formal consultation will be undertaken by the provider as required. There has however been considerable service user, carer and provider engagement in the development of the model and a more formal engagement exercise was undertaken on the final proposals.
30.	This engagement process was conducted over August 2017 through a series of workshops and focus sessions with providers, service users, their carers and other members of the public as well as an online questionnaire, 500 copies of which were also circulated in paper copy. Over 80 service users and their carers attended the workshops. In addition a range of community organisations and stakeholders attended engagement sessions reaching a further 80 plus people and organisations supporting people in Southampton.
31.	Detailed feedback from the engagement can be found at Appendix 2. By far the majority of respondents supported the concept of community wellbeing centres and expanding choice. The following were highlighted as important to service users: <ul style="list-style-type: none"> <li>• opportunities for socialising with other people</li> <li>• accessibility and transport</li> <li>• support for carers</li> <li>• stimulating activities</li> <li>• the importance of marketing the offer</li> <li>• support for people who have very limited mobility needs</li> </ul>
32.	There were also some creative ideas about establishing partnerships with local business. Specific concerns highlighted were related to: <ul style="list-style-type: none"> <li>• Accessibility/Transport</li> <li>• That day care provision could be reduced or diluted</li> <li>• Specialist support for people with dementia (particularly the more active people with dementia)</li> <li>• Change.</li> </ul>
33.	The proposals take account of the concerns raised above as follows: <ul style="list-style-type: none"> <li>• Transport will continue to be commissioned as part of the new model</li> </ul>

although we will be looking to the Provider to explore more innovative ways of providing transport which reduce transport costs (freeing up more funding to be invested in service provision).

- Over time, the intention is to increase the number of community wellbeing centres and local activities, embedding them within local communities, so that people have less distance to travel.
- Further work is underway to refine the needs assessment to better understand the number of people with dementia currently using the day centres and their specific needs. This will inform the final service specification but it is envisaged that there will be a specific service requirement to improve outcomes for people with dementia and their carers.
- The transformation to the community wellbeing centre model will take place over a period of time and to begin with the centres will be delivered out of the current day care settings. The Provider will be required to work with service users and their carers to develop the model and undertake formal consultation as required.

## RESOURCE IMPLICATIONS

### Capital/Revenue

34. The funding in scope for these proposals is the commissioning budget for Older Person's day care provision plus the associated costs of the accommodation.

Contract	Budget Code	Budget 17/18 £
<b><u>Day Care Contracts</u></b>		
SCA Community Care Services	SEV17 4162	660,000
Age UK Southampton - Padwell Road Day Centre	SEV17 4162	132,600
		<b>792,600</b>
<b><u>Costs associated with leases for Day Care Buildings</u></b>		
Brook Day Centre - Annual Lease	SEV17 2061	34,100
Brook Day Centre - Business Rates	SEV17 2062	4,700
Oak Lodge - Annual Lease	SE301 2061	28,900
Oak Lodge - Business Rates	SEV17 2062	3,700
Oak Lodge - Visitor meals	SE301 4162	19,600
Freemantle Community Centre and Holy Family Church - rent	SM631 4150	23,000
		<b>114,000</b>
		<b>906,600</b>

The joint contract value of the day care contracts with Age UK and SCA is £792,600. The total costs associated with leases for the day centre buildings

	comes to £114,000; the Council holds the leases for Oak Lodge and the Brook Centre, whereas the provider invoices the Council separately for the costs of Freemantle Community Centre and Holy Family Church. Therefore the total funding in scope for the proposals is £906,600.
35.	A full year saving of £75,000 has been listed against the re-procurement of older person's day services which accounts for approx 8% of the total funding in scope for the proposals of £906,600, leaving a net budget of £831,600.
36.	This total budget of £831,600 will be spent on personal budgets, running of centres, transport and initial set up of broader activities.
<b><u>Property/Other</u></b>	
37.	<p>The existing older person's day centres are based in five buildings across the city. None of these are owned by the Council. Three of the buildings (Padwell Road, Freemantle Centre and Holy Family Church) are leased directly by the Service Providers.</p> <p>Two of the buildings (Oak Lodge and the Brook Centre) are leased by the Council. Saxon Weald Housing Association own the Brook Centre and Oak Lodge is owned by BUPA.</p> <p>The lease for Oak Lodge commenced on 08/02/2010 and ends on 08/02/2060; there is however a break clause which can be activated a minimum of six months before the tenth anniversary and therefore terminated on the 08/02/2020. It is recommended that the break clause is activated and negotiations are commenced to seek an earlier termination.</p> <p>The lease for the Brook Centre commenced on 01/09/2008 and ends on 31/08/2033. There is no break clause in the lease. There, however, may be opportunities to change the use of the building to allow the council to either terminate early or recover rental and business rates costs from another party. It is recommended these options are explored.</p> <p>Bidders to run the service should therefore be invited to put forward alternative proposals that do and do not make use of these buildings.</p>
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
38.	Section 2 Localism Act 2011 and various local Government Acts. The procurement will be governed by EU procurement rules depending on value.
<b><u>Other Legal Implications:</u></b>	
39.	<p>Full consultation has not been undertaken as there was no statutory or common law duty to consult at this stage. It will be considered whether consultation is required once the new provider has produced further details of the new model of provision and after consideration of the possible effect this new provision will have.</p> <p>Cabinet should take into account the response given during the engagement process before making any decision.</p>
40.	The Equality Act 2010 imposed various duties on Local Authorities and in particular all Local Authorities must have due regard to its public sector equality

	duty when carrying out any function. In particular the duty to eliminate discrimination, harassment and victimisation and advance equality of opportunity and fostering good relations. Local Authorities also have a duty under the Human Rights Act 1998, when carrying out any function, not to act incompatibly with rights under the European Convention for the Protection of Fundamental Rights and Freedoms. In particular Article 8, right to respect for private and family life and Article 25 the rights of elderly to lead a life of dignity and independence and to participate in social and cultural life.
41.	Local Authorities when carrying out any function must adhere to the United Nations Convention of the Rights of Person With Disabilities and in particular respect for dignity, autonomy, freedom to make own choices, equality and elimination of discrimination.
42.	The Care Act 2014 imposes various statutory duties on Local Authorities when exercising Adult Social Care functions. This includes the duty to promote the individual's well-being and protect them from abuse and neglect, including self-neglect; the duty to prevent or delay needs for care and support; the duty to provide advice and information on care and support available. The Act also places various duties and responsibilities on Local Authorities to commission appropriate, efficient and effective services and encourage a wide range of service provision to ensure that people have a choice of appropriate services and an emphasis on enabling people to stay independent for as long as possible. The recommended option of moving to a more integrated and personalised service approach with a broader range of activities would support greater compliance with the Care Act 2014.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
43.	The recommendations in this paper support the delivery of outcomes in the Council Strategy. They also contribute to the City Strategy and the Health and Wellbeing strategy. The proposals particularly support the following priority outcomes in the Council Strategy: <ul style="list-style-type: none"> <li>• People in Southampton live safe, healthy and independent lives</li> </ul>

<b>KEY DECISION?</b>	Yes	
<b>WARDS/COMMUNITIES AFFECTED:</b>	All	
<b><u>SUPPORTING DOCUMENTATION</u></b>		
<b>Appendices</b>		
1.	Case Studies	
2.	Engagement Report	
<b>Documents In Members' Rooms</b>		
1.	Equality and Safety Impact Assessment	
2.	Privacy Impact Assessment	
<b>Equality Impact Assessment</b>		
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.		Yes
<b>Privacy Impact Assessment</b>		
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.		Yes
<b>Other Background Documents</b>		
<b>Equality Impact Assessment and Other Background documents available for inspection at: <a href="mailto:d.chapman1@nhs.net">d.chapman1@nhs.net</a></b>		
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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### **CASE STUDIES**

- Mary has been married to Bob for 60 years. Mary has dementia. She had a great network of friends and many interests. She now needs personal care and help to keep safe. Bob cares for Mary and doesn't get any time for himself, he is not able to leave Mary and has not been able to do the things he enjoys.

Currently, Mary attends a day service to give her husband a break once a week. The centre transport service picks her up and takes her across the City. Bob stays at home. Every few months a worker visits them to check on the care they get. Bob's GP is worried about his health and concerned what might happen to Mary if Bob is not around. Mary and Bob have a good neighbour who is worried about them both, but they don't know how to help and or who to contact.

Under the new offer, Mary and Bob are able to walk to their local community wellbeing centre. They are able to meet old friends and do the things they used to enjoy. Bob doesn't mind paying to do some of the classes as he like to learn new things. Mary is supported by people in the group she attends. Staff are also there, to help her with personal needs, but most of the time she is engaged in what's going on in the group with the support of her peers. Bob and Mary have been able to put a plan together about their future and what needs to happen in a crisis (Bob becoming ill or passing away), with the support of a community navigator. In the plan they know what to do to stay healthy and who to contact if things are going wrong. Mary and Bob's neighbour was involved in some of the planning and knows what to do to help and who to contact if things are going wrong. When Mary needs support at home Bob knows the domiciliary care team will help. They provide the support through a managed budget so the care is tailored to their preferences.

- Wendy is 78 and is a very talented artist, and enjoys crafts and card making. She used to attend a group but this ended. She started to feel lonely and isolated in her flat. Wendy did own a car and really misses the freedom this provided. Wendy has experienced some bogus calls and lost money, she is now wary of letting people into her home. Wendy has poor mobility and needs to get taxis or dial a ride to get around, but finds taxis really expensive. Wendy has a daughter who is married and lives a long way away, and keeps in contact mainly over the phone.

Under the new offer, Wendy is now a regular attender at the arts group taking place in her local community wellbeing centre. Through the group she has found new friends who have a common interest in arts and craft. Wendy goes with the group into a local school to help children with their art work. After the lesson they and the children have lunch together. With her new friends she shares the cost of getting to the group and is planning to go on holiday together. The children at the school are helping Wendy to get the most out of her smart phone. They have set up a regular time for her to have a Skype call with her daughter and made calling her easy.



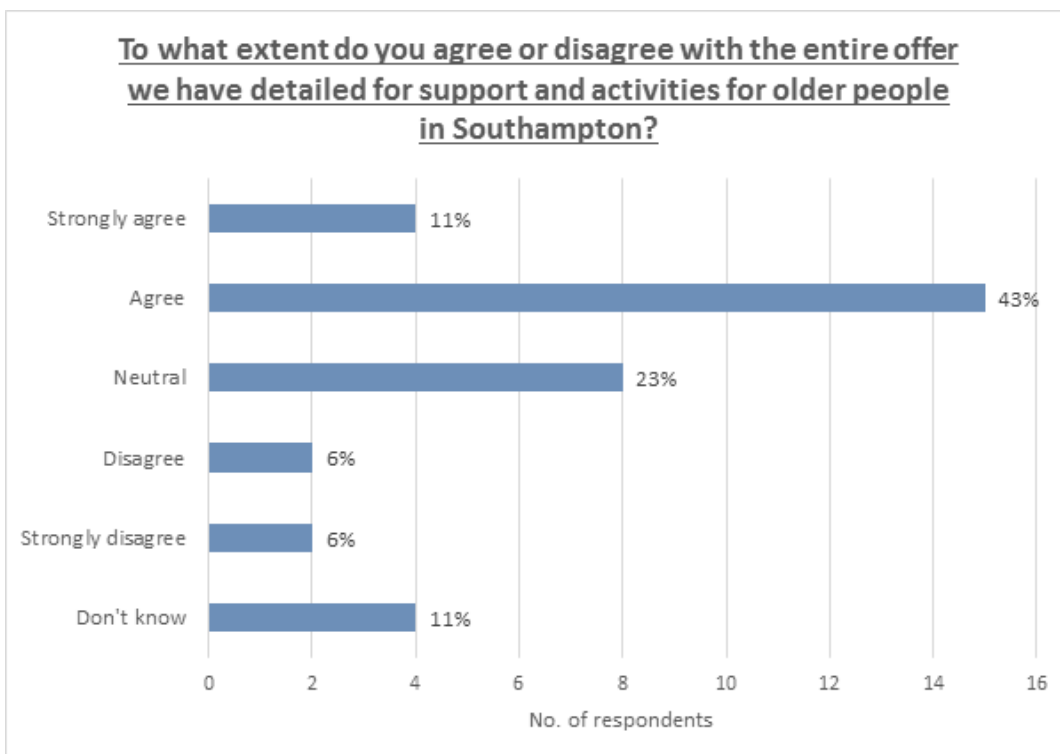
## Redesign of Older Person's Day Care Services

(as part of the development of a new offer of support and activities for older people in Southampton City)

Appendix 2

### Report summarising the feedback from service user and provider engagement

1. There has been considerable service user, carer and provider engagement in the development of the model and a more formal engagement exercise was undertaken on the final proposals. This engagement process was conducted over August 2017 through a series of workshops and focus sessions with providers, service users, their carers and other members of the public as well as an online questionnaire, 500 copies of which were also circulated in a paper version. Over 80 service users and their carers attended the workshops. In addition a range of community organisations and stakeholders attended engagement sessions reaching a further 80 plus people and organisations supporting people in Southampton.
2. Service user sessions were held in each of the day centres; other members of the public were targeted through the CCG Patients' Forum; council staff delivering services to older people were engaged through the Housing Related Support and Adult Social Care staff meetings; presentations were given to the Southampton Voluntary Services Friday Forum, Community Solutions Group (which is made up of various voluntary and community sector providers), the Better Care cluster meetings (which are attended by frontline staff from primary care, community care and social care and housing); and two stakeholder workshops were held with representation from local voluntary sector groups and providers.
3. The chart below shows the overall response to the proposals:

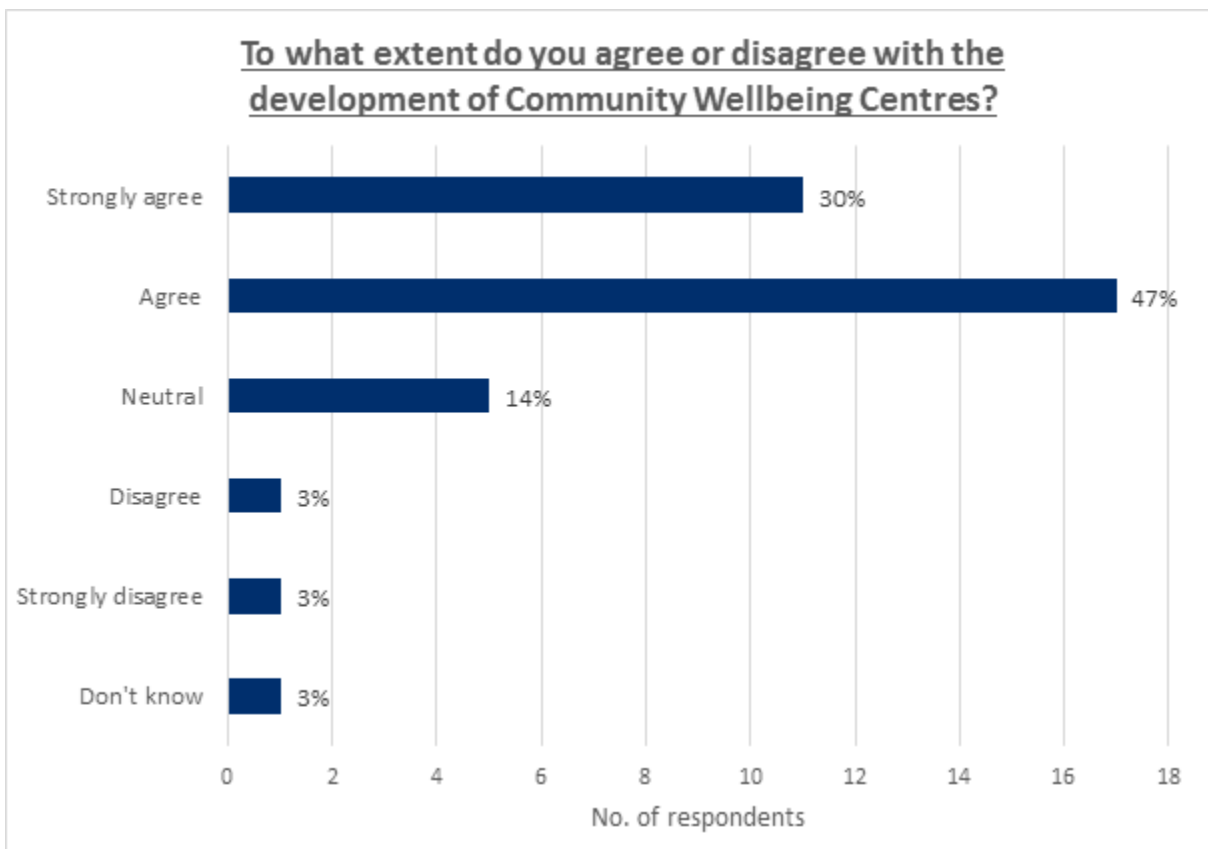


4. The engagement asked for feedback on 3 key elements of the proposals, including suggestions on what the new services should be called:
  - a) The development of community wellbeing centres across the city
  - b) The development of a greater range of activities in the local community

c) A change in the way an individual can manage their personal budget to increase flexibility and choice.

### Feedback on Community Wellbeing Centres

5. The majority of respondents supported the concept of Community Wellbeing Centres.

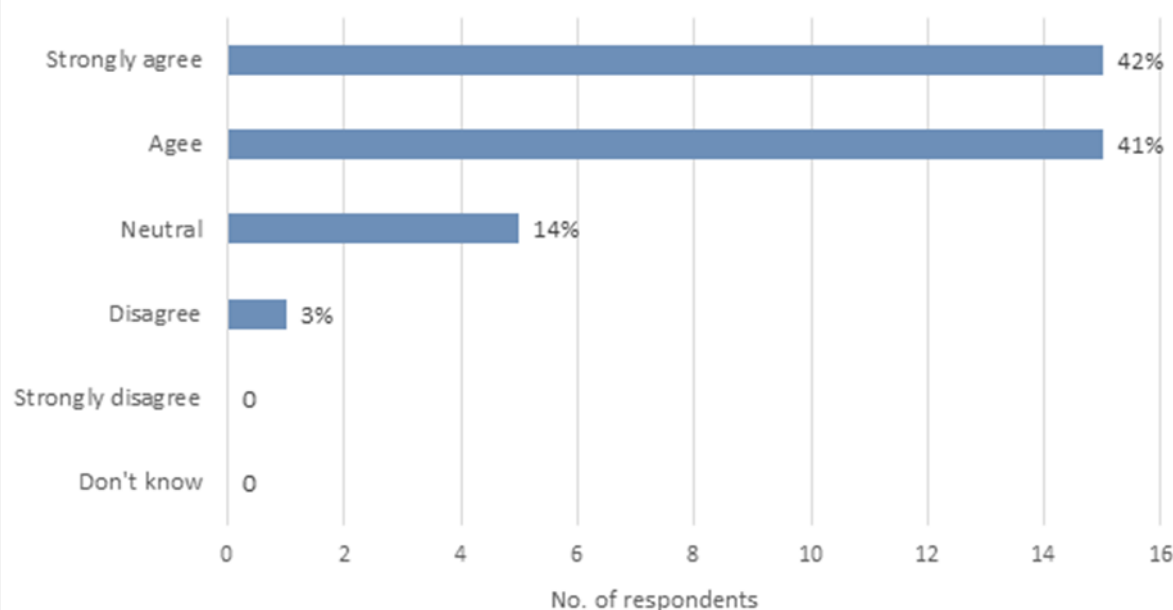


6. When asked about what they most value and therefore want to keep about current day care provision, respondents focussed on the following themes:

- The social aspect (*"I like meeting people and having the chance to socialise. I like the activities and sitting down for a meal with everyone. It's a chance for me to get out once a week and see lovely, familiar faces"; "I enjoy always coming to the centre, to socialise, activities and the service"; "Meeting the friends I see every week. I like quizzes, bingo and the entertainment"; "Gets me out of the house without it I would be stuck in my house all day"*)
- Having a hot meal (*"I like the meals I get at the centre"*).
- Accessibility and transport (*"Being collected and taken home by bus."*)
- Support for carers (*"Going to my day care centre gives my wife a chance to do things that she likes to do without having to look after me"; "day centres offer essential respite to carers of people with dementia, without this many carers could struggle to cope with the overwhelming responsibility 24/7".*)
- Stimulation (*"Activities to stimulate the brain for those with Alzheimers / dementia"; "My mum suffers from dementia and the fact that she gets picked up and dropped off is of great benefit. She gets two additional days out of her normal routine and this I feel keeps her mind and spirit active"*)
- Staff (*"Friendly caring staff"*)
- Familiarity (*"meeting up with same people on a regular basis"; "I like the fact that the day centre I attend is specifically for people like me."*)

7. Whilst people liked the familiarity of the day centre they attended, there was general support for opening up the centres to older people across all levels of need, as shown in the chart below:

**To what extent do you agree or disagree with Community Wellbeing Centres being available to older people across all levels of need?**



8. Additional comments about the future development of community wellbeing centres included:

- Suggestions around consortia approaches to community wellbeing centre development and management
- The need to include a focus on evenings/ weekends provision when people are often most lonely
- The extent of the cultural change involved in moving from a model of dependency to one that promotes independence. There were suggestions about using local media to influence general social perceptions.

9. Specific concerns highlighted were related to:

- Accessibility/Transport : (*"The only suggestion I have would be planning the facilities in every area in the city so that the elderly do not have to travel too far and bus routes and times are compatible with the times of the centre meetings." ; "I need to socialize for my mental health and I need transport to get me there." ; "I need transport cannot use local bus services, wheelchair user and cannot push myself"*)
- Specialist support for people with dementia (particularly the more active people with dementia): (*"Traditional day care setting do not cater for more active people with dementia whose carers can often be both physically and mentally exhausted by such challenges"*)
- Risk of diluting provision: (*"What I wouldn't like to see is a dumbing down of quality of the present service in favour of a one size fits all. As people become older their needs vary, these can be specific in their requirements. My concern would be that all needs are not met."*)
- Change (*"I am happy with the way the day centres are run at present"; "A well-resourced transition is needed between the current model and the new offer. The new proposals will entail a complete change in culture."*)

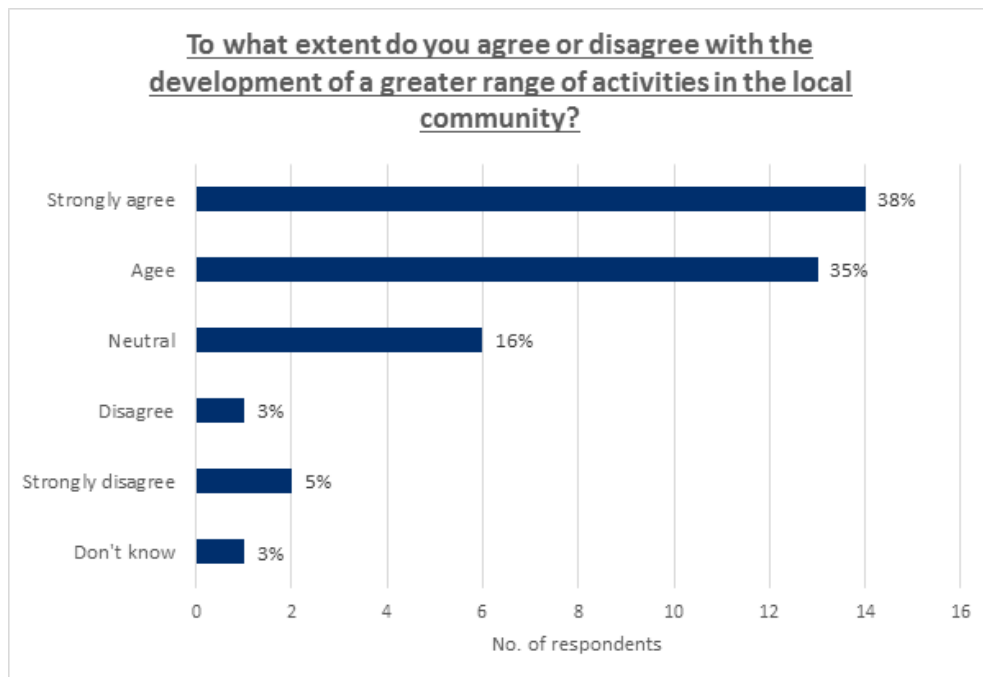
**Consideration of the feedback**

10. The proposals take account of the issues raised and ensure that:

- Transport will continue to be commissioned as part of the new model although the expectation will be that the Provider will explore more innovative ways of providing transport which reduce transport costs (freeing up more funding to be invested in service provision).
- Over time, the intention is to increase the number of Community Wellbeing Centres and local activities, embedding them within local communities, so that people have less distance to travel.
- Further work will continue to refine the needs assessment to better understand the number of people with dementia currently using the day centres and their specific needs. This will inform the final Service Specification but it is envisaged that there will be a specific service requirement to improve outcomes for people with dementia and their carers.
- The transformation to the community wellbeing centre model will take place over a period of time and to begin with the Centres will be delivered out of the current day care settings. The Provider will be required to work with service users and their carers to develop the model and undertake formal consultation as required.

### **Feedback on the development of a greater range of Community Activities**

11. Again the majority of respondents supported the development of a broader range of activities.



12. Around 40% of the respondents stated that they would prefer not to pay for an activity session; however just over 43% said that they would be willing to pay up to £5 per session and a further 16% up to £10 per session.

13. Specific ideas for activities included:

- outings and walks
- singing
- practical activities such as gardening, cooking, shopping, hairdressing, learning how to use a mobile phone
- swimming
- art
- sports such as snooker, table tennis, walking football, skittles and card games
- chair based exercises

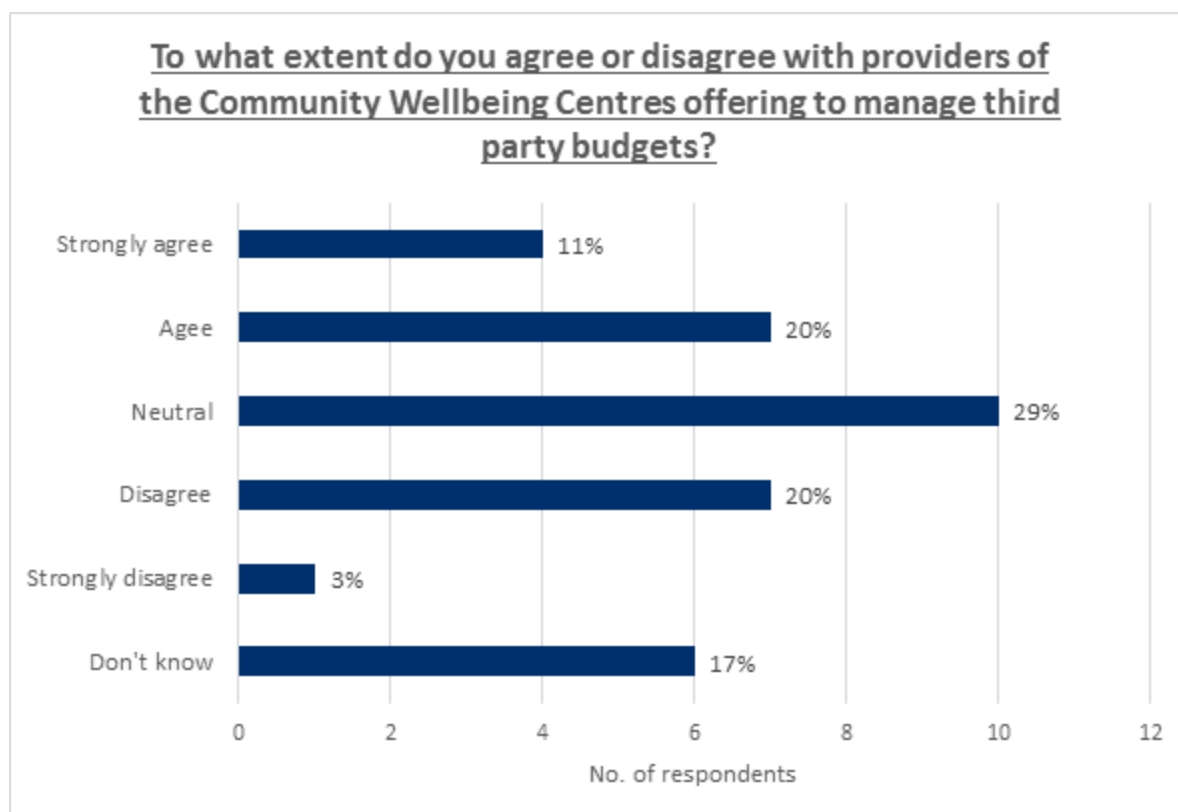
Additional comments included:

- the importance of marketing the offer
- creative ideas about establishing partnerships with local business
- current local provisions were mentioned that were a success and growing; these included: coffee get together including crafts at a venue in Portswood; Good Neighbour schemes; Men in Sheds.

14. There were no specific concerns relating to this part of the proposal, other than the issues already highlighted for community wellbeing centres above.

### **Feedback on personal budgets and third party budget management**

15. There was less consistency in the responses to this question as shown in the chart below.



There were a number of comments that related more to the concept of personal budgets, particularly in relation to confusion about how these can be taken along with the associated benefits and concerns about creating additional stress.

The main comments related to the introduction of a third party budget management function within the proposals included:

- the need for the provider managing the personal budgets to be independent
- advantages recognised of individuals pooling resources to share care support focused on activities.

16. Further work will need to be undertaken around the concept of personal budgets and the different options for taking them. It is proposed that this is a wider piece of work linked to the Council's overall agenda for Direct Payments. It is proposed that the third party budget management is identified as a distinct function in the service specification to be delivered by a provider who is not directly delivering services.

### **Feedback on name of service**

17. People were also asked to feedback on what they would prefer to call the new Services. A number of options were proposed and respondents indicated their preference as follows

Older Person Offer	0
Offer for older people	10%
Senior Citizen Choice	19%
Senior Citizen Offer	6%
Living well in older life	23%
Living well in later life	32%
Other	10%

Other suggestions were:

- Opportunities Centres (for older people)
- Choices in later life
- Life choice

<b>DECISION-MAKER:</b>	<b>CABINET MEMBER FOR ENVIRONMENT AND TRANSPORT</b>		
<b>SUBJECT:</b>	<b>TO RETAIN OPENING HOURS AT CITY DEPOT &amp; RECYCLING PARK HOUSEHOLD WASTE RECYCLING CENTRE (HWRC)</b>		
<b>DATE OF DECISION:</b>	<b>17 OCTOBER 2017</b>		
<b>REPORT OF:</b>	<b>Service Director - Transactions &amp; Universal Services</b>		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	<b>Gale Williams</b>	<b>Tel:</b> <b>023 8083 2536</b>
	<b>E-mail:</b>	<b>gale.williams@southampton.gov.uk</b>	
<b>Director</b>	<b>Name:</b>	<b>Mitch Sanders</b>	<b>Tel:</b> <b>023 8083 3613</b>
	<b>E-mail:</b>	<b>mitch.sanders@southampton.gov.uk</b>	

<b>STATEMENT OF CONFIDENTIALITY</b>	
<b>None</b>	
<b>BRIEF SUMMARY</b>	
<p>The purpose of this paper is to seek approval to retain the current HWRC Opening hours for the foreseeable future and not implement a reduction in opening hours and a day closure. This will allow time to assess the impact Hampshire County Council budget savings may have on Southampton's and Hampshire HWRCs, the impact implementation of cross border charging for non-Hampshire residents to use Hampshire HWRCs may have and also embed the charging regimes introduced from 1 October 2016, for disposing of some items that are classified as construction waste and accepting trade wastes.</p> <p>It is important that there is consistency with regard to opening hours and future service changes at the HWRC with Hampshire County Council and Portsmouth City Council.</p>	
<b>RECOMMENDATIONS:</b>	
<b>(i)</b>	To retain the current HWRC Opening hours and that the approved implementation of a reduction in HWRC opening hours by 2 hours per day and closure of the network on one day, which was due to start on 1 October 2017 be cancelled.
<b>(ii)</b>	To note the opportunity for monitoring the impacts of the recent introduction of charges for non-household (some items that are classified as construction waste) and trade wastes. This will also create opportunity to monitor changes taking place at Hampshire HWRCs in the future and assess impact on Southampton's HWRC.
<b>(iii)</b>	That authority to make decisions to change opening hours/charging mechanisms/service delivery at the HWRC as required in future, be delegated to the Service Director – Transactions and Universal Service, following consultation with the Cabinet Member for Environment and Transport.
<b>REASONS FOR REPORT RECOMMENDATIONS</b>	
1	To ensure there is consistency as far as is reasonably possible with regard to opening hours and future service changes at the HWRC with Hampshire County Council and Portsmouth City Council. Differences in how services are delivered are likely to result in increased numbers of visitors from outside the City and a resultant

	increase in disposal costs.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
2	None
<b>DETAIL (Including consultation carried out)</b>	
3	On 16 <sup>th</sup> August 2016 the Cabinet Member for Environment and Transport approved the decision set out in the HWRC Service Efficiencies paper to reduce the daily opening hours by 2 hours per day and to close the HWRC on one day a week from 1 January 2017. This change was delayed until 1 October 2017, following a Cabinet Member briefing on 20 December 2016.
4	Hampshire County Council (HCC) produced a decision paper in July 2017 regarding opening hours and day closures. The report advised that the approved implementation of a reduction in HWRC opening hours by 2 hours per day and closure of the network on a Thursday, due to start on 1 October 2017 as part of the Transformation to 2017 efficiency programme, be cancelled due to the additional savings made from other parts of their waste efficiency programme.
5	As part of the HCC decision paper, the proposed implementation of a cross-border charge for non-Hampshire residents to use the Hampshire Household Waste Recycling Centre (HWRC) network will be reprogrammed to start provisionally in 2018/19. This proposal suggests linking to a database that Hampshire residents would be able to register their household and vehicle details on, in order to facilitate the use of the HWRC network without charges. This would produce savings, which Southampton City Council would benefit from.
6	It is important to ensure there is consistency as far as is reasonably possible with regard to future service changes with Hampshire County Council and Portsmouth City Council (PCC) and to cancel the changes to opening hours/day closure, which both HCC and PCC are doing.
7	It is also useful to note that alternate weekly collections (AWC) have since been introduced across the city from 5 June 2017. Part of the advice given to residents is that if a resident is unable to manage their waste, they are able to dispose of this waste at the HWRC.
8	No savings will be made from cancelling the reduction in opening hours. However, the costs of £53,741 per annum from this cancellation will be absorbed through further HWRC efficiencies.
9	In view of the uncertainty that has surrounded this issue and the need to be consistent with any changes made by Hampshire and Portsmouth, it is proposed that authority to make decisions to change opening hours/charging mechanisms/service delivery at the HWRC as required in future, should be delegated to the Service Director – Transactions and Universal Service, in consultation with the Cabinet Member for Environment and Transport.
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
10	There will be revenue costs of £53,741 per annum, resulting from the cancellation of changes to opening hours, which will be absorbed through further HWRC efficiencies.
<b><u>Property/Other</u></b>	
11	No property implications are identified.
<b>LEGAL IMPLICATIONS</b>	



<b><u>Statutory power to undertake proposals in the report:</u></b>	
12	The duty to make provision for the disposal of household waste is as set out in the Environmental Protection Act 1990, as amended together with supporting secondary legislation. The proposals within the report are wholly in accordance with those duties and obligations.
<b><u>Other Legal Implications:</u></b>	
13	None
<b>RISK MANAGEMENT IMPLICATIONS</b>	
14	None
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
15	The proposals support the Council's policy framework.

<b>KEY DECISION?</b>	<b>Yes</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	<b>All wards</b>
<u>SUPPORTING DOCUMENTATION</u>	
<b>Appendices</b>	
1.	None

**Documents In Members' Rooms**

1.	None
<b>Equality Impact Assessment</b>	
<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	<b>No</b>
<b>Privacy Impact Assessment</b>	
<b>Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.</b>	<b>No</b>
<b>Other Background Documents</b>	
<b>Other Background documents available for inspection at:</b>	
<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>
1.	None

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