

# Public Document Pack

## Overview and Scrutiny Management Committee

Monday, 16th December, 2019  
at 5.00 pm

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

Council Chamber - Civic Centre

This meeting is open to the public

#### **Members**

Councillor S Galton (Chair)  
Councillor Fuller (Vice-Chair)  
Councillor Bell  
Councillor Bunday  
Councillor Cooper  
Councillor Fitzhenry  
Councillor Harwood  
Councillor Whitbread  
Councillor Windle

#### Appointed Members

Catherine Hobbs, Roman Catholic Church  
Rob Sanders, Church of England  
Nicola Brown, Primary Parent Governor  
Francis Otieno, Primary Parent Governor  
Claire Rogers, Secondary Parent Governor

#### **Contacts**

Judy Cordell  
Senior Democratic Support Officer  
Tel. 023 8083 2766  
Email: [judy.cordell@southampton.gov.uk](mailto:judy.cordell@southampton.gov.uk)

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

## PUBLIC INFORMATION

### Overview and Scrutiny Management Committee

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

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

Overview and Scrutiny includes the following three functions:

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

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

**Use of Social Media:-** The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting. 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
- People in Southampton live safe, healthy, independent lives
- Southampton is an attractive modern City, where people are proud to live and work

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

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

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

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

#### **Fire Procedure:-**

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

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

#### **Dates of Meetings: Municipal Year 2019/20**

<b>2019</b>	<b>2020</b>
13 June	16 January
11 July	6 February
15 August	12 March
12 September	16 April
10 October	
14 November	
16 December	

## **CONDUCT OF MEETING**

### **TERMS OF REFERENCE**

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

### **RULES OF PROCEDURE**

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

### **BUSINESS TO BE DISCUSSED**

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

### **QUORUM**

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

## **DISCLOSURE OF INTERESTS**

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

### **DISCLOSABLE PECUNIARY INTERESTS**

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

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

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

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

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

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

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

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

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

## **Other Interests**

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

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

## **Principles of Decision Making**

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

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

In exercising discretion, the decision maker must:

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

## **AGENDA**

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

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

### **2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

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

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer.

### **3 DECLARATIONS OF SCRUTINY INTEREST**

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

### **4 DECLARATION OF PARTY POLITICAL WHIP**

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

### **5 STATEMENT FROM THE CHAIR**

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

(Pages 1 - 2)

To approve and sign as a correct record the Minutes of the meetings held on 14<sup>th</sup> November, 2019 and to deal with any matters arising, attached.

### **7 FORWARD PLAN (Pages 3 - 6)**

Report of the Director, Legal and Governance enabling the Overview and Scrutiny Management Committee to examine the content of the Forward Plan and to discuss issues of interest or concern with the Executive.

a) Tenancy Agreement - Proposed Amendments (Pages 7 - 26)

b) Budget Matters (Pages 27 - 28)

**8 MONITORING SCRUTINY RECOMMENDATIONS TO THE EXECUTIVE**

(Pages 29 - 32)

Report of the Director, Legal and Governance enabling the Overview and Scrutiny Management Committee to monitor and track progress on recommendations made to the Executive at previous meetings.

Friday, 6 December 2019

Director of Legal and Governance

---

SOUTHAMPTON CITY COUNCIL  
OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE  
MINUTES OF THE MEETING HELD ON 14 NOVEMBER 2019

---

Present: Councillors S Galton (Chair), Bell, Bunday, Cooper, Harwood, Whitbread and Windle and Appointed Members Rob Sanders, Franics Otieno and Claire Rogers

Apologies: Councillors Fuller and Fitzhenry and Appointed Members Catherine Hobbs and Nicola Brown

Also in attendance: Cabinet Member for Resources - Councillor Barnes-Andrews  
Cabinet Member for Adult Care - Councillor Fielker

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

The Committee noted the apologies of Councillors Fitzhenry and Fuller.

22. **STATEMENT FROM THE CHAIR**

The Chair announced the following Committee date changes:

Thursday 12<sup>th</sup> December, 2019 be moved to 5.00pm Monday 16<sup>th</sup> December, 2019  
Thursday 13<sup>th</sup> February, 2020 be moved to Thursday 6<sup>th</sup> February, 2020.

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

**RESOLVED** that the minutes of the 10<sup>th</sup> October, 2019 Overview and Scrutiny Management Committee be approved and signed as a correct record.

24. **UPDATE ON THE PERFORMANCE AND TRANSITION OF SERVICES FROM CAPITA TO THE CITY COUNCIL**

The Committee considered and noted the report of the Cabinet Member for Resources detailing the transfer of over 240 staff and nearly 200 contracts to the Council from Capita in July.

The Cabinet Member for Resources, Councillor Barnes-Andrews was present and with the consent of the Chair addressed the meeting. The Committee paid particular attention to IT and how systems were performing. It was agreed further update reports would be brought back to the Committee at financial year end.

25. **MEDIUM TERM FINANCIAL STRATEGY UPDATE 2019/20 TO 2022/23**

The Committee considered the report of the Cabinet Member for Resources detailing the Medium Term Financial Strategy

The Cabinet Member for Resources, Councillor Barnes-Andrews and the Cabinet Member for Adult Care, Councillor Fielker were present and with the consent of the Chair addressed the meeting.

**RESOLVED** that the Committee are provided with a breakdown of the spend profile of the Highways Capital Programme budget from 2020/21 to 2022/23.

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

The Committee received and noted the report of the Director of Legal and Governance detailing the actions of the Executive and monitoring progress of the recommendations of the Committee.

27. **EXCLUSION OF THE PRESS AND PUBLIC - CONFIDENTIAL PAPERS INCLUDED IN THE FOLLOWING ITEM**

The Chair moved that in accordance with the Council's Constitution, specifically the Access to Information Procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of any consideration of the confidential appendix to the following Item.

Confidential appendix contains information deemed to be exempt from general publication based on Category 3 paragraph 10.4 of the Council's Access to Information Procedure Rules – information relating to the financial or business affairs of any particular person (including the Authority holding that information). If the content of this report were to be treated as a public document it would reveal information that is both commercially sensitive and detrimental to the business affairs of the Council.

28. **FORWARD PLAN**

BUDGET MATTERS – STUDIO 144

The Committee considered and noted the confidential report of the Cabinet Member for Resources, Councillor Barnes-Andrews, who was present and with the consent of the Chair addressed the meeting.



# Agenda Item 7

<b>DECISION-MAKER:</b>	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE		
<b>SUBJECT:</b>	FORWARD PLAN		
<b>DATE OF DECISION:</b>	16 DECEMBER 2019		
<b>REPORT OF:</b>	DIRECTOR - LEGAL AND GOVERNANCE		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	Mark Pirnie	<b>Tel:</b> 023 8083 3886
	<b>E-mail:</b>	Mark.pirnie@southampton.gov.uk	
<b>Director</b>	<b>Name:</b>	Richard Ivory	<b>Tel:</b> 023 8083 2794
	<b>E-mail:</b>	Richard.ivory@southampton.gov.uk	
<b>STATEMENT OF CONFIDENTIALITY</b>			
None			
<b>BRIEF SUMMARY</b>			
This item enables the Overview and Scrutiny Management Committee (OSMC) to examine the content of the Forward Plan and to discuss issues of interest or concern with the Executive to ensure that forthcoming decisions made by the Executive benefit local residents.			
<b>RECOMMENDATIONS:</b>			
	(i)	That the Committee discuss the items listed in paragraph 3 of the report to highlight any matters which Members feel should be taken into account by the Executive when reaching a decision.	
<b>REASONS FOR REPORT RECOMMENDATIONS</b>			
1.	To enable Members to identify any matters which they feel Cabinet should take into account when reaching a decision.		
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>			
2.	None.		
<b>DETAIL (Including consultation carried out)</b>			
3.	The Council's Forward Plan for Executive Decisions from 17 December 2019 has been published. The following issues were identified for discussion with the Decision Maker:		
	<b>Portfolio</b>	<b>Decision</b>	<b>Requested By</b>
	Homes & Culture	SCC Social Housing Tenancy Agreement – Proposed Amendments	Cllr Galton
	Resources	Budget Matters	Cllr Galton

4.	Briefing papers responding to the items identified by members of the Committee are appended to this report. Members are invited to use the papers to explore the issues with the decision maker.
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
5.	The details for the items identified in paragraph 3 are set out in the Executive decision making report issued prior to the decision being taken.
<b><u>Property/Other</u></b>	
6.	The details for the items identified in paragraph 3 are set out in the Executive decision making report issued prior to the decision being taken.
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
7.	The details for the items identified in paragraph 3 are set out in the Executive decision making report issued prior to the decision being taken.
8.	The duty to undertake overview and scrutiny is set out in Part 1A Section 9 of the Local Government Act 2000.
<b><u>Other Legal Implications:</u></b>	
9.	None
<b>RISK MANAGEMENT IMPLICATIONS</b>	
10.	The details for the items identified in paragraph 3 are set out in the Executive decision making report issued prior to the decision being taken.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
11.	The details for the items identified in paragraph 3 are set out in the Executive decision making report issued prior to the decision being taken.
<b>KEY DECISION</b>	No
<b>WARDS/COMMUNITIES AFFECTED:</b>	None directly as a result of this report
<b><u>SUPPORTING DOCUMENTATION</u></b>	
7a	Briefing Paper – SCC Social Housing Tenancy Agreement: Proposed Amendments
7b	Briefing Paper – Budget Matters
<b>Documents In Members' Rooms</b>	
1.	None
<b>Equality Impact Assessment</b>	
Do the implications/subject of the report require an Equality and Safety Impact Assessments (ESIA) to be carried out?	Identified in Executive report
<b>Data Protection Impact Assessment</b>	

Data Protection Impact Assessment Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out?		Identified in Executive report
<b>Other Background Documents - Equality Impact Assessment and Other Background documents available for inspection at:</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	

This page is intentionally left blank

## BRIEFING PAPER

---

**SUBJECT: TENANCY AGREEMENT – PROPOSED AMENDMENTS**  
**DATE: 16 DECEMBER 2019**  
**RECIPIENT: OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE**

---

### THIS IS NOT A DECISION PAPER

#### SUMMARY:

Following consultation, a decision-making report regarding proposed amendments to the Tenancy Agreement for tenants living in council housing will be considered by Cabinet on 17 December 2019.

#### BACKGROUND and BRIEFING DETAILS:

1. The council's current Tenancy Agreement has not had any significant update since 2003 and there are a number of clauses which could now benefit from change. The proposed changes have been prepared after taking into account consultation feedback. The consultation was carried out with all current Southampton City Council (council) tenants, prospective tenants and residents of Southampton. The proposed tenancy agreement is modern, fit for purpose, allows better alignment with welfare benefits and clearly sets out both the Council's and tenants' rights and responsibilities. In reviewing the Tenancy Agreement regard has been had to the Tenancy Strategy 2013-17 and the Housing Strategy 2016-25.
2. The Cabinet report recommends that Cabinet note the result of the consultation exercise and the summary of proposed changes to the council's secure tenancy, detailed in Appendix 1, and that Cabinet agree to the implementation in April 2020 of the proposed Tenancy Agreement. It is also recommended that any minor amendments to the text for the Tenancy Agreement be finalised by the Head of Service following consultation with the Cabinet Member (apart from any amendments to the terms of the tenancy which would need to follow the statutory process). Finally, it is also recommended that the Tenancy Agreement be kept under regular review in the future and if any major changes are required then these will be brought forward for a decision.
3. It is important that a tenancy agreement is kept up to date in terms of legislative requirements. As stated the council's current Tenancy Agreement has not had any significant update since 2003 and there are a number of clauses which could now benefit from change as detailed below.
4. The proposed minor changes to the Tenancy Agreement are outlined in Appendix 1. The main clauses identified include:
  - Number of rent payments – currently the annual rent and other charges are split into 48 weekly payments (49 in a 53 week year). This means there are four non-rent weeks each year. We wanted to change this to 52

# BRIEFING PAPER

weekly payments to bring it in line with other council charges and to encourage regular payments.

- Garden maintenance – has always been the tenants responsibility. The amendment highlights this responsibility.
- Antisocial behaviour – we are introducing stronger clauses to help us deal with antisocial behaviour and to also protect vulnerable tenants and victims of domestic abuse.
- Subletting – tenants are not allowed to sublet their council home. Following the change in legislation we have highlighted that tenants can face criminal prosecution if found guilty of tenancy fraud.
- Health and Safety – the change includes more details about how tenants can keep safe in their home and communal areas and what they need to do to reduce fire hazards.
- Any day tenancy start date – to enable flexibility of start dates in the future.

5. Consultation on the proposals took place between 25 July 2019 and 16 October 2019. The following activities were carried out as part of the consultation:

- Letter sent to all council housing tenants to make them aware of the proposals and consultation including a phone number for the Tenant Engagement Team in order to request a copy of a paper questionnaire if required.
- A link to the consultation questionnaire, current tenancy agreement, draft proposed tenancy agreement, table of proposed changes, letter to residents, frequently asked questions and the Equalities and Safety Impact Assessment were included on the consultation section of the council website.
- Articles in Tenants' Link article and Tenants' Link specials.
- Promotion in the Southampton City Council e-alert, Your City Your Say.
- Promotion on Southampton City Council social media pages and also council housing pages.
- The consultation was discussed at the following groups: Block Rep Forum, Supported Housing Forum, Joint Tenants Panel.
- There was a notice on the Homebid portal to advise applicants on the Housing Register.
- New tenants were made aware of the consultation at the sign up to their new tenancy.
- The consultation was promoted to leaseholders in council blocks in their annual statement.
- Paper copies of the consultation were left in all libraries, supported housing complexes, and local housing offices.
- An e-mail was sent out to all Housing Services Staff to ensure that staff were aware of the proposed changes and were able to answer tenant's enquiries.
- E-mails were sent to: all local Tenants Associations; SCC Homebid partners (Housing Associations and registered providers); Citizens Advice Bureau; Age UK.

# BRIEFING PAPER

- Five drop-in events were held.
  - One to one interviews took place where requested.
  - Translations were made available upon request.
6. In summary the council wrote to 16,000 households and the responses received were:
- 700 calls to phone line
  - 80 attendees at drop-in events
  - 363 written responses of which:
    - 347 questionnaire
    - 16 e-mail and letter
    - 230 of total responses were from tenants
7. Feedback from the consultation confirms that the majority of respondents agreed with all of the proposed changes. Agreement ranged from a majority of 60% of all respondents for the changes to the non-rent weeks through to 93% agreement for the proposed changes around domestic abuse in the antisocial behaviour section. None of the proposed changes had a majority that disagreed with the change as noted in Appendix 2 of the Cabinet Report.
8. In addition 79% of respondents agreed that the new proposed tenancy agreement was easy to understand and 53% agreed that the proposed changes would have a positive impact if implemented.

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

### **Capital/Revenue**

9. If approved by Cabinet on 17 December 2019, the implementation of the changes to the Tenancy Agreement will cost £20k which includes the printing of letters, replacement tenancy agreements and the postal costs of writing out to all tenants. These costs will be paid from the Housing Revenue Account (HRA).
10. There will be no further costs for software to the Northgate Housing IT system if the change to the 52 weeks is made, but staffing time will be required for the implementation and testing of new processes.

### **Property / Other**

11. The properties are all owned by the HRA.

### **Legal Implications – Statutory power to undertake proposals in the report:**

12. Section 9 of the Housing Act 1985 (HA 85) gives Local Authorities the power to provide housing accommodation. Section 21 of the HA 85 gives general powers of management of housing accommodation. Section 102 and 103 of the HA 85 give Local Authorities the power to vary the terms of fixed and periodic secure tenancies. The process includes the service of a preliminary notice to vary tenancy terms and a period of consultation prior to any decision to vary the terms of the tenancy (other

# BRIEFING PAPER

than variations only involving rent, rates and charges which do not require a preliminary notice)). Once a decision has been made to vary a tenancy a notice of variation needs to be served on all affected tenants giving at least 4 weeks' notice of the variation of the terms before it is effective.

13. Southampton City Council has a compact agreement with local voluntary agencies which gives a commitment that consultations will be for a minimum of 12 weeks.
14. Southampton City Council has a published statement of arrangements for consultations pursuant to Section 105 of the HA 1985 which confirms consultations on housing management will be for a minimum of 12 weeks.

## **Other Legal Implications:**

15. The Council must have due regard to the Public Sector Equality Duty under the Equality Act 2010 when carrying out any functions, including changing or updating documentation, that may have any effect on any protected persons, 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.
16. Homes England is the Regulator for Social Housing. The Regulator publishes Regulatory standards that all registered providers of social accommodation must comply with. This includes the tenant standard which states that social landlords must meet all applicable statutory and legal requirements including in relation to the terms of tenancies.

## **Risk Management Implications:**

17. The risk level is low. The tenancy agreement has not been updated for 16 years and the revision of it will bring all the terms used in the agreement up to date.

## **Policy Framework Implications:**

18. This is consistent with and not contrary to the Council's policy framework.

## **Appendices/Supporting Information:**

1. Summary of Recommendations Table for Tenancy Agreement – including summary of feedback
2. Equality and Safety Impact Assessment (ESIA)

<b>Further Information Available From:</b>	<b>Name:</b>	Marie Dakin
	<b>Tel:</b>	023 8083 2364
	<b>E-mail:</b>	Marie.dakin@southampton.gov.uk



### Recommendations for changes to the Tenancy Agreement

Theme	Section in Tenancy Agreement		Consultation proposal and reason for proposed change	Consultation response and recommendation
	Previous	New		
Welcome pages	Pages 1 - 2	Not included	<p>The welcome pages at the start of the agreement currently give contact details of the housing offices and how to access different services. We are proposing to remove this section.</p> <p><b>Reason:</b> This information may change over time. The latest information will be available online and tenants are given some information and contact details in other documents at the sign up process. Details of services tenants receive are available online.</p>	<p>Change to be included in Tenancy Agreement.</p> <p><i>Following consultation feedback we will be producing a new more detailed version of the Tenants Handbook.</i></p>
Garden maintenance Page 11	Not included	Page 2	<p>At the start of the Tenancy Agreement, there are the details of the specific tenancy which includes the address, tenant details, start date and property type. Currently this section does not include anything about gardens. We are proposing to add in the following line under the address of the property: 'If there are any gardens attached to the property and they are not communal, these are included as part of the tenancy'.</p> <p><b>Reason:</b> This section strengthens the wording to ensure that gardens are included as part of the tenancy and property and highlights the requirement for tenants to look after them. This helps to support enforcement action when tenants do not look after their gardens.</p>	<p>Change to be included in Tenancy Agreement.</p> <p><i>Following consultation feedback it was requested that residents would like us to be more specific in relation to the garden maintenance and we have added "and you are responsible for the maintenance of them." Residents also requested further details of the boundaries for properties and these will be made available where required.</i></p>
Tenancy start dates	Page 3	Page 2	<p>Currently tenancies always start on a Monday. We are proposing that tenancies can start on other week days in the future. We will also remove references to Monday start dates elsewhere in the document.</p>	<p>Change to be included in Tenancy Agreement.</p> <p><i>Following consultation feedback we will ensure that we put in place the correct processes to ensure that tenancies can be taken up any day of the week.</i></p>

Appendix 1

Theme	Section in Tenancy Agreement		Consultation proposal and reason for proposed change	Consultation response and recommendation
	Previous	New		
			<p><b>Reason:</b> This means that tenants can move in any week day which makes it more flexible for them in the future. It also ensures the council does not lose any days of rental income.</p>	
List of service charges	Page 4	Page 3	<p>At the moment, we have a table that lists the different service charges that tenants may pay for. As the services we provide can change, we are proposing to add more spaces onto the table for these to be written in at a later date.</p> <p><b>Reason:</b> Ensures that the Tenancy Agreement reflects the new service charges implemented and any future changes.</p>	Change to be included in Tenancy Agreement.
Former arrears statement Page 12	Page 5	Not included	<p>Currently, we have a statement within the tenancy agreement that says if tenants have any former arrears from previous tenancies, how much these are, and that they have a repayment agreement in place to pay these. We want to remove this statement from the proposed Tenancy Agreement. We would like to also remove any other references to this statement in the document.</p> <p><b>Reason:</b> Former tenant arrears will be collected by a different process.</p>	Change to be included in Tenancy Agreement.
Signature	Page 5	Page 23	<p>At the moment tenants sign the Tenancy Agreement within the first few pages of the document. We are proposing to move where tenants sign to the end of the document.</p> <p><b>Reason:</b> The signature block is moving to the end of the document to ensure new tenants check the whole document before signing as is good practice elsewhere.</p>	Change to be included in Tenancy Agreement.

Theme	Section in Tenancy Agreement		Consultation proposal and reason for proposed change	Consultation response and recommendation
	Previous	New		
Tenants Handbook	Page 5	Not included	<p>Tenants currently sign to confirm that they have received a copy of the Tenants Handbook with their Tenancy Agreement. This handbook has information on services that tenants can access. As this handbook has been available online for some time, we are proposing to remove the reference to it within the Tenancy Agreement.</p> <p><b>Reason:</b> This information is now available electronically on the council website or printed copies can be made available.</p>	<p>Change to be included in Tenancy Agreement.</p> <p><i>Following consultation feedback the reference in the Tenancy Agreement will be removed and the Tenants Handbook will be reviewed and rewritten.</i></p>
Subletting	1.12 a	1.12 c	<p>Tenants are currently told they are not allowed to sublet the whole of their property. Recently the laws on this have been updated and strengthened. The proposed Tenancy Agreement now includes a new reference to criminal penalties for subletting including criminal prosecution.</p> <p><b>Reason:</b> This reflects changes to the criminalisation of subletting from the Housing Fraud Act 2013. Tenants can now face criminal prosecution if they sublet their home.</p>	<p>Change to be included in Tenancy Agreement</p> <p><i>Following consultation feedback more information is to be made available on what the guidelines are for tenants when taking in lodgers and what subletting means.</i></p>
Rent accounts	2.1	Not included	<p>The current Tenancy Agreement tells tenants to access their rent account online. The details provided are now out of date and we proposing to remove this reference.</p> <p><b>Reason:</b> To bring the Tenancy Agreement up to date in relation to rent accounts and this reference is already at the beginning of the agreement.</p>	<p>Change to be included in Tenancy Agreement.</p> <p><i>Following consultation feedback we can confirm that tenants are given information relating to access to their online rent account when they sign the paperwork for their new tenancy.</i></p>
Income based benefits	2.2	2.2	<p>In the current Tenancy Agreement we reference the term "Housing Benefits". To take into account all types of benefit, we are proposing to change this to "income based benefits" throughout the document.</p>	<p>Change to be included in Tenancy Agreement.</p>

Theme	Section in Tenancy Agreement		Consultation proposal and reason for proposed change	Consultation response and recommendation
	Previous	New		
			<p><b>Reason:</b> This change to language is to reflect implementation of Universal Credit.</p>	
Non rent weeks	2.3	2.3	<p>At the moment, tenants can pay their rent over 48 weeks of the year (49 weeks in a 53 week rent year). This means there are 4 non rent weeks in the year. We are proposing to change to a 52 week rent year (Some years will have a 53 week rent year). The total cost of rent and other charges for the year will be divided by 52 rather than 48.</p> <p><b>Reason:</b> We would like to do this to make it easier for tenants to understand their rent account. This also makes benefit claims easier to understand as the 52 week rent year aligns to the timescales of Universal Credit.</p>	<p>Change to be included in Tenancy Agreement.</p> <p><i>Following consultation feedback tenants expressed concerns around not being able to make use of the non-rent weeks to save for Christmas. We will therefore provide information in the annual rent letter of recommended ways to save.</i></p>
Allocations policy	2.7 e	2.7 e.	<p>In the current Tenancy Agreement we say that applicants may be excluded from reapplying for housing with us if they have arrears from a previous tenancy. The allocations policy has changed and uses different eligibility criteria and as a result applicants may no longer be eligible rather than completely excluded.</p> <p><b>Reason:</b> Rewording brings section up to date and aligns to current allocations policy.</p>	<p>Change to be included in Tenancy Agreement.</p>
Health and safety considerations	3.2 d / 3.5 c	3.2 d / 3.5 c	<p>In the current Tenancy Agreement, there are lists of items that tenants must not tamper with or obstruct in both their own property and communal areas. We would like to add the following items to the lists: Sprinkler systems installed in tower blocks; Fire doors, fire equipment and fire escape routes; and that communal areas are not used for swimming pools, trampolines, sheds or similar.</p>	<p>Following the consultation feedback and on further consideration of the Tenancy Agreement as a whole we will include the references to; Sprinkler systems installed in tower blocks; Fire doors, fire equipment and fire escape routes. We will not be including; Using communal areas of land for swimming pools, trampolines, sheds or similar. This is because these items are already covered by point 3.5 b.</p>

Theme	Section in Tenancy Agreement		Consultation proposal and reason for proposed change	Consultation response and recommendation
	Previous	New		
			<p><b>Reason:</b> To reflect the changes to the buildings and addition of sprinkler systems and to reinforce health and safety requirements, fire regulations and how communal areas are used.</p>	
Use of gardens, yards and balconies.	3.6 a	3.6 a	<p>Within the current Tenancy Agreement, we have a list of instructions on how tenants must look after their gardens, yards and balconies. We would like to add the following to this list to instruct tenants to keep them free from: vermin and pests; and any Japanese knotweed which they must report to us.</p> <p><b>Reason:</b> This section has been reworded in order to make it clearer what tenant's responsibilities are in relation to their gardens, yards and balconies and to support enforcement action.</p>	<p>Change to be included in Tenancy Agreement.</p> <p><i>Following consultation feedback we will provide information on examples of what are recognised as pests and vermin. We provide tenants with a leaflet giving information on Japanese knotweed.</i></p>
Alterations to property	3.6 d	3.6 d	<p>In the current Tenancy Agreement, tenants are told that they must get our permission before making certain alterations to their home. We are proposing to amend the wording of this slightly to add make it clear that tenants must get our permission 'for any alteration to your home before you undertake this work'. We would also like to add the following to the list: installing floodlights or closed circuit television; building an extension or decking; making structural alterations to walls, roofs and floors; creating openings in internal/external walls; making alterations to drainage systems; blocking up fireplaces; installing, removing or replacing gas fires, cookers or solid fuel appliances; making electrical alterations; replacing kitchens or bathroom; using roof spaces for storage purposes; building ponds. We have also updated the types of</p>	<p>Change to be included in Tenancy Agreement with additional amendments following feedback that the changes were too prescriptive. We have therefore added; this includes but is not limited to and amended the text to the certification you require will be advised when permission is sought from us. We have also added to the list; Laminate or wood-block flooring and satellite dishes from point 5.12 d to ensure that all the permissions are listed at the same point within the Tenancy Agreement.</p>

Theme	Section in Tenancy Agreement		Consultation proposal and reason for proposed change	Consultation response and recommendation
	Previous	New		
			<p>certification required including 'building regulation approval and where appropriate, gas and electric safety certification and in some instances party wall permission'.</p> <p><b>Reason:</b> This section reinforces which items tenants need to get permission for before considering altering the property and garden. It also emphasises the need to refer to the appropriate health and safety and building regulations.</p>	
Barriers and gates	Not included	3.6 f	<p>In the current Tenancy Agreement we do not mention the use of shared paths or walkways. We would like to add the following phrase in: You must not erect barriers and/or gates across shared access paths or walkways.</p> <p><b>Reason:</b> Reinforces the requirement for tenants not to erect barriers of any description in communal areas.</p>	Change to be included in Tenancy Agreement.
Antisocial behaviour	4.2 c	4.2 c	<p>In the current Tenancy Agreement there is no specific reference to the possession or use of illegal drugs. We are proposing to add this reference to support any enforcement action we may take.</p> <p><b>Reason:</b> This section strengthens the wording to ensure that tenants understand that we take this matter seriously. This helps to support enforcement action.</p>	Change to be included in Tenancy Agreement.
Antisocial behaviour	4.2 c	4.2 c	<p>Some of the terminology in the current Tenancy Agreement is out of date. We are proposing to replace the term "arrestable" with "indictable"</p> <p><b>Reason:</b> To align the wording with current terminology.</p>	Following consultation feedback and a review of the legal terms used we have amended the term "arrestable" with "criminal". This change will be included in the Tenancy Agreement. We will be including a section on 'Definitions of Terms' as part of the new Tenants Handbook.

Theme	Section in Tenancy Agreement		Consultation proposal and reason for proposed change	Consultation response and recommendation
	Previous	New		
Equalities	4.2 d	4.2 d	<p>We are proposing to amend the current list of characteristics to make it consistent with the protected characteristics of the equalities Act 2010. These protected characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.</p> <p><b>Reason:</b> Updated list to reflect changes and language in Equalities Act 2010.</p>	Change to be included in Tenancy Agreement.
Domestic abuse	4.2 e	4.2 e	<p>In the current Tenancy Agreement there is no reference to domestic abuse. Recently our approach to domestic abuse has become a priority for us as a landlord and we would like to reflect this in the proposed Tenancy Agreement. We are proposing to add that tenants must not perpetrate any domestic abuse which includes harassment, mental, emotional, financial, racist or sexual abuse.</p> <p><b>Reason:</b> Aligns with the new Domestic Abuse Act 2019 and enables us to explicitly describe behaviours covered within the act enabling us to take action against perpetrators and give immediate support to vulnerable household members. This has also been added to align with the values and commitments of the organisation to tackle these issues.</p>	Change to be included in Tenancy Agreement with the amendment following consultation feedback to include the word 'physical' also.
Antisocial behaviour orders	4.4	4.4	<p>We refer to antisocial behaviour orders within the document. These are no-longer in existence so we are proposing to remove references to them.</p> <p><b>Reason:</b> Antisocial behaviour orders no longer exist.</p>	Change to be included in Tenancy Agreement.

Theme	Section in Tenancy Agreement		Consultation proposal and reason for proposed change	Consultation response and recommendation
	Previous	New		
Allocations policy regarding antisocial behaviour	4.6	4.6	<p>In the current Tenancy Agreement we say that applicants may be excluded from reapplying for housing with us if they have a previous record of antisocial behaviour. The allocations policy has changed and uses different eligibility criteria and as a result applicants may no longer be eligible rather than completely excluded.</p> <p><b>Reason:</b> Rewording brings section up to date and aligns with current allocations policy.</p>	Change to be included in Tenancy Agreement.
Electrical inspections	5.1	5.1	<p>The current Tenancy Agreement states that we will do an inspection of the electrical wiring every 10 years. To enable us to carry out checks at any time, we are proposing to remove the number of years.</p> <p><b>Reason:</b> We are proposing to change this because there have been changes in legislation and regulations in relation to the timescales required for periodic checks.</p>	Change to be included in Tenancy Agreement.
Gas and electrical safety requirements	5.8	5.8	<p>In the current Tenancy Agreement we do not mention gas and electrical certification. We propose to add this in as a requirement of the Tenancy Agreement. Where certification is required for a particular area of maintenance (Gas servicing, electrical etc.) tenants will be responsible for ensuring compliance for their own household appliances.</p> <p><b>Reason:</b> To ensure equipment in tenants' homes is safe for the health and safety of all tenants.</p>	<p>Change to be included in Tenancy Agreement.</p> <p><i>Following consultation feedback more information is to be made available on the types of certifications tenants may require for their own household appliances.</i></p>
Fences, hedges and boundaries	Not included	5.11	<p>In the current tenancy there is no specific statement that tenants are responsible for maintaining the fence, hedge or other boundary on their property. We are proposing to add this in to the Tenancy Agreement.</p>	Change to be included in Tenancy Agreement.



Theme	Section in Tenancy Agreement		Consultation proposal and reason for proposed change	Consultation response and recommendation
	Previous	New		
			<p><b>Reason:</b> This highlights and reinforces the tenant's responsibilities for doing this.</p>	<p><i>Following consultation feedback tenants requested further details of the boundaries for properties and these will be made available where required.</i></p>
Unsafe electrical installations	5.11c	5.12c	<p>In emergencies, there is a list of situations where the council will force entry to the property. We are proposing to add 'unsafe electrical installation' as one of the reasons why the council can force entry in an emergency situation.</p> <p><b>Reason:</b> To keep the property safe.</p>	Change to be included in Tenancy Agreement.
Services maintenance	5.11	5.12a	<p>In the current Tenancy Agreement, we do not specifically say that tenants must ensure we have access to all services for maintenance purposes. For example to maintain your boiler. We would like to add this in.</p> <p><b>Reason:</b> Reinforce tenant's responsibilities in ensuring that we are able to maintain services to and within the property.</p>	Change to be included in Tenancy Agreement.
Fuel burning appliances	5.13	5.14	<p>In the current Tenancy Agreement there is a list of work we will charge tenants for and must be paid for. To this list, we propose to add the removal of fuel burning appliances if tenants did not ask for permission before installing.</p> <p><b>Reason:</b> To add more detailed information on what is required and reinforces this requirement relating to fuel burning appliances.</p>	Change to be included in Tenancy Agreement.
Moving out	6	6	We are proposing to change the heading of this section from "moving out" to "ending the tenancy".	Change to be included in Tenancy Agreement.

Theme	Section in Tenancy Agreement		Consultation proposal and reason for proposed change	Consultation response and recommendation
	Previous	New		
			<b>Reason:</b> To make it clearer what this section is about.	
Ending the tenancy	6.1 - 6.3	6.1 - 6.3	We are proposing to amend the wording and added extra detail in this section to make it clearer what the process is for ending the tenancy. This shows the difference between the tenants giving notice and the council giving notice to end the tenancy.  <b>Reason:</b> To make the section more detailed.	Change to be included in Tenancy Agreement.
Notice	Not included	6.7	In the current Tenancy Agreement we do not provide details on where a notice may be served to the council from tenants. We are proposing to add in the following: 'Any notice (whether in proceedings or otherwise) may be served on Southampton City Council by sending or delivering to: Southampton City Council, Civic Centre, Southampton, SO14 7LR.'  <b>Reason:</b> To ensure we are legally compliant and providing additional information for tenants.	Change to be included in Tenancy Agreement.
Appendix 1	Appendix 1	Not included	The current Tenancy Agreement has Appendix 1 which includes descriptions of antisocial behaviour. We are proposing to remove Appendix 1 and remove references to it from the rest of the document.  <b>Reason:</b> This section is outdated and the terms are now redundant.	Change to be included in Tenancy Agreement.
List of definitions	List of definitions	Not included	At the very end of the current Tenancy Agreement, there is a list of definitions. The aim of this section was to provide additional information to tenants. We propose to put the terms online to allow us to update them regularly and keep them relevant.	Change to be included in Tenancy Agreement.  <i>Following consultation feedback we will make this information available in the Tenants Handbook.</i>

Theme	Section in Tenancy Agreement		Consultation proposal and reason for proposed change	Consultation response and recommendation
	Previous	New		
			<b>Reason:</b> To ensure terms are up to date.	

This page is intentionally left blank

BRIEFING PAPER



**Equality and Safety Impact Assessment**

The **Public Sector Equality Duty** (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people’s needs. The Council’s Equality and Safety Impact Assessment (ESIA) includes an assessment of the community safety impact assessment to comply with Section 17 of the Crime and Disorder Act and will enable the Council to better understand the potential impact of proposals and consider mitigating action.

<b>Name or Brief Description of Proposal</b>	Amendments to the Tenancy Agreement
<b>Brief Service Profile (including number of customers)</b>	
<p>Southampton City Council’s Housing Service currently manage 18,000 homes in the city. Of these, 2,000 properties are leasehold properties and the remaining 16,000 are let as tenancies. The majority of these tenancies are let as secure lifetime tenancies, however, there are a small number of flexible/fixed term tenancies. The Housing Service let properties on both social and affordable rent.</p> <p>As a social landlord the council has a number of objectives to shape the way in which housing services are delivered. Meeting the greatest possible degree of housing demand is a key objective but to do this in a way which supports individual households, enhances community stability and recognises the difficulties parts of our community face.</p> <p>In order to achieve these objectives the council must define a consistent framework which sets out the rights and conditions of Southampton tenants when signing the tenancy agreement. It should also state the council’s responsibilities to the tenants.</p> <p>The council aims to:</p> <ul style="list-style-type: none"> <li>• provide affordable housing, for local residents, in housing need;</li> <li>• ensure homes are allocated fairly and efficiently, taking into account the applicant’s individual needs;</li> <li>• make best use of all the available social housing homes; and</li> <li>• give people the opportunity to express preferences about housing accommodation to be allocated to them.</li> </ul>	

# BRIEFING PAPER

## **Summary of Impact and Issues**

The Tenancy Agreement was last changed in April 2003 and therefore does not reflect the council's latest position in terms of regulation and processes. The proposed review/amendments are to ensure that the agreement remains fit for purpose.

## **Potential Positive Impacts**

The Tenancy Agreement has been updated to reflect the current position in terms of responsibilities of Southampton tenants and those of the city council. Changes include:

- Rent - to change the rent payments from a 48 to 52 week financial year. This is to align the rent weeks to the same timescales as other council departments and services. This also includes benefits that some tenants may be eligible for such as Universal Credit. The agreement also reinforces the tenant's responsibility to pay their rent including rent in advance at the start of the tenancy to avoid arrears action and loss of their tenancy.
- Any day start date - the introduction of an any week-day tenancy start date to ensure flexibility for customers when taking up their tenancy. It is also to maximise income for Southampton City Council (tenancies always previously started on a Monday).
- Inclusion of garden and maintenance of this – a stronger clause and identifying this area specifically enables us to enforce action including imposing charges and recovering costs for damage to the property and garden.
- Anti-social behaviour – Stronger clauses will help reduce anti-social behaviour which impacts on tenants who fall into the protected characteristics. An additional element has also been added which specifically refers to domestic abuse within the Tenancy Agreement. This aligns with the Domestic Abuse Act 2019 ensuring that the appropriate action is taken when working with vulnerable tenants and perpetrators.
- Subletting - The Prevention of Social Housing Fraud Act 2013 criminalises the unauthorised subletting of homes and enables us to take stronger measures to recover properties. Inclusion of a reference to prosecution for this offence within the tenancy agreement illustrates the changes and enables us to take enforcement action.
- Health and Safety requirements – addition of fire prevention equipment (i.e. sprinklers) in our blocks has highlighted the need to add further detail. It is also a health and safety requirement to ensure tenants are safe in their homes and communal environment. Giving tenants clearer information and education of their rights and responsibilities can ensure that tenants do not cause fire hazards in their home and communal areas.

# BRIEFING PAPER

The changes to the Tenancy Agreement will allow the council to continue to offer tenancies to the residents of Southampton, ensuring that housing stock is used to its best effect so that homelessness is avoided wherever possible. It will also allow the council to maximise the opportunity for Southampton residents to access housing suitable for their needs.

<b>Responsible Service Manager</b>	Marie Dakin
<b>Date</b>	27.11.19
<b>Approved by Senior Manager</b>	Steve Smith
<b>Date</b>	27.11.19

## Potential Impact

<b>Impact Assessment</b>	<b>Details of Impact</b>	<b>Possible Solutions &amp; Mitigating Actions</b>
<b>Age</b>	Potential impact on older and vulnerable tenants in being able to maintain gardens and boundaries.	There is currently a statement at point 5.7 of the tenancy agreement which enables us to offer additional help to older and vulnerable tenants in exceptional circumstances with these tasks.
<b>Disability</b>	Potential impact on tenants with disabilities in being able to maintain gardens and boundaries.  Potential impact on tenants understanding the agreement who have visual impairments.	There is currently a statement at point 5.7 of the tenancy agreement which enables us to offer additional help to older and vulnerable tenants in exceptional circumstances with these tasks.  To organise for audio copies to be made available for those households identified
<b>Gender</b>	No identified impact	

# BRIEFING PAPER

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
<b>Reassignment</b>		
<b>Marriage and Civil Partnership</b>	No identified impact	
<b>Pregnancy and Maternity</b>	No identified impact	
<b>Race</b>	Potential impact on tenants who may not have English as a first language and who may not understand the agreement.	Copies to be translated for households identified upon request.
<b>Religion or Belief</b>	No identified impact	
<b>Sex</b>	No identified impact	
<b>Sexual Orientation</b>	No identified impact	
<b>Community Safety</b>	Improves safety through education and enforcement of health and safety requirements of fire risk.	
<b>Poverty</b>	Enforcing payment of rent from 48 to 52 weeks may cause problems with budgeting and confusion for residents.	The change to a 52 week rent year does align itself to current benefit and pension payments. The council will give clear information on budgeting, debt and savings advice when advising tenants of the changes to the tenancy agreement with contact details and information on the departments and agencies who can provide support and assistance if tenants have concerns or do not understand the impact of the change. An illustration of the impact on an individual's rent account will also be given as an example.
<b>Health &amp; Wellbeing</b>	No identified impact	
<b>Other Significant Impacts</b>	No identified impact	



## BRIEFING PAPER

---

**SUBJECT: BUDGET MATTERS**  
**DATE: 16 DECEMBER 2019**  
**RECIPIENT: OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE**

---

### THIS IS NOT A DECISION PAPER

#### SUMMARY:

The purpose of this report is to inform Cabinet of any key changes in the overall General Fund and Housing Revenue Account (HRA) capital programme for the period 2019/20 to 2023/24.

#### BACKGROUND and BRIEFING DETAILS:

1. The capital programme is reviewed on a quarterly basis in accordance with the Council's Capital Strategy. The forecast position is reported to the Council Capital Board with any required programme update reported to Cabinet and Council for approval. This report is required to enable schemes in the programme to proceed and to approve additions and changes to the programme.
2. Service Directors, Service Leads and Project Managers have been consulted in preparing the reasons for any budget changes. Each addition has been subject to the relevant consultation process which reflects the role played by Council Capital Board. The content of the Cabinet report has been subject to consultation with Finance Officers for each service.

#### CHANGES TO THE CAPITAL PROGRAMME

3. **Section 106 Funded Works – (Addition of £1.19M in 2020/21 and £0.40M in 2021/22)**  
Approval is sought for the addition of £1.19M in 2020/21 and £0.40M in 2021/22 to the Place & Transport programme and approval to spend this sum in these years; funded by S106 developer contributions. The allocation of site specific S106 enables schemes to be undertaken in line with planning applications and meet the specific obligations set out in the S106 approvals.
4. **Desktop Refresh (Addition of £1.08M in 2019/20)**  
Approval is sought for the addition of £1.08M in 2019/20 to the resources programme and approval to spend this sum in 2019/20; funded by council resources. £0.44M will be used to fund the wider development of the desktop refresh project replacing devices over 5 years old and £0.64M is required for Phase 2 of the Smart Ways of Working project to upgrade all Civic Centre based users.

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

# BRIEFING PAPER

## Capital/Revenue

5. This report principally deals with capital and the implications are set out in the main body of the report. The revenue implications arising from borrowing to support the capital programme have been considered and can be accommodated within current revenue budgets.

## Property / Other

6. There are no specific property implications arising from this report other than the schemes already referred to within the main body of the report.

## Legal Implications – Statutory power to undertake proposals in the report:

7. Financial reporting is consistent with the Chief Financial Officer's duty to ensure good financial administration within the Council. The Capital Programme update is prepared in accordance with the Local Government Acts 1972 – 2003.

## Other Legal Implications:

8. None directly, but in preparing this report, the Council has had regard to the Human Rights Act 1998, the Equality Act 2010, the duty to achieve best value and statutory guidance issued associated with that, and other associated legislation.

## Risk Management Implications:

9. None.

## Policy Framework Implications:

10. The update of the Capital Programme forms part of the overall Budget Strategy of the Council and is in line with the Financial Procedure Rules.

## **Appendices/Supporting Information:**

1. None

<b>Further Information Available From:</b>	<b>Name:</b>	Steve Harrison
	<b>Tel:</b>	023 8083 4153
	<b>E-mail:</b>	Steve.harrison@southampton.gov.uk

# Agenda Item 8

<b>DECISION-MAKER:</b>	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE		
<b>SUBJECT:</b>	MONITORING SCRUTINY RECOMMENDATIONS TO THE EXECUTIVE		
<b>DATE OF DECISION:</b>	16 DECEMBER 2019		
<b>REPORT OF:</b>	DIRECTOR - LEGAL AND GOVERNANCE		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	<b>Mark Pirnie</b>	<b>Tel:</b> 023 8083 3886
	<b>E-mail:</b>	<b>Mark.pirnie@southampton.gov.uk</b>	
<b>Director</b>	<b>Name:</b>	<b>Richard Ivory</b>	<b>Tel:</b> 023 8083 2794
	<b>E-mail:</b>	<b>Richard.ivory@southampton.gov.uk</b>	
<b>STATEMENT OF CONFIDENTIALITY</b>			
None			
<b>BRIEF SUMMARY</b>			
This item enables the Overview and Scrutiny Management Committee to monitor and track progress on recommendations made to the Executive at previous meetings.			
<b>RECOMMENDATIONS:</b>			
	(i)	That the Committee considers the responses from Cabinet Members to recommendations from previous meetings and provides feedback.	
<b>REASONS FOR REPORT RECOMMENDATIONS</b>			
1.	To assist the Committee in assessing the impact and consequence of recommendations made at previous meetings.		
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>			
2.	None.		
<b>DETAIL (Including consultation carried out)</b>			
3.	Appendix 1 of the report sets out the recommendations made to Cabinet Members at previous meetings of the Overview and Scrutiny Management Committee. It also contains summaries of any action taken by Cabinet Members in response to the recommendations.		
4.	The progress status for each recommendation is indicated and if the Overview and Scrutiny Management Committee confirms acceptance of the items marked as completed they will be removed from the list. In cases where action on the recommendation is outstanding or the Committee does not accept the matter has been adequately completed, it will be kept on the list and reported back to the next meeting. It will remain on the list until such time as the Committee accepts the recommendation as completed. Rejected recommendations will only be removed from the list after being reported to the Overview and Scrutiny Management Committee.		
<b>RESOURCE IMPLICATIONS</b>			

<b><u>Capital/Revenue</u></b>	
5.	None.
<b><u>Property/Other</u></b>	
6.	None.
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
7.	The duty to undertake overview and scrutiny is set out in Part 1A Section 9 of the Local Government Act 2000.
<b><u>Other Legal Implications:</u></b>	
8.	None
<b>RISK MANAGEMENT IMPLICATIONS</b>	
9.	None.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
10.	None
<b>KEY DECISION</b>	No
<b>WARDS/COMMUNITIES AFFECTED:</b>	None directly as a result of this report
<b><u>SUPPORTING DOCUMENTATION</u></b>	
<b>Appendices</b>	
1.	Monitoring Scrutiny Recommendations – 16 December 2019
<b>Documents In Members' Rooms</b>	
1.	None
<b>Equality Impact Assessment</b>	
Do the implications/subject of the report require an Equality and Safety Impact Assessments (ESIA) to be carried out?	No
<b>Data Protection Impact Assessment</b>	
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out?	No
<b>Other Background Documents</b>	
<b>Equality Impact Assessment and Other Background documents available for inspection at:</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

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

Scrutiny Monitoring – 16 December 2019

Date	Portfolio	Title	Action proposed	Action Taken	Progress Status
10/10/19	Homes & Culture	Estate Regeneration	1) That a briefing note is circulated to the Committee outlining the actions being developed by the Council in response to the difficulties being experienced by Townhill Park Infant School due to the estate regeneration programme.	Meetings with the school, relevant Cabinet members and officers have been scheduled. An update will be circulated to the Committee following these meetings.	
			2) That, to ensure elected members are kept apprised of developments, estate regeneration proposals are circulated to ward councillors when they are presented to residents forums.		
14/11/19 Page 31	Resources	MTFS Update	1) That the Committee are provided with a breakdown of the spend profile of the Highways Capital Programme budget from 2020/21 to 2022/23, and the rationale behind the decision to increase expenditure over the period rather than to frontload the capital expenditure.	It is intended that highway maintenance investment increases year-on-year in the period 2020-23, subject to budget setting. This approach takes account of the improvements to the highway network that have already been generated by a high level injection of investment into highway maintenance during 2018/19 (an additional investment of £8M), together with balancing the pressures of network occupancy as a result of the expected Transforming Cities Fund delivery programme that will start from next year onwards. The draft highways maintenance investment profile presented to Cabinet in October is:- 2020/21 - £6m 2021/22 - £7m 2022/23 - £8m'	Completed

This page is intentionally left blank