

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Thursday, 11th August, 2022
at 5.30 pm

PLEASE NOTE TIME OF MEETING

Council Chamber, Civic Centre,
Southampton

This meeting is open to the public

Members

Councillor Fuller (Chair)
Councillor Houghton (Vice-Chair)
Councillor Cooper
Councillor Furnell
Councillor Guthrie
Councillor Shields
Councillor Stead
Councillor White
Councillor Winning

Appointed Members

Catherine Hobbs, Roman Catholic Church
Francis Otieno, Primary Parent Governor
Rob Sanders, Church of England

Contacts

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Scrutiny Manager
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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.

Southampton: Corporate Plan 2020-2025 sets out the four key outcomes:

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

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 2022/23

2022	2023
9 June	12 January
14 July	2 February
11 August	9 March
8 September	13 April
13 October	
10 November	
15 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 July 2022 and to deal with any matters arising, attached.

7 FOWARD PLAN

(Pages 3 - 22)

Report of the Director, Legal and Business Services 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.

8 SCRUTINY INQUIRY 2022/23 - SHORTLIST

(Pages 23 - 26)

Report of the Director of Legal and Business Services requesting that the Committee consider the shortlisted subjects and identify a preferred topic for the 2022/23 inquiry.

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SOUTHAMPTON CITY COUNCIL
OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE
MINUTES OF THE MEETING HELD ON 14 JULY 2022

Present: Councillors Fuller (Chair), Cooper, Furnell, Guthrie, Houghton, Shields and Stead
Appointed Members: Rob Sanders

Apologies: Councillors P Baillie and Winning
Appointed Members: Catherine Hobbs and Francis Otieno

Also in attendance: Councillor Fielker – Cabinet Member for Health, Adults and Leisure

4. **APPOINTMENT OF VICE-CHAIR**

RESOLVED that Councillor Houghton be elected as Vice- Chair for the Municipal Year 2022-2023

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

RESOLVED: that the minutes for the Committee meeting on 9 June 2022 be approved and signed as a correct record.

6. **FORWARD PLAN**

The Committee considered the report of Director, Legal and Business Services 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.

The Committee considered the briefing paper attached to this item detailing the forthcoming Cabinet Decision. Councillor Fielker- Cabinet Member for Health, Adults and Leisure, Paul Paskins - Head of Supplier Management, Becky Wilkinson - Public Health Consultant and a number of community representatives were present and, with the consent of the Chair address the meeting.

The Chair moved that the Committee request that the Cabinet Decision is delayed in order to enable full financial modelling to be undertaken and success metrics to be developed. Upon being put to the vote this motion was passed on a recorded vote

RECORDED VOTE to support the Motion by the Chair to delay the opening.

FOR: Councillors Fuller, Houghton Guthrie and Stead

AGAINST: Councillors Cooper, Furnell and Shields

The Committee unanimously agreed the remaining recommendations (ii-iv) as set out below.

Resolved: that the Committee requested that:

- (i) to enable value for money to be demonstrated, Cabinet postpones the scheduled decision on the re-opening of St Mary's Leisure Centre to enable full financial modelling to be undertaken and success metrics to be developed.

- (ii) irrespective of Cabinet agreeing to postpone the decision to re-open St Mary's Leisure Centre, success metrics for the initiative are developed and performance against the key indicators, including user numbers, is reported to the Committee after 6 and 12 months of the centre re-opening.
- (iii) the Administration gives due consideration to the potential impact on the viability of other community venues across the City when developing the future activity programme at St Mary's Leisure Centre.
- (iv) the Committee are provided with information detailing how much of the Council's repairs and maintenance budget has not been committed for 2022/23.

7. **CARER FRIENDLY SOUTHAMPTON - PROGRESS UPDATE**

The Committee considered the report of the Cabinet Member for Health, Adults and Leisure updating the Committee on the progress made implementing the agreed recommendations from the Carer Friendly Southampton Scrutiny Inquiry.

RESOLVED that Committee recommended that:

- (i) the Cabinet Member should ensure the Young Carers Action Plan is circulated to the Committee when it is available, and that clarification is provided outlining the reasons behind the delay in the production of this action plan.
- (ii) the Cabinet Member should give consideration is given to how the City of Culture funding awarded to Southampton could be utilised to support the wider engagement of carers in cultural activities and the delivery of the aspirations outlined in 2.4c in the Adult Carers Action Plan.
- (iii) the Committee re-consider the item prior to the re-tendering of the Carers Service.

Agenda Item 7

DECISION-MAKER:	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE		
SUBJECT:	FORWARD PLAN		
DATE OF DECISION:	11 AUGUST 2022		
REPORT OF:	DIRECTOR - LEGAL AND BUSINESS SERVICES		
<u>CONTACT DETAILS</u>			
Executive Director	Title	Director – Legal and Business Services	
	Name:	Richard Ivory	Tel: 023 8083 2794
	E-mail	Richard.ivory@southampton.gov.uk	
Author:	Title	Scrutiny Manager	
	Name:	Mark Pirnie	Tel: 023 8083 3886
	E-mail	Mark.pirnie@southampton.gov.uk	
STATEMENT OF CONFIDENTIALITY			
None			
BRIEF SUMMARY			
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.			
RECOMMENDATIONS:			
	(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.	
REASONS FOR REPORT RECOMMENDATIONS			
1.	To enable Members to identify any matters which they feel Cabinet should take into account when reaching a decision.		
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED			
2.	None.		
DETAIL (Including consultation carried out)			
3.	The Council's Forward Plan for Executive Decisions from 13 September 2022 has been published. The following issue was identified for discussion with the Decision Maker:		
	Portfolio	Decision	Requested By
	Transport & District Regeneration	Southampton E-Scooter Trial (Future Transport Zone)	Cllr Fuller
4.	A briefing paper responding to the item identified by members of the Committee is appended to this report. Members are invited to use the paper to explore the issues with the decision maker.		

RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
5.	The details for the item identified in paragraph 3 are set out in the Executive decision making report issued prior to the decision being taken.
<u>Property/Other</u>	
6.	The details for the item identified in paragraph 3 are set out in the Executive decision making report issued prior to the decision being taken.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
7.	The duty to undertake overview and scrutiny is set out in Part 1A Section 9 of the Local Government Act 2000.
<u>Other Legal Implications:</u>	
8.	The details for the item identified in paragraph 3 are set out in the Executive decision making report issued prior to the decision being taken.
RISK MANAGEMENT IMPLICATIONS	
9.	The details for the item identified in paragraph 3 are set out in the Executive decision making report issued prior to the decision being taken.
POLICY FRAMEWORK IMPLICATIONS	
10.	The details for the item identified in paragraph 3 are set out in the Executive decision making report issued prior to the decision being taken.
KEY DECISION	No
WARDS/COMMUNITIES AFFECTED:	None directly as a result of this report
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Briefing Paper – Southampton E-Scooter Trial (Future Transport Zone)
2.	ESIA - Southampton E-Scooter Trial (Future Transport Zone)
Documents In Members' Rooms	
1.	None
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessments (ESIA) to be carried out?	Identified in Executive report
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
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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BRIEFING PAPER

SUBJECT: Proposed Traffic Regulation Order relating to rental e-scooters
DATE: 11 August 2022
RECIPIENT: Overview and Scrutiny Management Committee (“OSMC”)

THIS IS NOT A DECISION PAPER

SUMMARY:

1. This report is submitted for consideration as a general exception under paragraph 15 of the Access to Information procedure Rules in Part 4 of the Council’s Constitution, notice having been given to the Chair of Overview and Scrutiny Management Committee and the public.
2. The matter requires a decision to resolve the expiring Experimental Traffic Regulation Order that facilitates the rental e-scooter trial in Southampton. The urgency is linked to the expiry date of the Experimental Traffic Regulation Order on 13 September 2022, and for these reasons the decision cannot be deferred for inclusion in the next Forward Plan for decision following 28 clear days’ notice.
3. This paper briefs OSMC on the proposed Traffic Regulation Order to facilitate the e-scooter trials in Southampton.
4. An Experimental Traffic Regulation Order has been in place for 18 months and expires on 13 September 2022.
5. The conversion of the Experimental Traffic Regulation Order, previously agreed under officer delegation, to a Permanent Traffic Regulation Order is recommended to facilitate the e-scooter trial’s continuation to the end of November 2022.
6. A subsequent decision will be required later this autumn on whether to extend the E-Scooter trial beyond the end of November 2022, noting that on 28 June 22 the DfT confirmed that ministers had approved the extension of the national E-scooter trial period to 31 May 2024, giving participating local authorities the option to extend if they wish.

BACKGROUND and BRIEFING DETAILS:

7. As part of the government's response to COVID-19, and to support a ‘green’ restart of local travel to help mitigate reduced capacity on public transport, the Department for Transport (DfT) fast-tracked and expanded trials of rental e-scooters.
8. The trials enable essential insights for the DfT and councils as to how rental e-scooters contribute to the transport mix in urban centres.
9. During the trials, e-scooters are classified as motor vehicles, and the relevant motor vehicle insurance must be provided via the scheme operator. E-scooters must meet requirements for vehicle construction and approval set by the DfT. The DfT is only permitting the trialling of rental e-scooters. The use of privately owned e-scooters on the public highway remains illegal.
10. A key requirement for the trial is that TROs were updated where required, to allow rental e-scooter use. Specifically, the purpose of the experimental traffic regulation order (ETRO)

BRIEFING PAPER

“The City of Southampton (Electric Scooter) Experimental Order 2021” (“The ETRO”) is to allow e-scooter use in bus lanes and cycle lanes in Southampton.

11. This ETRO expires on 13 September 2022. The Department for Transport has declined to issue guidance on the most suitable traffic order arrangements to continue the trial beyond 13 September 2022, preferring to leave this to local authorities' legal departments to determine. Following discussions with transport officers and legal representatives from across Solent Transport’s member local authorities, together with a review of other trial areas that have recently converted their ETROs to permanent orders, the recommendation is to address the expiry of the ETRO by converting to a permanent order.
12. While the primary reason to make the ETRO permanent is to enable the SCC trial to run until the current end date in November 2022, this will also give the council the option to run the e-scooter rental scheme beyond this date. The DfT have indicated E-Scooter trials can be extended to May 2024 which SCC will consider before the end November 2022. Therefore, this recommendation provides the council with the greatest flexibility to implement the best option for Southampton’s residents and visitors after November 2022.
13. The Experimental Traffic Regulation Order was made on 3 March 2021 and advertised in the Hampshire Independent newspaper on 5 March 2021. The Police and relevant statutory consultees were informed of the proposals 7 days prior to the ETRO coming into operation on 13 March 2021. In addition to the above the Council provided information of the proposals on various media platforms.
14. There were 86 representations received in total, 72 of which were objections. A summary of the main issues raised are as follows.

Summary of Issues Raised	Officer Response
General objection to the rental e-scooter trial	The e-scooter trial objections will be considered as part of the trial extension decision.
Complaint about a service user	Service user complaints are relayed to the operator, Voi, to resolve. Users can be issued a strike or permanent ban based on the evidence provided and the number of previous strikes issued. One strike is a 7 day ban, two strikes is a 30 day ban and three strikes is a permanent ban from the service.
Private e-scooters	The use of privately owned e-scooters on the public highway remains illegal.
Safety and enforcement	The appended ESIA highlights the key mitigations Voi and SCC put in place to improve safety and enforcement.
Issues with rental e-scooter parking proposals or existing parking locations	A separate process requiring applications under Part VIIA Section 115E of the Highways Act 1980 provides oversight of the consents for e-scooter docking facilities, with representations considered on a case-by-case basis.
Support for service or request for additional parking locations	E-scooter trial support will be considered as part of the trial extension decision.

BRIEFING PAPER

	Requests for additional parking locations are referred to Voi for review.
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Recommendations

15. It will be recommended that approval is granted to make the 'The City of Southampton (Electric Scooter) Experimental Order 2021' a permanent TRO.
16. It will be recommended that section 10(2) of the Road Traffic Regulation act 1984 to amend the wording of clause 4(iv) in the permanent TRO to include reference to "any modification, extension or re-enactment" so that it can encompass all VSOs issued by the DfT relating to e-scooter trials.

RESOURCE/POLICY/FINANCIAL/LEGAL IMPLICATIONS:

Resource and Financial

17. Funding is allocated from the overall FTZ budget to deliver the E-Scooter trial in Southampton, and there is sufficient budget allocated until at least November 2022. This decision is relating to the ETRO only and any subsequent decision to extend the E-Scooter trial beyond November 2022 will also consider resource and financial implications at that time.

Legal

18. Southampton City Council is the Local Highway Authority and the Traffic Authority for the City and as such has the power to restrict and regulate traffic under the Road Traffic Regulation Act 1984. Sections 9 and 10 allow schemes to be trialled on an experimental basis.
19. The Council is required to exercise its functions under the Road Traffic Regulation Act 1984 to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.
20. In preparing and determining the proposals set out in this report the Council is required to have regard to the provisions of Equalities legislation, the Human Rights Act 1998 and s.17 Crime and Disorder Act 1998 (the duty to have regard to the need to remove or reduce crime and disorder in the area).

Policy

21. There are no policy implications.

OPTIONS and TIMESCALES:

22. **Lapse the ETRO:** The ETRO would expire at the end of 12 September 2022. E-Scooters would not be permitted to use the on-carriageway cycle lanes, bus lanes and other types of road space that would normally be prohibited during the remaining period of the previously agreed trial end date. This would cause practical difficulties and confusion for users and non-users of the e-scooter trial regarding where they can or can't be used. This option will not be recommended.
23. **Make a new ETRO:** It is not possible to make a replacement ETRO that replicates the provisions for the same purpose as the existing ETRO. This option will not be recommended.

BRIEFING PAPER

RISK MANAGEMENT IMPLICATIONS

24. An Equality Safety and Impact Assessment has been completed throughout the e-scooter trial to identify any adverse impacts and mitigations or promote positive impacts.
25. The ETRO currently references a VSO that has been reissued to SCC. The recommendation is to amend clause 4(vi) to reference “any modification, extension or re-enactment” to encompass all VSOs issued by the DfT related to the Southampton City Council e-scooter trial.

Appendices/Supporting Information:

Equality Safety and Impact Assessment

Further Information Available From:	Name:	Rob Gloyns
	Tel:	023 8083 2983
	E-mail:	Rob.Gloyns@southampton.gov.uk



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 the budget proposals and consider mitigating action.

<p>Name or Brief Description of Proposal</p>	<p>Southampton E-Scooter Trial (Future Transport Zone)</p>
<p>Brief Service Profile (including number of customers)</p>	<p>To facilitate the safe use of rental e-scooters within the city.</p> <p>The E-scooter trials are being delivered under the Future Transport Zone programme managed by Solent Transport and delivered on behalf of Solent Transport in Southampton by Southampton City Council. A similar trial is being delivered by the same supplier in Portsmouth by Portsmouth City Council.</p> <p>The objective is to provide a fast, clean and convenient travel option in line with the strategic objectives set in the Council’s Air Quality Action Plan, Green City Charter and Local Transport Plan and Future Transport Zone programme.</p> <p>The e-scooter trial will be delivered by a micromobility operator, Voi.</p> <p>The trial will be publically accessible to all residents and visitors in Southampton. It will be strictly geographically constrained to the Southampton administrative boundary.</p> <p>The number of e-scooters is limited by the Vehicle Special Order issued by the Department for Transport at 1500 e-scooters. E-scooters will be classed as Motor Propelled Vehicles (MPVs), restricting their use to carriageway only.</p> <p>Voi, meets the minium DfT standards: DfT E-scooter Guidance and Minimum Standards</p>

Voi e-scooters, and the project approach, will have a range of features and terms of use to ensure their safe use, including but not limited to:

- Lights
- Indicators
- Voi insure every ride, including third party
- Heavy to mitigate risk of e-scooters being picked up and moved inappropriately or thrown
- Meets DfT minimum standards
- Identification plates
- Speed limited to 12.5mph (the DfT limit is 15mph)
- Geofencing capability to allow No Ride Zones (NRZs) and slow zones to reduce speed in higher risk areas
- GPS tracked, and riders identified by Voi from accounts to enforce against inappropriate riding
- Need for provisional licence before being approved to use the Voi e-scooters
- Kick stand to avoid e-scooters toppling over
- “Parking Cop” to ensure suitable parking, with consequences for poor parking including a ban
- Ride like Voila training and education
- Strict reporting and banning policy to discourage inappropriate riding
- Parking rack site risk assessments to ensure suitable location on the footway, taking into consideration equality impact assessment and a risk and safety assessment.
- Continued review of the scheme to ensure new risks and safety concerns can be addressed due to the trial nature of the project.
- Safety events to provide direct training and distribute free helmets
- Encourage use of helmets in-app
- Ongoing issue resolution and maintenance programme for e-scooters
- Regular engagement with impacted groups including hosting disability roundtable events and direct engagement through the Voi dedicated City Success Manager
- Operating hours limited to 4am-10pm to reduce risk of drink riding. Sobriety testing on the app starts at 9pm to further mitigate this risk.
- Open and regular communication with Hampshire Constabulary and Southampton City Council community groups and community cohesion teams.
- Voi support to Police for enforcing illegal use of rented e-scooters.
- Co-design of E-scooter parking racks with the Royal National Institution for Blind People (RNIB).
- Continued development and innovation (e.g. e-scooter noise and pavement riding detection). *Note: not currently implemented in Southampton, but expect it to be trialled before the project ends.*
- Colour scheme of Voi e-scooters is designed to be recognisable and being more distinguishable to visually impaired people.
- Voi have introduced a mandatory training requirement to ensure all users are briefed on the behavioural requirements for riding a Voi E-Scooter.

**Summary of
Impact and
Issues**

Unfamiliar Technology:

- Due to the innovative nature of the trials there is little existing data on the impacts of e-scooters. The purpose of the trial is to inform future legislation. As they are a novel technology, particularly to the UK, users, pedestrians, and other road users may not be familiar with them, which increases the risk of conflict/collisions on the carriageway, cycleways, shared paths, and footpaths.
- The E-scooters have been in Southampton since March 2021 and so residents and visitors are likely becoming more familiar with their presence.

E-scooter Parking Hazards:

- As the e-scooters are publicly accessible they also need to be parked on public space. As they will predominantly be placed on public land owned by the local authority, this will mean parking racks will be placed on the footway, further increasing the risk of conflict with pedestrians. This is an increased risk for visually impaired or other disability groups who may find the additional street furniture more challenging to navigate, which was corroborated at the Voi hosted disability roundtable event. Trips and falls are reported back to the DfT through Voi, Solent Transport and SCC's reporting process.

E-scooter/Pedestrian Conflicts and Pavement Riding:

- The e-scooters will legally use the carriageway and designated cycle lane, however there is currently nothing to physically prevent an e-scooter riding on the pavement. This means reliance will be on education, training, and enforcement. This does risk a negative perception and pavement conflict with pedestrians as it is not possible for this to entirely diminish the risk, however the project will ensure every feasible mitigation is in place to prevent this. Voi will also continue to develop their product to mitigate risks such as this, emphasising the importance for the trial to proceed and collect monitoring and evaluation information to inform this development and ultimately legislation.
- Voi have committed to reducing pavement riding through better enforcement and trialling of technologies in Southampton.

E-scooter Sound:

- E-scooters do not make a distinguishable sound and therefore are a risk to visually impaired people. This was corroborated by the disability roundtable hosted by Voi where the issue was discussed. Possible solution of noise generating e-scooters is being explored by Voi, but currently reliance is on the user to ride the scooter appropriately and in accordance with the terms and

	<p>conditions.</p> <ul style="list-style-type: none"> • Voi have committed to trialling audible sounds from E-scooters in Southampton. <p>Speed of E-scooters:</p> <ul style="list-style-type: none"> • The speed of e-scooters is limited to 12.5mph in Southampton, which is lower than the maximum limit of 15mph. The speed limit is considered as too fast by some groups (and corroborated by the disability roundtable event) and is likely to heighten the risk of collision with pedestrians if inappropriately ridden at speed. This is anticipated to impact disabled and/or older and younger groups of people due to possible reduced mobility or slower reactions to an e-scooter at its maximum speed. • Conversely, for e-scooter users, the speed limit can also be a risk as they are negotiating traffic that can be travelling at double their speed or more, or trying to negotiate difficult traffic conditions (e.g. road works with temporary lights) where speed is required to ride more safely with the flow of traffic. <p>Private E-scooter Use:</p> <ul style="list-style-type: none"> • Private e-scooters are illegal to use in public spaces. Prevalence of private e-scooters could be attributed to the trial e-scooter scheme operated by Voi and SCC, negatively impacting the scheme. <p>Different demographic's uptake of e-scooters:</p> <ul style="list-style-type: none"> • Women: The Sustrans Southampton Bike Life report¹ which reviewed the Southampton City Region cycling habits identifies that 11% of women use a bicycle at least once a week, compared to 27% men. • Ethnic minorities: According to the same report, 22% of white people use a bicycle at least once a week compared to 18% of people from an ethnic minority background. • Disability: 10% of people who are disabled use a bicycle at least once a week compared to 21% of people who are not disabled. • It is assumed that these trends are likely to be mirrored with e-scooters. <p>Cost of using an e-scooter:</p> <ul style="list-style-type: none"> • The e-scooter trial is run by a commercial company and prices are set by Voi.
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¹ [bikelife19_southamptoncr_web.pdf \(sustrans.org.uk\)](https://www.sustrans.org.uk/bikelife19_southamptoncr_web.pdf)

<p>Potential Positive Impacts</p>	<p>E-scooters are successfully implemented in non-UK countries, with the UK looking to implement legislation based on these trials, ensuring it is as robust and informed as it can be.</p> <p>E-scooters will provide a reliable, efficient, and environmentally friendly transport option to residents and visitors in Southampton.</p> <p>Air quality</p> <ul style="list-style-type: none"> • Reduced emissions of particulate matter, NO_x and other pollutants due to reducing combustion engine vehicle trips. • Supports SCC's Air Quality Action Plan, Clean Air Strategy and Local NO₂ Plan (ministerial direction to deliver legal compliance with NO₂ legal limits within the shortest possible time). <p>Greenhouse Gas Emissions:</p> <ul style="list-style-type: none"> • Reducing combustion engine vehicle trips will reduce emissions of greenhouse gas. <p>Public Health and Active Travel:</p> <ul style="list-style-type: none"> • Encouraging alternatives to private vehicle use for short journeys. Using an e-scooter will likely be combined with other modes (e.g. walking, public transport). • Reduced pollution will improve air quality and reduce pollution related deaths in the city. • Access to green and leisure spaces. <p>Covid-19:</p> <ul style="list-style-type: none"> • People may feel less confident to use traditional public transport due to Covid-19 pandemic. E-scooters offer an individual means of travel that could help mitigate the reduction in other public transport use. <p>Complement Existing Transport:</p> <ul style="list-style-type: none"> • E-scooters will also compliment traditional public transport services by providing a "last-mile" option, e.g. from the front door to bus stop, increasing the uptake of public transport and reducing private vehicle use. <p>Economic:</p> <ul style="list-style-type: none"> • E-scooters offer an alternative public transport service that could open access up to jobs that otherwise people would be unable to reach. The scheme currently beings at 4am where other public transport services could be less available. • The e-scooters could also support access to other services such as healthcare, education and leisure facilities. • Micromobility is a new industry, meaning supporting the trial will generate and provide work for jobs for Voi ambassadors, contractors in implementing the infrastructure, local warehouse operatives and others
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	<p>involved in the supply, maintenance and management of the trial.</p> <p>Safety:</p> <ul style="list-style-type: none"> E-scooters offer an alternative public transport option that mean people can travel at speed through areas, potentially making them less vulnerable, particularly at night. <p>Data, Information and Evaluation:</p> <ul style="list-style-type: none"> A large volume of data will be generated by this scheme which will inform future transport schemes in Southampton and inform the Government when drafting permanent legislation change if the trials are successful. The scheme will be continually reviewed and improved meaning the E-scooter provision in Southampton will be continually improved, risks reduced, and effectiveness maximised.
Responsible Service Manager	Pete Boustred
Date	August 2022

Approved by Senior Manager	
Signature	
Date	

Potential Impact

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions <i>(Note: All measures highlighted in the service brief will also mitigate impacts. The below table is a further discussion of those relevant to impacted categories)</i>
Age	<p><u>Older people</u></p> <ul style="list-style-type: none"> • Negative: Some older people may feel more vulnerable to inappropriately or unlawfully ridden e-scooters (e.g. on the pavement, not in accordance with the highway code) and may be more vulnerable to collisions. 	<p><u>Older People</u></p> <ul style="list-style-type: none"> • Ensure the range of safety measures Voi offer on e-scooters (as described above) are implemented. • Training and education requirement and incentives for users. • Require e-scooters to be parked in Mandatory Parking Zones (MPZs) to ensure each parking site is risk assessed for passing pedestrians. • A maximum capacity cap at each parking hub has been introduced to reduce the risk of over supply of e-scooters causing clutter.
	<p><u>Younger People</u></p> <ul style="list-style-type: none"> • Negative: The anticipated higher proportion of use by younger people and potential for less experience on the highway could increase the risk of crashing or inappropriate riding. • Positive: The trial will require a driver's licence and a minimum age of 18. This could benefit university age users, in addition to a student discount by Voi, providing 	<p><u>Younger People</u></p> <ul style="list-style-type: none"> • Training safety events to be held at the university and other key locations in the city where young people are expected to engage and undertake social media campaigning to promote safe riding.

	<p>an affordable means of transport.</p> <ul style="list-style-type: none"> • Positive: Young people are at greatest risk to poor air quality², by encouraging e-scooter use over private vehicles, the associated improvements to air quality will benefit young people. 	
Disability	<ul style="list-style-type: none"> • Negative: Concerns that users will ride on pavements, at speed and otherwise inappropriately may be felt by a higher proportion of disabled people. • Negative: Those with sight or hearing loss may not be able to see or hear e-scooters. • Negative: Parked e-scooters could create an additional hazard on the footway, causing a hazard for a higher proportion of disabled people. • Positive: Some people with disabilities may benefit from publicly available e-scooters if they have difficulties walking. 	<ul style="list-style-type: none"> • Ensure the range of safety measures Voi offer on e-scooters (as described above) are implemented. • Training and education campaign for all users, including emphasis that e-scooters should not be used on the pavement. • Voi have committed to continued development of innovative technology to mitigate sound risk (e.g. adding a unique noise to an e-scooter to make it identifiable to pedestrians and other highways/footway users. • Require e-scooters to be parked in Mandatory Parking Zones (MPZs) to ensure each parking site is risk assessed for passing pedestrians. • A maximum capacity cap at each parking hub has been introduced to reduce the risk of oversupply of e-scooters causing clutter.
Gender Reassignment	N/A	
Marriage and Civil	N/A	

² [How does air pollution affect children's lungs? | British Lung Foundation \(blf.org.uk\)](https://www.blf.org.uk/our-work/raising-awareness/air-pollution)

Partnership		
Pregnancy and Maternity	<ul style="list-style-type: none"> • Negative: Pregnant women and those with young children may experience similar concerns/issues as disabled, older and younger people. 	<ul style="list-style-type: none"> • Measures as per disabled and age category.
Race	<ul style="list-style-type: none"> • Negative: Based on 2011 Census, over 22% of Southampton's population are non-White British. White people are most likely to have a driving licence, with black people being the least likely³. • Negative: Based on results from the 2011 Census, 7,522 households (7.7%) in Southampton have no one in them who speaks English as their main language, compared to 4.4% nationally. This could limit participation in the trial⁴. 	<ul style="list-style-type: none"> • A driving licence is required for the scheme, it is a mandatory requirement set by the DfT so this impact must be accepted. • The Voi website automatically uses Google Translate and the app has 10 different language options. The icons used throughout are also universally recognised to ensure the website is intuitive regardless of language.
Religion or Belief	None	N/A
Sex	<ul style="list-style-type: none"> • Negative: high levels of e-scooter use in cycle lanes and paths could discourage women from walking or cycling in these areas if users of e-scooters are travelling at higher speeds or they are perceived to be less manoeuvrable. 	<ul style="list-style-type: none"> • E-scooters will have a speed cap and will have a minimum age limit, so reducing risk of inconsiderate or dangerous behaviour by scooter users.

³ [Driving licences - GOV.UK Ethnicity facts and figures \(ethnicity-facts-figures.service.gov.uk\)](https://ethnicity-facts-figures.service.gov.uk)

⁴ [Ethnicity and language \(southampton.gov.uk\)](https://southampton.gov.uk)

Sexual Orientation	None	N/A
Community Safety	<p>Negative: Perception that rental e-scooters could be detrimental to community safety (e.g. users congregating at racks, dropping litter at racks, driving e-scooters dangerously or congregation at parking areas)</p> <p>Positive: Voi can track users' journeys and identify e-scooters from ID plates. If someone reports an e-scooter for inappropriate riding or unlawful behaviour, Voi can provide detail to the police that aids investigation.</p>	<ul style="list-style-type: none"> • Representative from local police in contact with project team and have attended safety events. • Ability to implement slow zones, no ride zones and remove racks where significant concerns to community safety are evidenced. • Incidents reported to project team and addressed where appropriate • Inappropriate riding could result in fines or ban from service. • Consultations on rack locations offer opportunity for issues to be raised and addressed. • Clear advertisement of "how to report an e-scooter" either to Voi or to 101/the police. ID plates on Voi e-scooters allow identification of e-scooters and riders.
Poverty	<ul style="list-style-type: none"> • Negative: There is a charge to use the e-scooters, this could be unaffordable to some. Potential users may also not have access to a smart phone or bank account which are essential requirements for the trial. • Positive: 33% of households living in Southampton do not have access to a car (most of whom are in deprived wards). Improving active travel through e-scooter trials will help improve 	<ul style="list-style-type: none"> • Users from low-income groups, who hold a valid HC2 Certificate, can opt in to receive a discount off the cost. • Operator is supporting NHS and Emergency Service workers a discount. • Student discount is for all students and staff higher educational institutes, it enables user to subscribe to monthly and daily Voi passes at a discounted price. • Parking will be deployed in areas of deprivation

	<p>quality of life for residents living in more deprived wards through widening travel horizons to access employment and training opportunities within a certain travel time of where they live.</p>	<p>(according to Index of Deprivation)⁵.</p> <ul style="list-style-type: none"> The service will be integrated with the Mobility as a Service app which will provide alternative way of route planning and paying for e-scooter use. This will promote the various travel options available to all residents and visitors.
<p>Other Significant Impacts</p>	<ul style="list-style-type: none"> Positive: increased levels of use of active travel modes such as e-scooters is expected to improve health (through increased physical activity) and enable cleaner air through mode shift from the private car, walking to and from e-scooters, and aiding accessibility to open spaces in Southampton. It will also contribute to the Council's Green City agenda. 	<ul style="list-style-type: none"> Refine trial as it progresses to ensure benefits are maximised and risks minimised. Develop a Memorandum of Understanding with Voi that commits them to making improvements to key areas of the service and review the performance of this MoU throughout the trial period.

⁵ [Deprivation and poverty \(southampton.gov.uk\)](https://www.southampton.gov.uk/deprivation-and-poverty)

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Agenda Item 8

DECISION-MAKER:	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE		
SUBJECT:	SCRUTINY INQUIRY 2022/23 - SHORTLIST		
DATE OF DECISION:	11 AUGUST 2022		
REPORT OF:	DIRECTOR - LEGAL AND BUSINESS SERVICES		
<u>CONTACT DETAILS</u>			
Executive Director	Title	Director – Legal and Business Services	
	Name:	Richard Ivory	Tel: 023 8083 2794
	E-mail	Richard.ivory@southampton.gov.uk	
Author:	Title	Scrutiny Manager	
	Name:	Mark Pirnie	Tel: 023 8083 3886
	E-mail	Mark.pirnie@southampton.gov.uk	
STATEMENT OF CONFIDENTIALITY			
N/A			
BRIEF SUMMARY			
This Committee is responsible for identifying the topic for the annual scrutiny inquiry. Following consultation, the Chair has identified a shortlist of potential subjects. The Committee are asked to consider the shortlisted subjects and identify a preferred topic for the 2022/23 inquiry.			
RECOMMENDATIONS:			
	(i)	That the Committee considers the shortlist of subjects for the 2022/23 scrutiny inquiry and identifies a preferred topic for which terms of reference can be developed for consideration at the September 2022 meeting of the Committee.	
REASONS FOR REPORT RECOMMENDATIONS			
1.	To enable the scrutiny inquiry to commence in October 2022.		
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED			
2.	A number of suggested topics have been rejected to enable a shortlist to be developed.		
DETAIL (Including consultation carried out)			
3.	Each year the Scrutiny Inquiry Panel undertakes an inquiry that looks in detail at a specific issue with the objective of improving outcomes in Southampton. A list of completed inquiries can be accessed via - Completed inquiries (southampton.gov.uk) .		
4.	It is the role of the Overview and Scrutiny Management Committee (OSMC) to determine the inquiry topic for the Scrutiny Inquiry Panel to undertake, and to agree outline terms of reference for the inquiry.		

5.	In June and July 2022 requests were made to elected members, the Council's Executive Management Team and the public, via the Council's website, for suggestions for the 2022/23 scrutiny inquiry.
6.	From the suggestions submitted, the Chair, in consultation with the Scrutiny Manager, has developed a shortlist of topics from which the Committee are asked to identify a preferred subject.
7.	Whilst the criteria employed is not prescriptive, in general it is recommended that the topic for an inquiry should: <ul style="list-style-type: none"> • Not be overtly political • Reflect an issue impacting on the city • Be something that the city can influence • Be linked to corporate objectives • Preferably be an issue that is beginning to attract national attention.
Shortlist	
8.	The Committee are asked to select a preferred topic from the following suggestions: <ul style="list-style-type: none"> • Toilet provision in the city • Gambling harms • The River Itchen - Protecting, preserving and promoting its use (This could include aspects of flood risk and water quality) • Utilising green spaces effectively to support well-being in deprived communities.
9.	It is proposed that outline terms of reference for the preferred topic will be developed for consideration and approval at the 8 September 2022 meeting of this Committee.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
10.	None.
<u>Property/Other</u>	
11.	None.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
12.	The duty to undertake overview and scrutiny is set out in Part 1A Section 9 of the Local Government Act 2000.
<u>Other Legal Implications:</u>	
13.	None
RISK MANAGEMENT IMPLICATIONS	
14.	None.

POLICY FRAMEWORK IMPLICATIONS		
15.	A new Corporate Plan is scheduled to be agreed at the September meeting of Cabinet.	
KEY DECISION		No
WARDS/COMMUNITIES AFFECTED:		None directly as a result of this report
<u>SUPPORTING DOCUMENTATION</u>		
Appendices		
1.	None	
Documents In Members' Rooms		
1.	None	
Equality Impact Assessment		
Do the implications/subject of the report require an Equality and Safety Impact Assessments (ESIA) to be carried out?		No
Data Protection Impact Assessment		
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out?		No
Other Background Documents 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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