

## COURT LEET PRESENTMENTS 2011

No.	PRESENTMENT	LEAD OFFICER	LEAD MEMBER	INITIAL OFFICER RESPONSE IN CONSULTATION WITH PORTFOLIO HOLDER
<b>Mr Wilkins</b>				
1	<p><b>Disappearance of the City's Mudflats and the proposed development at the Mayflower/Royal Pier Site</b></p> <p>(a) That the Council look at a total ban on any further loss of the City's mudflats.</p>	Dawn Baxendale	Councillor Fitzhenry	<p>It would not be appropriate for the Council to impose such a blanket ban. Planning policies in the City seek to promote an accessible and attractive waterfront (Policy CS12 of the Core Strategy). There are a number of waterfront opportunity sites including Royal Pier and Town Depot. Development of these sites might include reclamation subject to important safeguards on nature conservation and flood risk. The City Centre Action Plan due to be published for public consultation early in the New Year will provide a further chance for the public to express their views on the form of waterfront development.</p>
	<p>(b) That the Council look into the legality of the proposed development of the Mayflower Park site with regard to the right of any official body to give parts of a national heritage site, namely the River Test, away</p>	Dawn Baxendale	Councillor Fitzhenry	<p>The development of Royal Pier is a long standing aspiration of the city set out in Policy MSA 4 of the adopted Local Plan. Legal advice has been sought in the past on the potential for additional land reclamation and the consents which will be required. In principle this is legal, so long as the appropriate consents are secured. The Council liaises with the adjoining landowners, Associated British Ports and the Crown Estates about the future form of the development. Further</p>

No.	PRESENTMENT	LEAD OFFICER	LEAD MEMBER	INITIAL OFFICER RESPONSE IN CONSULTATION WITH PORTFOLIO HOLDER
				advice will be required to secure the necessary marine and environmental consents in addition to planning permission.
<b>Mr Brooks</b>				
2	<p><b>Council Tenant's Rights Under Statute Law</b>  That the Council look in to Housing Departments unfair practice of varying tenancy agreements and in particular refusing to issue rent books which according to the Landlord and Tenant's Act 1985 Sections 4 and 5 is a breach of the Tenancy Agreement.</p>	Nick Cross	Councillor Baillie	<p>When Paypoint cards were phased in for tenants between late 2010 and early 2011 we decided to stop issuing rent cards as they were only being used by a minority of tenants. Mr Brooks corresponded and met with Housing staff at the time as he felt that the Council was under a duty to issue rent books. Legal Services confirmed that his view was incorrect, the Council is expected to issue certain prescribed information under the Housing Act 1985 Landlord and Tenant Act 1985 in a '<i>.....rent book or similar document</i>'. To legally meet this stipulation, we now provide this in the form of a letter which goes out with the annual rent changes. We have not made any variation to Tenancy Agreements and the Council is satisfied it has not breached the Tenancy Agreement or the Landlord and Tenant Act.</p>
<b>Mr Arthur Jeffery, Southampton Commons and Parks Protection Society</b>				

No.	PRESENTMENT	LEAD OFFICER	LEAD MEMBER	INITIAL OFFICER RESPONSE IN CONSULTATION WITH PORTFOLIO HOLDER
3	<p><b>Anti Social Behaviour in the City's Parks, Greenways and Cemeteries</b></p> <p>That the Council looks at augmenting the Park Ranger Team to cope with the ever-increasing problem of anti-social behaviour in the City's Park, Greenways and Cemeteries.</p>	Jon Dyer-Slade	Councillor Hannides	We are reshaping the Ranger team and revisiting the operational arrangements with colleagues from community safety team and the city patrol enforcement team to ensure that the resources available are targeted in the most effective way to deal with the issues raised in the presentment.
<b>Mr Alan Gibson</b>				
4	<p><b>Legality of Picking Blackberries and other fruit on Southampton Common</b></p> <p>That the Council look in to whether it is right that people are banned from picking fruit such as blackberries, apples and chestnuts etc.</p>	Jon Dyer-Slade	Councillor Hannides	People are not banned from picking fruit and berries on the common. To clarify the situation wording to be included in the green spaces user guide currently being drafted.
<b>Mr Jack Candy on behalf of the Open Spaces Society</b>				
5	<p><b>(a) Behaviour in Public Spaces – Proposed Code</b></p> <p>That the Council looks into providing a code for behaviour in public spaces to</p> <ul style="list-style-type: none"> <li>(i) prevent damage by skate boarding and graffiti,</li> <li>(ii) prevent theft of plaques and other features and</li> <li>(iii) prevent the lighting of fires in park and commons</li> </ul>	Jon Dyer-Slade	Councillor Hannides	Letter to be sent to Mr Candy outlining the progress towards a code for behaviour in public spaces.

No.	PRESENTMENT	LEAD OFFICER	LEAD MEMBER	INITIAL OFFICER RESPONSE IN CONSULTATION WITH PORTFOLIO HOLDER
	<p><b>(b) R J Mitchell – Proposed City Centre Feature</b> That the Council looks into providing a sculptural feature in the City’s Central Parks to recognize the contribution of RJ Mitchell to the City.</p>	Mike Harris	Councillor Hannides	The City Council is supportive of the Spitfire Tribute Foundation’s proposal to develop a significant tribute close to Trafalgar Dock. It seems appropriate and beneficial to devote all energies towards achieving this exciting vision, rather than engaging in another project.
	<p><b>(c) How we care for the features we inherit</b> That the Council looks into the cleaning and restoration of the many features that the City has inherited in particular the Jonas, Nichols Fountain, Haysom Memorial, and replacing the many plaques across the City that have been stolen.</p>	Jon Dyer-Slade	Councillor Hannides	The Council has invested a great deal in developing and promoting the City’s fine heritage. Resources allocated for monuments and memorials are unfortunately limited and allocated on a basis that priorities health and safety concerns. In many cases, the cleaning of monuments will cause significant damage and extensive restoration is the only option. As resources permit, we will seek to replace plaques that have been stolen, and undertake a programme of repairs and improvements,
<b>Mr Trowbridge</b>				
6	<b>(a) Hampshire &amp; Isle of Wight Air Ambulance using St James Park, Shirley as a landing site.</b>	N/A	N/A	This presentment was rejected by the Jury.

No.	PRESENTMENT	LEAD OFFICER	LEAD MEMBER	INITIAL OFFICER RESPONSE IN CONSULTATION WITH PORTFOLIO HOLDER
	<p><b>(b) Security Entry Doors at Thruxton Court, Peatree Avenue</b></p> <p>That the Council look into the provision of secured entry door systems at Thruxton Court, Peatree Avenue, to prevent entry by undesirable persons.</p>	Barbara Compton	Councillor Baillie	<p>The Council is not aware of any issues at Thruxton Court and the block is not currently on a programme to install a Door Entry System at the block.</p> <p>We prioritise blocks for door entry based on things like levels of ASB / vandalism being experienced, on-going cost of repairing and maintaining existing doors / door entry, condition and type of existing door entry, tenants / leaseholders specific requirements. We will review the current issues being reported at Thruxton Court and liaise with the residents to give consideration as to whether the block needs to be included in a future programme for Door Entry systems.</p>
	<p><b>(c) Raising Parking Permit Revenue</b></p> <p>That the Council look into increasing parking permit charges for those parking in St James Park Road, Vinery Road and St Winifred's Road and also free parking permits are charged for.</p>	Adrian Richardson	Councillor Fitzhenry	<p>Permit charges cannot be varied for individual roads as they are set generically for all residential areas in the city.</p> <p>The request for implementation of yellow lines on the corners of these roads has been forwarded to the Traffic Management section for consideration.</p>
<b>Mrs Kinchington</b>				
7	<p><b>(a) Park and Ride Scheme in Southampton</b></p> <p>That the Council look into introducing a Park and Ride System in Southampton as other cities.</p>	Dawn Baxendale	Councillor Smith	<p>The transport evidence for the City Council's Core Strategy identified Strategic Park and Ride sites to the west, north and east of the city as a</p>

No.	PRESENTMENT	LEAD OFFICER	LEAD MEMBER	INITIAL OFFICER RESPONSE IN CONSULTATION WITH PORTFOLIO HOLDER
				potential transport intervention to support economic growth in the city centre. The need for Strategic Park and Ride will be further tested by the Transport for South Hampshire Evidence Base, which will comprehensively identify the transport interventions needed to support economic growth across the whole of South Hampshire. It is unlikely that Strategic Park and Ride will be required until there is a significant growth in city centre employment development.
	<p><b>(b) Rubbish around Central Station</b> That the Council instigate more rubbish collections around Central Station to stop the collection of litter.</p>	Andrew Trayer	Councillor Fitzhenry	Letter to be sent to Mrs Kinchington - thanking her for bringing the matter to our attention. The city centre cleansing team have been asked to monitor and review the litter bin provision / frequency of collection around the central station area. A wider review of litter bin emptying is also underway and the cleansing team are confident that the frequency of collection can be adjusted to meet the future needs and prevent bins from over filling.
<b>Christine Miles</b>				
8	<p><b>Rebate on Council Tax due to lack to Bin Collections</b> That the Council look into the residents receiving a council tax rebate due the lack of bin collections in</p>	Andrew Trayer	Councillor Smith	Council tax liability is determined by the Local Government Finance Act 1992 and under the terms of this act the council is not legally able to offer council tax refunds in these circumstances in

No.	PRESENTMENT	LEAD OFFICER	LEAD MEMBER	INITIAL OFFICER RESPONSE IN CONSULTATION WITH PORTFOLIO HOLDER
	the City due to the industrial action.			<p>response to any service issues which occurred during the Council Tax billing year 2011/12.</p> <p>All residents are legally obliged to pay their council tax in full.</p> <p>Section 76 of the Local Government Act 2003 inserted a new section 13A into the LGFA 1992 which gave billing authorities in England and Wales a broad discretion to reduce the amount of council tax payable as respects a dwelling, to such extent as they think fit. Authorities may exercise this power in individual cases (e.g. individual hardship, in cases where the taxpayer is not eligible for council tax benefit, for example, where the dwelling is not their sole or main residence) or they may determine classes of case in which liability is to be reduced (i.e. the equivalent of authorities determining exempt dwellings classes, or reductions in circumstances other than those prescribed in regulations under section 13 of the LGFA 1992). In any of the above cases, these determinations must be made <b>before</b> the amounts payable for the year are determined, notice given of the amounts payable in the financial year and bills issued in accordance with</p>

No.	PRESENTMENT	LEAD OFFICER	LEAD MEMBER	INITIAL OFFICER RESPONSE IN CONSULTATION WITH PORTFOLIO HOLDER
				<p>the provisions of the Act and must directly relate to the anticipated levels of service to be provided within the year to which the bills relate (not to any previous or future years). Section 13A has been used by the Council in previous years to set reduced rates for pensioners and special constables, however it has not been used for any other purpose.</p> <p>If the Council were to consider using section 13A to provide some form of Council Tax discount tax for future years in relation to service levels for waste collection (as opposed to a 'rebate' as that would clearly be unlawful) that would be subject to further legal investigation in due course.</p>
<b>Maureen Stockwell</b>				
9	<p><b>No 9 and No 8 Bus Services in Southampton</b></p> <p>That the Council enquire of First Bus whether the No 9 Bus could stop at Waterloo Road and also increase the frequency of the No 8 Bus which currently runs every hour.</p>	Adrian Richardson	Councillor Fitzhenry	<p>Bus services 8 and 9 along Waterloo Road are operated by Bluestar commercially. The Council have approached Bluestar about stopping service X9. Their response is "service X9 is an express service from Hythe so they would not be willing to stop additionally and there are alternative buses along Waterloo Road every 10 minutes on services 6, 8, 10, 11 and 12.</p>



No.	PRESENTMENT	LEAD OFFICER	LEAD MEMBER	INITIAL OFFICER RESPONSE IN CONSULTATION WITH PORTFOLIO HOLDER
				The request to increase the frequency on service 8 would not stack up commercially as the bus company do not believe there would be sufficient revenue to cover the cost".