

# CABINET

**Monday, 11th April, 2011  
at 5.00 pm  
Council Chamber**

This meeting is open to the public

## **Members**

Councillor Smith, Leader of the Council  
Councillor Moulton, Cabinet Member for Children's  
Services and learning  
Councillor Baillie, Cabinet Member for Housing  
Councillor Dean, Cabinet Member for Environment  
and Transport  
Councillor White, Cabinet Member for Adult Social  
Care and Health  
Councillor P Williams, Cabinet Member for Local  
Services and Community Safety  
Councillor Hannides, Cabinet Member for  
Resources, Leisure and Culture

(QUORUM – 3)

## **Contacts**

Cabinet Administrator  
Judy Cordell  
Tel: 023 8083 2766  
Email: [judy.cordell@southampton.gov.uk](mailto:judy.cordell@southampton.gov.uk)

Director of Corporate Policy and Economic  
Development  
Dawn Baxendale  
Tel: 023 8091 7713  
Email: [dawn.baxendale@southampton.gov.uk](mailto:dawn.baxendale@southampton.gov.uk)

# **BACKGROUND AND RELEVANT INFORMATION**

## **The Role of the Executive**

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

## **Executive Functions**

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

## **The Forward Plan**

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

## **Key Decisions**

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

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

Decisions to be discussed or taken that are key

## **Implementation of Decisions**

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

## **Southampton City Council's Six Priorities**

- Providing good value, high quality services
- Getting the City working
- Investing in education and training
- Keeping people safe
- Keeping the City clean and green
- Looking after people

## **Procedure / Public Representations**

Reports for decision by the Cabinet (Part A of the agenda) or by individual Cabinet Members (Part B of the agenda). Interested members of the public may, with the consent of the Cabinet Chair or the individual Cabinet Member as appropriate, make representations thereon.

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

**Mobile Telephones** – Please turn off your mobile telephone whilst in the meeting.

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

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

## **Municipal Year Dates (Mondays)**

<b>2010</b>	<b>2011</b>
7 June	17 January
21 June	7 February
5 July	14 February
2 August	14 March
6 September	11 April
27 September	
25 October	
22 November	
20 December	

## CONDUCT OF MEETING

### TERMS OF REFERENCE

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

### BUSINESS TO BE DISCUSSED

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

### RULES OF PROCEDURE

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

### QUORUM

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

### DISCLOSURE OF INTERESTS

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

### PERSONAL INTERESTS

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

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

A Member must disclose a personal interest.

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## **Prejudicial Interests**

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

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

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

There are some limited exceptions.

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

## **Principles of Decision Making**

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

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

In exercising discretion, the decision maker must:

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

## AGENDA

**Agendas and papers are now available via the Council's Website**

### **1 APOLOGIES**

To receive any apologies.

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

In accordance with the Local Government Act, 2000, and the Council's Code of Conduct adopted on 16th May, 2007, Members to disclose any personal or prejudicial 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 STATEMENT FROM THE LEADER**

### **4 RECORD OF THE PREVIOUS DECISION MAKING**

Record of the decision making held on 14<sup>th</sup> March, 2011 attached.

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

There are no matters referred for reconsideration.

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

There are no items for consideration.

### **7 EXECUTIVE APPOINTMENTS**

To deal with any executive appointments, as required.

## **ITEMS FOR DECISION BY CABINET**

### **8 HOME TO SCHOOL AND POST-16 TRANSPORT POLICY FOR THE 2011-12 ACADEMIC YEAR**

Report of the Cabinet Member for Children's Services and Learning seeking a decision on whether to remove all discretionary funding for all pupils with effect from September 2011, or new pupils and whether to introduce a graded fare charging system for post-16, attached.

**9 DETERMINATION OF WORDSWORTH INFANT SCHOOL'S PROPOSAL TO EXPAND FROM A 2 FORM ENTRY INFANT TO A 3 FORM ENTRY PRIMARY SCHOOL FROM SEPTEMBER 2012**

Report of the Cabinet Member for Children's Services and Learning seeking approval to determination of Wordsworth Infant School's proposal to expand from a 2 Form Entry Infant to a 3 Form Entry Primary School from September 2012, attached.

**10 HOUSING REVENUE ACCOUNT (HRA) CAPITAL PROGRAMME PROJECT APPROVALS 2011/12 - PHASE 1**

Report of the Cabinet Member for Housing seeking formal approval for Phase 1 Project Approvals in the approved HRA Capital Programme commencing in 2011/12, attached.

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

To move 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 appendices 3 and 4 to item 12.

Confidential Appendix 3 contains information deemed to be exempt from general publication based on Category 3 of Paragraph 10.4 of the Council's Access to Information Procedure Rules. The appendix includes details of a proposed transaction which, if disclosed prior to entering into a Legal contract, could put the Council at a commercial disadvantage in the future, in the event of the proposed sale not completing.

Confidential Appendix 4 contains information deemed to be exempt from general publication based on Category 5 of Paragraph 10.4 of the Council's Access to Information Procedure Rules. The appendix includes information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

**12 PHASE 2 ESTATE REGENERATION PROGRAMME - CUMBRIAN WAY**

Report of the Cabinet Member for Housing seeking authority to dispose of land at the site, Lot 2, Cumbrian Way Shopping Parade, attached.

**13 OBJECTION TO PROPOSED DISPOSAL OF MAYFIELD LODGE**

Report of the Cabinet Member for Resources, Leisure and Culture outlining the objection to the proposed disposal of Mayfield Lodge and requesting Cabinet to give the matter further consideration, attached.

**ITEMS FOR DECISION BY CABINET MEMBER**

**14 PORTSWOOD RESIDENTS GARDENS CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN**

Report of the Executive Director of Environment and Transport concerning the adoption of the above conservation Area Appraisal and Management Plan, and to authorise the use of the policies contained within the Management Plan to guide future development proposals in the Conservation Area, attached.

Friday, 1 April 2011

SOLICITOR TO THE COUNCIL

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# Agenda Item 4

## EXECUTIVE DECISION MAKING

### RECORD OF THE DECISION MAKING HELD ON 14 MARCH 2011

#### Present:

Councillor Smith	-	Leader of the Council (except item 80)
Councillor Moulton	-	Cabinet Member for Children's Services and learning
Councillor Baillie	-	Cabinet Member for Housing
Councillor Dean	-	Cabinet Member for Environment and Transport
Councillor White	-	Cabinet Member for Adult Social Care and Health (except item 80)
Councillor P Williams	-	Cabinet Member for Local Services and Community Safety (except item 80)
Councillor Hannides	-	Cabinet Member for Resources, Leisure and Culture (except item 80)

#### **COUNCILLOR DEAN - CHAIRMAN**

#### 80. PROPOSALS FOR WAITING RESTRICTIONS IN BASSETT HEATH AVENUE, SAXHOLM WAY AND WYNTER ROAD (TRO)

DECISION MADE: (Ref: CAB 10/11 5451)

On consideration of the report of the Head of Highways and Parking Services and having received representations from local residents Cabinet agreed the following:

- (i) To approve the proposed amended No Waiting, 10.00am to 4.00pm, Saturday to Sunday restriction in Wynter Road.
- (ii) To delegated authority to the Head of Highways and Parking Services to review the scheme set out in recommendation (i) above in 12 months time.
- (iii) Not to adopt the proposed No Waiting at Any Time restrictions in Bassett Heath Avenue and Saxholm Way.

#### **COUNCILLOR SMITH – CHAIRMAN**

#### 81. RECORD OF THE PREVIOUS DECISION MAKING

The record of the Executive decision making held on 17 January 2011 were received and noted as a correct record.

#### 82. REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES (IF ANY)

On consideration of the report of the Chair of Scrutiny Panel C detailing the Knowledge Economy Scrutiny Inquiry, Cabinet agreed:

- (i) To develop a formal response to recommendations contained within it, including an action plan detailing how the Executive proposes to take forward any of the recommendations contained in the report.

83. EXECUTIVE APPOINTMENTS

Cabinet approved the following appointments for Councillor Moulton to replace Councillor Holmes:

Learning Disabilities Partnership Board  
Southampton Children and Young People's Trust Partnership Board

84. ADMISSION ARRANGEMENTS 2012-13

DECISION MADE: (Ref: CAB 10/11 5812)

On consideration of the report of the Cabinet Member for Children's Services and Learning Cabinet approved the following:

- (i) the responses from the consultation with Southampton Admissions Forum, schools, other relevant admission authorities, and the Church of England and Roman Catholic dioceses be noted;
- (ii) the admissions policies and the published admission numbers (PANs) for community and voluntary controlled schools, including Bitterne Park selection by aptitude and 6<sup>th</sup> form arrangements; the schemes for co-ordinating primary and secondary admissions for the academic year 2021-13; and the scheme for co-ordinating in year admissions from September 2011 as set out in Appendices 1- 7 be approved;
- (iii) the published admission numbers (PAN)s for the following seven schools, which the local authority is the admission authority, to Year R in September 2012 be increased:

Banister Infant School	from 45 to 60.
Fairisle Infant and Nursery School	from 90 to 120
Harefield Primary School	from 45 to 60
Tanners Brook Infant School	from 90 to 120
Valentine Infant School	from 90 to 120
Sholing Infant School	from 60 to 90
St Mark's C of E VC Primary School	from 60 to 90

These increases in Year R, 180, admission numbers will provide for the extra places needed to accommodate the increase in the number of children in the city needed school places.

No changes to the PANs of other community and voluntary controlled schools are recommended at this point.

- (iv) the published admission numbers (PAN)s for the following school – Mount Pleasant Junior School, which the local authority is the admission authority, to Year 3 in September 2012 be increased from 60 to 90. This will enable the school to accommodate the increase in PAN numbers at Maytree Infant School approved two years ago; and

- (v) the Executive Director for Children's Services and Learning be authorised to take any action necessary to give effect to the above proposals.

85. CHANGES TO THE SCHOOLS FAIR FUNDING FORMULA 2011/12

DECISION MADE: (Ref: CAB 10/11 5613)

On consideration of the report of the Assistant Director of Children's Services and Learning Cabinet agreed the following:

- (i) To approve an amendment to the Fair Funding Formula for 2011/12, as detailed in Appendix 1 to the report, which will allow Standards Fund Grants to be allocated to schools on the same basis as in 2010/11.

86. PROPOSALS TO INCREASE THE NUMBER OF PRIMARY SCHOOL PLACES IN THE CITY

DECISION MADE: (Ref: CAB 10/11 5736)

On consideration of the report of the Cabinet Member for Children's Services and Learning, Cabinet agreed the following:

1. To consider and take into account the outcome of statutory consultation as set out in Appendix 1 of the report.
2. To approve the implementation of the enlargement of the following 6 schools from 1 September 2011, creating 130 new places:
  - (i) The enlargement by 15 places (0.5FE – forms of entry) per year group of Bassett Green Primary School, with implementation from 1 September 2011, beginning with Year R and continuing incrementally until all 7 years have been expanded. This would have the effect of enlarging the school from 1.5FE (45 places) to 2FE (60 places) per year group, and increasing the net capacity from 315 to 420 by September 1 2017.
  - (ii) The enlargement by 30 places (1FE – form of entry) per year group of Glenfield Infant School, with implementation from 1 September 2011, beginning with Year R and continuing incrementally until all 3 years have been expanded. This would have the effect of enlarging the school from 2FE (60 places) to 3FE (90 places) per year group, and increasing the net capacity from 179 to 270 by 1 September 2013.
  - (iii) The enlargement by 10 places (0.33FE – forms of entry) per year group of Highfield CE Primary School, with implementation from 1 September 2011, beginning with Year R and continuing incrementally until all 7 years have been expanded. This would have the effect of enlarging the school from 1.16FE (35 places) to 1.5FE (45 places) per year group, and increasing the net capacity from 233 to 315 by 1 September 2017. This enlargement would be carried out in conjunction with the CE diocese of Winchester.

- (iv) The enlargement by 15 places (0.5FE – forms of entry) per year group of Kaneshill Primary School, with implementation from 1 September 2011, beginning with Year R and continuing incrementally until all 7 years have been expanded. This would have the effect of enlarging the school from 1.5FE (45 places) to 2FE (60 places) per year group, and increasing the net capacity from 315 to 420 by 1 September 2017.
  - (v) The enlargement by 30 places (1FE – forms of entry) per year group of Moorlands Primary School, with implementation from 1 September 2011, beginning with Year R and continuing incrementally until all 7 years have been expanded. This would have the effect of enlarging the school from 1FE (30 places) to 2FE (60 places) per year group, and increasing the net capacity from 210 to 420 by 1 September 2017.
  - (vi) The enlargement by 30 places (1FE – forms of entry) per year group of Shirley Warren Primary School, with implementation from 1 September 2011, beginning with Year R and continuing incrementally until all 7 years have been expanded. This would have the effect of enlarging the school from 1FE (30 places) to 2FE (60 places) per year group, and increasing the net capacity from 210 to 420 by 1 September 2017.
3. Subject to the condition that changes to the admission arrangements, including the PAN, for each school is approved by the relevant Admission Authority by the implementation date, to approve the implementation of the enlargement of the following 12 schools from 1 September 2012, creating 315 new places:
- (i) To revoke the proposals approved by Southampton City Council on 9th July 2009 to change Banister Infant School (Community School) Banister Gardens, Westrow Road, Southampton, SO15 2LX from an infant and nursery school to become an all through primary school by changing the age range of pupils to be admitted from 3-7 year olds to 3-11 year olds from September 2013 increasing the size of the school from 135 pupils to 315 pupils by September 2016. Instead, the following alterations will be made to Banister Infant School (Community School) Banister Gardens, Westrow Road, Southampton, SO15 2LX from 1st September 2012. To increase admissions to Banister Infant School by admitting a further 15 pupils to Year R (age 4) from September 2012 and continuing each school year until all years have been expanded and from 1st September 2013 to change Banister Infant School from an infant and nursery school to become an all through primary school by changing the age range of pupils to be admitted from 3-7 year olds to 3-11 year olds. In order to achieve the change of age range up to 60 pupils will be permitted to transfer from Year 2 (age 6) to Year 3 (age 7) or be admitted as casual vacancies to Year 3 (age 7) from September 2013 and in subsequent school years. This will have the effect of enlarging the school from 162 places to 420 places by 1 September 2018. The current net capacity of the school is 162 (excluding the nursery) and the proposed net capacity will be 420 statutory school age places. The current number of pupils registered at the school is 130 (excluding the nursery). The current admissions number is 45 and the proposed admission number will be 60.

- (ii) The enlargement by 30 places (1FE – form of entry) per year group of Fairisle Infant & Nursery School, with implementation from 1 September 2012, beginning with Year R and continuing incrementally until all 3 years have been expanded. This would have the effect of enlarging the school from 3FE (90 places) to 4FE (120 places) per year group, and increasing the net capacity from 270 to 360 by 1 September 2014.
- (iii) The enlargement by 30 places (1FE – form of entry) per year group of Fairisle Junior School, with implementation from 1 September 2015, beginning with Year 3 and continuing incrementally until all 4 years have been expanded. This would have the effect of enlarging the school from 3FE (90 places) to 4FE (120 places) per year group, and increasing the net capacity from 360 to 480 by 1 September 2018.  
Proposal 3(ii) and 3(iii) are linked.
- (iv) The enlargement by 15 places (0.5FE – forms of entry) per year group of Harefield Primary School, with implementation from 1 September 2012, beginning with Year R and continuing incrementally until all 7 years have been expanded. This would have the effect of enlarging the school from 1.5FE (45 places) to 2FE (60 places) per year group, and increasing the net capacity from 315 to 420 by September 1 2017.
- (v) The enlargement by 30 places (1FE – form of entry) per year group of Tanners Brook Infant School, with implementation from 1 September 2012, beginning with Year R and continuing incrementally until all 3 years have been expanded. This would have the effect of enlarging the school from 3FE (90 places) to 4FE (120 places) per year group, and increasing the net capacity from 270 to 360 by 1 September 2014.
- (vi) The enlargement by 30 places (1FE – form of entry) per year group of Tanners Brook Junior School, with implementation from 1 September 2015, beginning with Year 3 and continuing incrementally until all 4 years have been expanded. This would have the effect of enlarging the school from 3FE (90 places) to 4FE (120 places) per year group, and increasing the net capacity from 360 to 480 by 1 September 2018.  
Proposals 3(v) and 3(vi) are linked.
- (vii) The enlargement by 30 places (1FE – form of entry) per year group of Valentine Infant School, with implementation from 1 September 2012, beginning with Year R and continuing incrementally until all 3 years have been expanded. This would have the effect of enlarging the school from 3FE (90 places) to 4FE (120 places) per year group, and increasing the net capacity from 270 to 360 by 1 September 2014.
- (viii) The enlargement by 30 places (1FE – form of entry) per year group of Heathfield Junior School, with implementation from 1 September 2015, beginning with Year 3 and continuing incrementally until all 4 years have been expanded. This would have the effect of enlarging the school from 3FE (90 places) to 4FE (120 places) per year group,

and increasing the net capacity from 359 to 480 by 1 September 2018.

Proposal 3(vii) and 3(viii) are linked.

- (ix) The enlargement by 30 places (1FE – form of entry) per year group of Sholing Infant School, with implementation from 1 September 2012, beginning with Year R and continuing incrementally until all 3 years have been expanded. This would have the effect of enlarging the school from 2FE (60 places) to 3FE (90 places) per year group, and increasing the net capacity from 174 to 270 by 1 September 2014.
- (x) Linked to this is the enlargement by 30 places (1FE – form of entry) per year group of Sholing Junior School, with implementation from 1 September 2015, beginning with Year 3 and continuing incrementally until all 4 years have been expanded. This would have the effect of enlarging the school from 2FE (60 places) to 3FE (90 places) per year group, and increasing the net capacity from 239 to 360 by 1 September 2018.  
Proposals 3(ix) and 3(x) are linked.
- (xi) The enlargement by 15 places (0.5FE – forms of entry) per year group of St Patrick's Catholic Primary School, with implementation from 1 September 2012, beginning with Year R and continuing incrementally until all 7 years have been expanded. This would have the effect of enlarging the school from 1.5FE (45 places) to 2FE (60 places) per year group, and increasing the net capacity from 315 to 420 by 1 September 2018. This enlargement would be carried out in conjunction with the RC diocese of Portsmouth.
- (xii) The enlargement by 30 places (1FE – forms of entry) per year group of St Mark's CE Primary School, with implementation from 1 September 2012, beginning with Year R and continuing incrementally until all 7 years have been expanded. This would have the effect of enlarging the school from 2FE (60 places) to 3FE (90 places) per year group, and increasing the net capacity from 459 to 630 by 1 September 2018. This enlargement would be carried out in conjunction with the CE diocese of Winchester.

NOTE:

All the proposals in section 3 are conditional upon the Admissions Authority for each school, the Local Authority for community and Voluntary Community Schools, altering their admissions arrangements and increasing the relevant PAN's (published admission numbers) either through the relevant annual admissions process or by individual in-year application to the Schools Adjudicator. This includes proposals for St Patrick's which, as a Voluntary Aided School are their own admission authority, and would need to apply to the schools adjudicator to increase their PAN from 45 to 60, if/when they are happy with the expansion scheme that the Local Authority are formulating. If the relevant PANs are not increased, the condition required to expand will not be met and the proposals cannot be implemented. In such circumstances the LA will seek to revoke any proposal that cannot be implemented by the relevant implementation date.

4. To note enlargements to the following two schools, creating 60 places, which do not need statutory proposals, but will be implemented through the annual admissions process.
  - (i) The enlargement by 30 places (1FE – form of entry) per year group of Beechwood Junior School, with implementation from 1 September 2014, beginning with Year 3 and continuing incrementally until all 4 years have been expanded. This would have the effect of enlarging the school from 2FE (60 places) to 3FE (90 places) per year group, and increasing the net capacity from 311 to 360 by 1 September 2017.
  - (ii) The enlargement by 30 places (1FE – forms of entry) per year group of Mansel Park Primary School, with implementation from 1 September 2011, beginning with Year R and continuing incrementally until all 7 years have been expanded. This would have the effect of enlarging the school from 1FE (30 places) to 2FE (60 places) per year group, and increasing the net capacity from 358 to 420 by 1 September 2017.
5. Subject to complying with Financial and Contract Procedure Rules, to delegate authority to the Executive Director of Children’s Services & Learning, following consultation with the Cabinet Member for Children’s Services & Learning to do anything necessary to give effect to the recommendations in this report.
6. To delegate authority to the Executive Director for Children’s Services & Learning in consultation with the Solicitor to the Council to take any action necessary to comply with the requirements of the Schools Standards & Frameworks Act 1998 and associated legislation, including but not limited to alterations to catchment areas, transport provision and other ancillary matters.
7. To add in accordance with Financial Procedure Rules a sum of £4,735,000 to the Children’s Services & Learning Capital Programme, for Primary Review Phase 2, funded from Basic Need grant.
8. To approve, in accordance with Financial Procedure Rules, capital expenditure of £4,735,000 in 2012/13 from the Children’s Services & Learning Capital Programme for Primary Review Phase 2.
9. To vire, in accordance with Financial Procedure Rules a sum of £574,000 from the Banister Infant Primary Review Phase 1 budget to the Primary Review Phase 2 scheme.

87. BITTERNE PARK 6TH FORM - MODIFICATION OF IMPLEMENTATION DATE  
 DECISION MADE: (Ref: CAB 10/11 5871)

On consideration of the report of the Cabinet Member for Children’s Services and Learning, Cabinet agreed the following:

- (i) To approve a modification to the Cabinet decision of 21<sup>st</sup> September 2009 by way of alteration to the implementation date for the opening of Bitterne Park 6<sup>th</sup> Form from September 2012 to September 2011.

- (ii) Subject to the approval of recommendation (i) above, to approve a modification to the Cabinet decision of 21<sup>st</sup> September 2009 by way of approving the Admissions Policy for the early opening of Bitterne Park 6<sup>th</sup> Form in September 2011 as set out in Appendix 1 of the report.

88. LOCAL TRANSPORT PLAN 3

DECISION MADE: (Ref: CAB 10/11 5466)

On consideration of the report of the Cabinet Member for Children's Services and Learning, Cabinet approved the following:

- (i) That the Local Transport Plan (LTP) twenty year Joint Strategy for South Hampshire developed in partnership with Portsmouth City Council and Hampshire County Council be agreed;
- (ii) That the Local Transport Plan Implementation Plan 2011-2015 for Southampton be agreed;
- (iii) That the Implementation Plan be revised each year and be developed alongside the overall Capital Programme.
- (iv) To delegate authority to the Executive Member for Transport and Environment to make minor amendments to the Implementation Plan annually so as to reflect minor changes.

89. PLANNING PERMISSION REQUIRED FOR HOUSES IN MULTIPLE OCCUPATION

DECISION MADE: (Ref: CAB 10/11 5858)

On consideration of the report of the Cabinet Member for Environment and Transport, Cabinet agreed the following:

- (i) To resolve that the making of a direction pursuant to Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 on a City wide basis to withdraw the permitted development rights to convert a dwellinghouse (C3) to a House in Multiple Occupation (C4) is appropriate, and justified, in order to prevent harm to the local amenity and for the proper planning of the Southampton area.
- (ii) To approve the making of the Article 4(1) Direction for the City Boundary attached at Appendix 1.
- (iii) To delegate authority to the Solicitor to the Council, following consultation with the Head of Planning and Sustainability and the Cabinet Member for Environment and Transport to make the article 4 ( 1) direction for the city boundary and to carry out all necessary consultation following the making of the Direction, to notify the Secretary of State in accordance with statutory requirements and to take all other action considered necessary or expedient to give effect to the matters set out in this report.
- (iv) To confirm that, in accordance with the Town and Country Planning (Compensation) (No.3) (England) Regulations 2010, the city-wide Article 4(1) Direction will be effective no earlier than 15<sup>th</sup> March 2012.
- (v) To note that, following public consultation, a further report will be presented to Cabinet reporting on the outcome of the consultation and recommending whether or not to confirm the Direction.

90. PROCUREMENT OF A PARTNER TO DELIVER SPORTS DEVELOPMENT FUNCTIONS ON BEHALF OF THE CITY COUNCIL

DECISION MADE: (Ref: CAB 10/11 5467)

On consideration of the report of the Cabinet Member for Resources, Leisure and Culture, Cabinet agreed the following:

- (i) To approve the procurement exercise to secure a partner to deliver the sports development functions on the Council's behalf.
- (ii) To delegate authority to the Executive Director of Neighbourhoods, in consultation with the Executive Director of Resources and the Solicitor to the Council following consultation with the relevant Cabinet Member, to appoint a partner to manage the sports development function on behalf of the Council, in accordance with the framework as set out in confidential appendix 1 attached to this report.
- (iii) To authorise the Executive Directors of Resources and Neighbourhoods and the Solicitor to the Council to take any further action necessary to give effect to the decisions of the Executive in relation to this matter.

91. APPROVAL TO SPEND CAPITAL FUNDING ON ENVIRONMENT AND TRANSPORT PORTFOLIO SCHEMES IN 2011/12

DECISION MADE: (Ref: CAB 10/11 5408)

On consideration of the report of the Cabinet Member for Environment and Transport, Cabinet agreed the following:

- (i) To approve variations, totalling £200,000 in 2011/12, to the Environment and Transport Capital Programme agreed at Council on 16<sup>th</sup> February 2011, as detailed in Appendix 4.
- (ii) To approve, in accordance with Financial Procedure Rules, capital expenditure of £11,206,000 in 2011/12, as detailed in Appendix 2, from the total Environment and Transport Capital Programme of £19,612,000.
- (iii) To note the detail of the projects within the Capital Programme for 2011/12 as set out in Appendix 3.

92. ADOPTION OF THE SAFE CITY PARTNERSHIP PLAN 2011/12

DECISION MADE: (Ref: CAB 10/11 5477)

On consideration of the report of the Cabinet Member for Local Services and Community Safety, Cabinet agreed the following:

- (i) To approve the Safe City Partnership Annual Plan 2011/12 and to recommend the Plan to Council for approval.

93. DISPOSAL OF LAND AT STUDLAND ROAD REDBRIDGE, SOUTHAMPTON

DECISION MADE: (Ref: CAB 10/11 5476)

On consideration of the report of the Cabinet Member for Resources, Leisure and Culture, Cabinet agreed the following:

- (i) To approve in principle the sale terms of the Studland Road to Raglan Housing Group Limited (Raglan) as detailed in appendix 2.
- (ii) To delegate authority to Head of Property and Procurement in consultation with the Cabinet member for Resources and Workforce Planning to agree detailed terms.

94. WESTRIDGE ROAD CAR PARK

DECISION MADE: (Ref: CAB 10/11 5542)

On consideration of the report of the Cabinet Member for Resources, Leisure and Culture and having received representations from a local resident and Members of the Council, Cabinet agreed the following modified recommendations:

- (i) To delegate authority to the Head of Property & Procurement to accept the offer set out in the confidential appendix 1 and negotiate final terms for the long leasehold disposal of the property, provided the new owner accepts a legal obligation to continue use the area of land identified on the attached plan (or a similar area) for free short stay parking regardless of whether motorists shop at the proposed new supermarket and to undertake such ancillary action as necessary in order to exchange contracts on a conditional basis (subject to planning consent and other conditions).

Additional Recommendations:

- (ii) To note that the Council would only agree to the leasehold sale if the supermarket operator is able to obtain satisfactory planning permission.
- (iii) To note the local concern regarding possible access for shopper' vehicles from St. Denys Road and make this point known to the Council's Planners.
- (iv) To resolve to look at whether some of the capital receipt could be used to reinvest into Portswood District Centre and the neighbouring area to support local traders and shoppers and mitigate any traffic impact on local people, having regard to the planned Sainsbury's development.
- (v) To review the traffic arrangements for the Portswood Residents Garden area, with regard to the impact of traffic using these roads as a rat run. A consultation of local residents to take place in the first instance.

95. 2011/12 GRANTS TO VOLUNTARY ORGANISATIONS

DECISION MADE: (Ref: CAB 10/11 4884)

On consideration of the report of the Cabinet Member for Local Services and Community Safety, having considered the City of Southampton Strategy, particularly where grants are authorised under S.2 of the Local Government Act 2000 and having received representations from those affected by the allocation of Grant, Cabinet agreed the following amended decision:

- (i) To approve, subject to impact assessments, the grant recommendations set out in the amended Appendices 1a and 1b.
- (ii) To approve the use of general fund contingencies of £170,577 excluding any notice periods that need to be paid in 2011/12 to fund the recommendations in this report.
- (iii) To approve that the second instalment of £18,750 of the 2010/11 grant to Solent Sky is carried forward and paid to the organisation in 2011/12.
- (iv) To approve an allocation of £50,000 of the budget to fund the Community Chest small grants scheme.
- (v) To delegate authority to the Manager of the Communities Team following consultation with the Cabinet Member for Local Services and Community Safety to allocate Community Chest grants during the year.
- (vi) To approve the following additions to the standard grants criteria  
Applications will not normally be considered
  - from recently formed organisations for large grants
  - to fund projects that have unsuccessfully tendered for a contracted service (SCC or other)
  - to subsidise contracts (SCC or other)
  - towards political activities
  - for large capital projects
- (vii) To delegate authority to the Executive Director of Neighbourhoods following consultation with the Cabinet Member for Local Services and Community Safety to:
  - determine any outstanding applications for grants for 2011/12 and to authorise grants to applicants subject to remaining within approved budgets
  - to determine notice periods, where appropriate, where grants have been reduced or discontinued
  - do anything necessary to give effect to allocation of grants for 2011/12 and 2012/13
  - progress the work to establish the value of the “help in kind” the council provides to the voluntary sector
  - conduct a review of whether it would be more appropriate to move towards commissioning and purchasing some of the services that are currently grant aided
- (viii) To delegate authority to the Executive Director of Neighbourhoods in consultation with the Cabinet Member for Housing and the Cabinet Member for Local Services and Community Safety to explore the possibility of

additional grants being made available to voluntary organisations from the Housing Revenue Account (HRA) for activities of benefit to council tenants.

- (ix) To delegate authority to the Head of Efficiency and Business Transformation in consultation with the Cabinet Member for Local Services and Community Safety and other relevant Cabinet Members to conduct a cross service review of advice services in the city.

96. RISK ASSESSMENT: PRIMARY CAPITAL PROGRAMME

DECISION MADE: (Ref: CAB 10/11 6147)

On consideration of the report of the Executive Director of Children's Services and Learning detailing the Risk Assessment for the Primary Capital Programme, Cabinet agreed the recommendations set out in the confidential report.

# Agenda Item 8

<b>DECISION-MAKER:</b>	CABINET
<b>SUBJECT:</b>	HOME TO SCHOOL AND POST-16 TRANSPORT POLICY 2011-12 ACADEMIC YEAR
<b>DATE OF DECISION:</b>	11 APRIL 2011
<b>REPORT OF:</b>	CABINET MEMBER FOR CHILDREN'S SERVICES AND LEARNING
<b>STATEMENT OF CONFIDENTIALITY</b>	
None	

## **BRIEF SUMMARY**

Following a consultation regarding the Authority's Home to School and Post-16 Transport Policy, Cabinet is asked to determine whether to remove discretionary transport funding for all pupils from September 2011, or for new pupils, and whether to introduce a graded fare charging system for post-16 students.

## **RECOMMENDATIONS:**

- (i) To retain discretionary Special Education Needs (SEN) early years transport provision to Weston Shore, whilst a full cost benefit review and options appraisal is undertaken.
- (ii) To retain current SEN primary and secondary transport provision.
- (iii) From September 2012, for 'new' mainstream primary and mainstream secondary pupils, to offer the statutory minimum. Therefore, no change in current policy for the 2011-12 academic year.
- (iv) Having had regard to the duty under s.509AD of the Education Act 1996 to remove all discretionary assistance for 'new' pupils for travel to faith schools from September 2012. Therefore, no change in current policy for the 2011-12 academic year.
- (v) To remove assistance for those who move school in year 10 / 11 from September 2011.
- (vi) To remove all post-16 assistance for 'new' mainstream students attending a mainstream establishment from September 2011, whilst undertaking a review of personal budgets and the possible introduction of a 'local payment'.
- (vii) To delegate authority to the Executive Director of Children's Services and Learning to finalise the text of the Home to School Transport Policies for 2011-12 and 2012-13 for publication.

## **REASONS FOR REPORT RECOMMENDATIONS**

1. The only options considered regarded non-statutory assistance.
2. The recommendations put forward are as a result of officer and Cabinet Member consideration of the public consultation responses.
3. It is considered inequitable to introduce immediate changes for those currently attending schools and colleges as families will have made decisions based on current policy.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

4. The option not to review the Home to School and Post -16 Transport Policy was considered and rejected due to the need to balance the transport budget from 2011-12 and introduce wider efficiencies for the coming years.

### **DETAIL (Including consultation carried out)**

5. The Children's Services and Learning home to school / college and social care transport budgets have been overspent for each of the last three years. In 2010-11, whilst a number of actions have shown a positive savings impact, there will still be a pressure of over £100,000. As part of a wider review to introduce efficient processes and review eligibility, In November 2010, Children's Services and Learning Management Team agreed to review the spend, identify options and consult service users. The overall intention of the consultation was to address immediate and forecast adverse variance as a result of:
  - The rising birth rate (3,224 births in 2009-10 against 2,537 in 2003-04, representing a 27.1% increase) and pressure on primary places leading to increased travel requirements.
  - The rising number of children looked after (from 283 in September 2008 to 380 in February 2011) placing greater demands on transport, and increased transport for contact requirements between children looked after and their parents.
  - An increase in the children and young people with complex needs, requiring costly transport.
  - The time lag to consult and introduce new transport policies, and the phasing- in of reduced entitlements.
6. Southampton is a below average spender on pupil transport according to the Department for Education's Section 251 Financial Benchmarking 2010-11. Wider activities are being taken forward to develop efficiencies in transport booking and cancellation processes, re-tendering of contracted services, independent travel training, social care client transport eligibility reviews and post-16 concessionary fare opportunities. However, within this wider remit, it was considered necessary to review the provisions of the Home to School and Post-16 Transport Policy, and consult regarding options to remove discretionary entitlement and reduce eligibility to within statutory duty.
7. The current policy includes a range of transport entitlement for children and young people to support their access to suitable learning. Some of the criteria for support in the current policy are statutory, whilst other provision is discretionary and based on local decisions. The consultation document at Appendix 1 sought responses regarding bringing the local policy in line with statutory responsibility. It aimed to detail the distinction between services the Council is required to provide, and those it additionally chooses to support.
8. The intention of the consultation was to reduce costs, not only now but more importantly for the future.

9. The consultation document was posted on the Southampton City Council website on 24 January 2011. The document was written in plain English and outlined the current policy against statutory duties, options for change, the numbers of children and young people affected and potential savings. The consultation closed on 1 March. Following Cabinet approval on 11 April, the policy will be amended and posted on the website in May, to inform applications and admissions for the 2011-12 academic year onwards.
10. A total of 36 responses were received. Responses are summarised at Appendix 2, including rationale for report recommendations. The full responses are available on request. Ten requested a paper copy of the consultation document, two raised questions, and the remaining 24 opposed the proposals whilst, on balance, preferring the option of a phased-in approach for all 'new' applicants from September 2011.
11. The following have been consulted on the proposed changes to the Home to School and Post- 16 Transport Policy:
  - 400 parents / carers of children and young people in receipt of travel assistance.
  - Head teachers and Principals.
  - Cabinet Member for Children's Services and Learning.
  - All elected members.
  - Local Members of Parliament.
  - Neighbouring local authorities.
  - Local Members of Parliament.
  - Department for Education.
  - Skills Funding Agency.
  - Young People's Learning Agency.

## **RESOURCE IMPLICATIONS**

### **Capital/Revenue**

12. The pupil transport budget totals £1.56 million in 2011-12. Any identified savings from implementing the proposed transport policy will be used of help offset the forecast £100,000 overspend in 2011-12.

### **Property/Other**

13. None.

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

14. Section 509 Education Act 1996 (as amended by the Education & Inspections Act 2006) requires the Local Authority to make 'such arrangements as it considers necessary to facilitate attendance ...[at school]'. It will be 'necessary' if a defence to non attendance would otherwise be available under s.444(4) of the Act. The right to transport assistance is further extended by Schedule 35B of the 1996 Act as inserted by the Education & Inspections Act 2006 which applies to low income families.
15. The statutory minimum provision may be summarised as follows:
  1. YR – Y3: to the nearest qualifying school over the statutory walking distance of 2 miles.
  2. Y4 – Y11: to the nearest qualifying school over the statutory walking distance of 3 miles.
  3. Children who cannot be expected to walk because of the nature / safety of the route.
  4. Children who are unable to walk because of SEN / mobility problems.
  5. Children from low income families as follows:
    - Aged 8 but under 11 : if the nearest qualifying school is more than 2 miles away (instead of switching to 3 miles at age 8 under 'normal' primary rules).
    - Aged over 11: to any one of the nearest 3 qualifying schools where the school is between 2 and 6 miles away.
    - Aged over 11 based on the expression of a preference on the grounds of religion or belief: nearest suitable school of that religion or belief between 2 and 15 miles away.
16. In addition to the above, the Council has a duty under section 509AD of the Education Act 1996 to exercise its transport functions having had regard to parent's wishes to have their child educated in accordance with their religion or beliefs (or lack thereof). In exercising any discretionary powers (such as a decision to provide or not to provide discretionary transport assistance) the Council must comply with this duty.

### **Other Legal Implications:**

17. In making changes to the Home to School Transport Policy the Council is required to have regard to its duties under the Equalities Act 2010 and the Human Rights Act 1998. Particular regard must be had to Article 8 (respect for private and family life), Article 9 (freedom of thought, conscience and religion) and Article 2 of the 1<sup>st</sup> Protocol (right to education).

18. Any interference with the rights protected under the Human rights Act must be proportionate to the legitimate aim being pursued and necessary in a democratic society. The right to education extends only in so far as it is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure. The protocol protects the rights of individuals to access the state system of education in accordance with the law but does not confer a right to be educated to a particular standard or at a particular institution or school.

### **POLICY FRAMEWORK IMPLICATIONS**

19. The policy proposals impact on the Children and Young Peoples Plan, 14-19 Learning and Skills and Employability Strategy, Local Regeneration Strategy, Health and Wellbeing Strategic Plan, Safe City Plan and Economic Development Plan, Adult Learning and Skills Plan and Local Transport Policy.

<b>AUTHOR:</b>	Name:	Alison Alexander	Tel:	023 8083 4023
	E-mail:	alison.alexander@southampton.gov.uk		

**KEY DECISION?** Yes/No    Yes

<b>WARDS/COMMUNITIES AFFECTED:</b>	All
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### **SUPPORTING DOCUMENTATION**

**Non-confidential appendices are in the Members' Rooms and can be accessed on-line**

#### **Appendices**

1.	Consultation document
2.	Summary of responses

#### **Documents In Members' Rooms**

1.	None
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#### **Integrated Impact Assessment**

Do the implications/subject of the report require an Integrated Impact Assessment (IIA) to be carried out.	Yes
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#### **Other Background Documents**

**Integrated Impact Assessment and Other Background documents available for inspection at: One Guildhall Square**

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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# Agenda Item 9

<b>DECISION-MAKER:</b>	CABINET
<b>SUBJECT:</b>	DETERMINATION OF WORDSWORTH INFANT SCHOOL'S PROPOSAL TO EXPAND FROM A 2 FORM ENTRY INFANT TO A 3 FORM ENTRY PRIMARY SCHOOL FROM SEPTEMBER 2012
<b>DATE OF DECISION:</b>	11 APRIL 2011
<b>REPORT OF:</b>	CABINET MEMBER FOR CHILDREN'S SERVICES AND LEARNING
<b>STATEMENT OF CONFIDENTIALITY</b>	
None	

## **BRIEF SUMMARY**

This report sets out proposals to increase Wordsworth Infant School from a 2FE infant to a 3FE primary school from 1 September 2012. This proposal would alleviate the pressure on primary school places in the Shirley area of the city and would address the imbalance of infant and junior school places between Shirley Infant & Wordsworth Infant and Shirley Junior School. This proposal is in addition to the Local Authority's proposals to add approximately 2600 primary school places in the city by 2018.

As Wordsworth Infant is a foundation school only they, and not the LA, are able to conduct consultation on proposals to change the age range of the school. The governing body are asking the LA, as the decision maker on school organisation decisions (see Appendix 5), to approve these proposals.

## **RECOMMENDATIONS:**

- (i) To consider and take into account the outcome of statutory consultation as set out in Appendix 1.
- (ii) To approve the implementation of the enlargement of Wordsworth Infant School from a 2FE Infant to a 3FE primary from 1 September 2012. This will be achieved by admitting 30 extra children to year R from 1 September 2012 and in subsequent years.

The school will change from an infant school to become an all through primary school by changing the age range of pupils to be admitted from 4-7 year olds to 4-11 year olds. In order to achieve the change of age range the school will expand. Up to 90 pupils will be permitted to transfer from Year 2 (age 6) to Year 3 (age 7) or be admitted as casual vacancies to Year 3 (age 7) from 1 September 2015 and in subsequent years.

This would have the effect of enlarging the school from a 2FE (60 places per year group) infant to a 3FE (90 Places per year group) primary, and increasing the net capacity of the school from 180 to 630 by 1 September 2018.

- (iii) To note that the high level estimate of capital costs associated with the implementation of this decision is circa £4m, and to note the assumptions about affordability as set out paragraphs 11 – 20.

## **REASONS FOR REPORT RECOMMENDATIONS**

1. As Wordsworth Infant is a foundation school, only the governing body can carry out consultation on proposals to change the age range of the school. Having been made aware of the potential shortage of primary school places in the city and wishing to address the imbalance of infant and junior schools in the Shirley area, the school have conducted pre-statutory and statutory consultation (see Appendices 3 and 4) on proposals to expand the school and are now asking the LA to make a decision on the proposals.
2. Southampton is facing a shortage of primary school places over the next 4-5 years. The LA has developed proposals to add approximately 2600 places to primary schools by September 2018. However, additional places are required in the city, particularly in the Shirley area, in order to allow the LA to meet its statutory duty to provide a school place to every child in the city that wants one. Wordsworth Infant school's proposals would enable the LA to meet its statutory duty to provide a school place to all children in the city who want one in September 2012.
3. There is currently an imbalance in the Shirley area between the number of Infant and Junior school places available. The majority of the 90 children at Shirley Infant and 60 children from Wordsworth Infant apply for the 120 year 3 places available at Shirley Junior School. This potentially leaves 30 children without a junior school place within a reasonable distance from their home address. This problem would be exacerbated by the additional infant school places that are required in the area and the change from a junior to a primary school of St Mark's, which may previously have offered junior school places to those who did not get a place at Shirley Junior. The change from an infant to a primary would address the imbalance in infant and junior school places in the Shirley area.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

4. The Council, as decision maker, could either;
  - Approve the proposals as published
  - Approve the proposals with modification (e.g. to implementation dates)
  - Approve the proposals subject to one of the limited statutory conditions, or
  - Reject the proposals
5. If the proposals were rejected this would likely result in the LA being unable to fulfil its statutory duty to offer a school place to all those children in the city that want one.
6. Consideration was given to expanding Shirley Infant and Junior schools, but was not taken forward due to a lack of internal and external space.
7. In addition to increasing Wordsworth infant from 2FE to 3FE, the building of a 2FE junior school on the Wordsworth Infant site was also considered. However this would potentially result in 30 pupils from Wordsworth infant not being able to continue their key stage 2 educations with their peers, and was therefore not considered.

## **DETAIL (Including consultation carried out)**

8. Pre-statutory consultation was carried out in accordance with statutory guidance between 1 November 2010 and 13 December 2010 and the results were considered by the Governing Body on 6 January 2011, who approved moving to publication of statutory proposals.
9. On 11 January 2011 Statutory Notices were displayed at all entrances to the school, see Appendix 3. The consultation period lasted for the statutory period of 6 weeks. Details of the consultation were sent to all Headteacher's and Chair of Governors, the Roman Catholic and Church of England Dioceses and a list of relevant local stakeholders. Full statutory proposals, See Appendix 4, were also available on request from the school.
10. There were several responses to the statutory notices, largely sent by residents that live close to the school. These can be found in Appendix 1. The predominant concern was that the increase in pupil numbers would increase volumes of parking and traffic in the area. Residents living in Stratton Road, Hyde Close and Ridding Close were concerned that the current traffic infrastructure was inadequate as it is and could not cope if the school trebled in size, as is proposed. Concerns were also raised about the consultation process. In response the authority explained that they were happy that the school had followed the correct statutory consultation procedures. It was also explained that any parking/traffic issues would be considered as part of the feasibility study to expand the school, which has yet to begin. Residents may be given the opportunity to feed into, and comment on, this process.

## **RESOURCE IMPLICATIONS**

### **Capital**

11. A detailed feasibility study of the work required to convert Wordsworth from a 2FE infant into a 3FE primary has not yet been undertaken. If cabinet approval is given to implement this proposal, a detailed feasibility study will be undertaken from April 2011, after which the LA will be able to provide a more definitive cost.
12. Based on a high level analysis, it is anticipated that a high level indicative cost for this scheme is approximately £4,000,000
13. The project would be delivered in 2 phases. The first phase, estimated to cost £325,000 will include modifications to the existing infant school building between 2012 and 2014. The second phase, estimated to cost £3,675,000 will involve the provision of key stage 2 accommodation and will be required from 2015 onwards.
14. It is clear that that the final proposal will have to match the resources available to the council and that the final cost may be lower than the above estimate. The cost of this project would be phased over a number of years and would be reviewed on a yearly basis.
15. The majority of the cost of expanding the school will be incurred by the Local Authority, although the governing body may be required to make a contribution to the costs of equipping out the new classrooms from their Devolved Formula Capital allocations. Discussions will take place, between

the Local Authority and the school regarding if and how the school may contribute to the project

16. The March report to Cabinet detailed the estimated funding available to fund the overall Primary Review Phase 2 scheme over the next 3 years, as reproduced in the table below:

<b>Funding</b>	<b>2011-12 Confirmed £000</b>	<b>2012-13 Estimated £000</b>	<b>2013-14 Estimated £000</b>	<b>Total</b>
DfE Basic Need	4,735.0	4,735.0	4,735.0	14,205.0
DfE Basic Need Safety Valve	690.0			690.0
Banister Infant Phase 1 budget (already in capital programme)	574.0			574.0
<b>Total</b>	<b>5,999.0</b>	<b>4,735.0</b>	<b>4,735.0</b>	<b>15,469.0</b>

17. This funding will be sufficient to fund phase 1 of the work at Wordsworth Infant.
18. The major works to Wordsworth (Phase 2) will be required to be completed for September 2015. No announcements have yet been made about Department for Education capital grant allocations for 2012-13 and beyond. However, it is anticipated that as future grant will be targeted at areas of need, that Southampton will receive similar allocations of Basic Need funding. The figures above for 2012-14 are therefore indicative.,
19. It is currently anticipated that the works to Wordsworth (Phase 1 and 2) can be funded and are affordable from within these indicative allocations.
20. However, it must be recognised that should future capital grant levels be lower than anticipated, the Council may need to re-prioritise proposed schemes within the CSL capital programme and review whether scheme outputs can be reduced. In addition, where affordability remains an issue, the council may need to undertake further borrowing in order to ensure delivery of key schemes.

### **Revenue**

21. The revenue costs of all schools are met from the Individual Schools Budget funded by the Dedicated Schools Grant. The amount of Dedicated Schools Grant that the authority receives each year is based on the number of children in the city. If the city's overall numbers grow, this will result in an increase in the amount of grant received which can be passed onto schools via budget shares calculated using Southampton's Fair Funding Formula.

### **Property/Other**

22. There are unlikely to be any significant impacts on property. This expansion will be achieved via the re-organisation of internal space within the school and a potential mixture of modular buildings and permanent buildings.

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

23. Local Authorities have a statutory duty under the Education Act 1996 to ensure that there are sufficient school places in their area, promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. Local Authorities must also ensure that there are sufficient schools in their area and promote diversity and parental preference.
24. Alterations, changes, creation or removal of primary provision across the city is subject to the statutory processes contained in the School Standards and Frameworks Act 1998 (as amended by the Education & Inspections Act 2006). Proposals for change are required to follow the processes set out in the School Organisation (Prescribed Alterations to Maintained Schools) Regulations 2007. In addition, statutory Guidance on bringing forward proposals applies, which requires a period of pre-statutory consultation followed by publication of statutory notices, representation periods and consideration of representations by Cabinet. Cabinet must determine proposals within 2 months of the close of the statutory representation periods.
25. In reaching its decision Cabinet MUST have regard to the statutory guidance for decision makers set out in Appendix 5.

**Other Legal Implications:**

26. In bringing forward school organisation proposals the Local Authority must have regard to the need to consult the community and users, observe the rules of natural justice and the provisions of the Human Rights Act 1998 (including article 2 of the First Protocol -right to education) and the Equalities Act 2010.

**POLICY FRAMEWORK IMPLICATIONS**

27. The Primary Strategy for Change will contribute to the achievement of the outcomes set out in the City of Southampton's Strategy, the Children and Young Peoples Strategic Plan and the Primary Vision, by providing improved buildings for primary pupils and communities in Southampton.
28. It will facilitate closer joint working between schools and thereby enable a range of strategic objectives to be met.
29. These proposals have been formulated in line with the Children and Young People Plan and will aid the achievement of the aims set out in the plan, largely by investing in new infrastructure and school buildings.

<b>AUTHOR:</b>	Name:	James Howells	Tel:	023 8091 7501
	E-mail:	James.howells@southampton.gov.uk		

**KEY DECISION?** Yes

<b>WARDS/COMMUNITIES AFFECTED:</b>	Shirley
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## SUPPORTING DOCUMENTATION

**Non-confidential appendices are in the Members' Rooms and can be accessed on-line**

### **Appendices**

1.	Responses to Statutory Consultation
2.	Confirmation of the Governing Body decision to expand the school
3.	Statutory Notice
4.	Full Statutory Proposals
5.	Decisions Maker Guidance for Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form

### **Documents In Members' Rooms**

1.	None
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### **Integrated Impact Assessment**

Do the implications/subject of the report require an Integrated Impact Assessment (IIA) to be carried out.	No
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### **Other Background Documents**

**NONE**

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

<b>DECISION-MAKER:</b>	CABINET
<b>SUBJECT:</b>	HOUSING REVENUE ACCOUNT (HRA) CAPITAL PROGRAMME PROJECT APPROVALS 2011/12 – PHASE 1
<b>DATE OF DECISION:</b>	11 APRIL 2011
<b>REPORT OF:</b>	CABINET MEMBER FOR HOUSING
<b>STATEMENT OF CONFIDENTIALITY</b>	
Not Applicable	

## **BRIEF SUMMARY**

This report seeks formal approval in accordance with Financial Procedure Rules for expenditure on various housing projects provision for which exists in the Housing Revenue Account capital programme. These projects will contribute to the Council's strategic housing objectives through improving the appearance and facilities of our estates, the wellbeing and the satisfaction of our tenants in areas where they live.

The proposal will ensure that the Council contributes to maintaining the Decent Homes Standard as achieved in December 2010 and also seeks approval to carry out a range of other improvements including Heating upgrades, Energy saving measures, Roof replacement, Structural repairs, re-wiring, new drainage facilities and Disabled Adaptations.

The proposal also includes proposals for Decent Neighbourhoods. The planned works will enhance the areas including new communal garden areas, improved lighting, decoration, door entry systems and provision of new parking areas.

## **RECOMMENDATIONS:**

- (i) To agree to bring forward into 2011/12 £190,000 from the 2012/13 unallocated Decent Homes provision in order to provide a budget to carry out decent homes work to void dwellings :
- (ii) To approve, in accordance with Financial Procedure Rules, spending on the following schemes

	2011/12 £000s
<b><u>Decent Homes</u></b>	
Decent Homes works 11/12	5,598
Disabled Adaptations 11/12	675
Structural Works 11/12	400
Roof Replacement 11/12	300
Electrical Rewires 11/12	300
<b><u>Total Decent Homes</u></b>	<b><u>7,273</u></b>

### **Decent Homes Plus**

Cheriton Avenue Land Drain	100
Heating System Upgrade 11/12	350
Energy Saving Programme 11/12	200
Supported Housing conversions 11/12	100
Supported Communal Improvements – Graylings.	590
Programme Management Fees 11/12	420
<b><u>Total Decent Homes Plus</u></b>	<b><u>1,760</u></b>

### **Decent Neighbourhoods**

Shirley Improvements	1,000
Footpath Improvements	250
<b><u>Total Decent Neighbourhoods</u></b>	<b><u>1,250</u></b>

**TOTAL** **10,283**

### **REASONS FOR REPORT RECOMMENDATIONS**

1. Including sums in a Capital Programme does not give authority to spend the money. This is done by a separate scheme approval process. Financial Procedure Rules require that all schemes with a total estimated cost of more than £500,000 be approved by Cabinet before they can proceed.
2. Schemes with an estimated cost of up to £500,000 can be approved by an Executive Director following consultation with appropriate officers and Cabinet Members. Within this, schemes over £200,000 will usually require a formal report, decision making meeting and decision notice. It has been decided to include all schemes that currently need spending approval in a single report.

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

3. There have been various consultation meetings with tenants' groups and leaseholders during the last 6 months with regard to the proposed programme of capital expenditure associated with the Housing Revenue Account (HRA). The 2007 HRA Business Plan also supports the types of programmes of work highlighted above as meeting our long term strategy and this has once again been supported by all parties who expressed support for schemes of work at this time.
4. The alternative option of not undertaking this work would leave the council's homes and surrounding areas in their present condition and would not accord with the views expressed during the consultation process or with the Council's policies of providing homes of a Decent Homes Standard to all tenants.

### **DETAIL (Including consultation carried out)**

5. This report seeks permission to proceed with the development, procurement and implementation of Capital Projects which form part of the Housing Revenue Account Capital Programme for 2011/12 and to bring forward £190,000 of the 2012/13 unallocated decent homes provision into 2011/12. This report deals with those new schemes that are currently ready for approval.
6. The programme outlined in this report has been developed from the HRA Business Plan 2007-2037 following completion of the Stock Options Appraisal in July 2005. At the same time the programme reflects the aspirations of tenants identified during the Option Appraisal process and with tenants who are involved in regular meetings of the HRA Capital Group.
7. A key role in the development of the Capital Programme has been the involvement of Tenant Focus Groups, Block Wardens, Tenant Representatives, Leaseholders and staff. Tenants and Leaseholders have been closely involved in the production of our long term business plans for future investment.

### **Decent Homes Programme**

#### **8. Central**

Decent Homes contracts in the Central area will continue from April 2011 with a total budget of £2,559,000 including fees. It is anticipated that the sum requested for 2011/12 will enable 295 kitchens and 335 bathrooms to be refurbished.

#### **Harefield**

Decent Homes' contracts in the Harefield area will commence in 2011 with a total budget of £107,000 including fees. It is anticipated that the sum requested for 2011/12 will enable 11 Kitchens and 17 bathrooms to be refurbished.

#### **Lordshill**

Decent Homes' contracts in the Lordshill area will continue in 2011 with a total budget of £1,801,000 including fees. It is anticipated that the sum requested for 2011/12 will enable 236 Kitchens and 174 bathrooms to be refurbished.

#### **Supported Housing.**

Decent Homes' contracts to Supported Housing across the City will continue in 2011 with a total budget of £941,000 including fees. It is anticipated that the sum requested for 2011/12 will enable 165 Kitchens to be refurbished

#### **Voids**

When a property becomes void it may require Decent Homes works to be carried out before it can be re-let, this is usually as a result of the previous tenant refusing the works at the time of the original programme. The actual quantity of properties becoming void is not known in advance but reviewing the requirement on the previous years it is anticipated that £190,000 will be required. The sum requested will enable 30 kitchens and 10 bathrooms to be

refurbished.

There is no budget provision in 2011/12 for this work so it is proposed to bring forward into 2011/12 £190,000 of the unallocated 2012/13 decent homes budget provision.

#### **Disabled Adaptations 11/12:**

9. Approval is being sought for investment of £675,000 including fees for adaptation works in 2011/12. This project is intended to provide both minor and major adaptations to Council properties where residents have a specific medical need to enable them to live independently.
10. Referrals from Social Services' Occupational Therapists can be either Critical or Substantial under both major and minor headings. Critical and minor referrals have a target period for delivery within eight weeks, while Decent Homes have a target period of nine months to deliver the major works.

#### **Structural Works 11/12**

11. Approval is being sought for investment of £400,000 including fees, to enable essential works identified in the previous years' survey reports to be carried out and to permit new surveys to other residential blocks.  
Buildings/blocks which will be receiving structural remedial works are Canberra Towers, Castle House, Redbridge and Millbrook Towers. There are also 102 medium rise blocks in the Maybush, Shirley, and Lordshill areas of the city.  
Buildings/blocks to be surveyed/inspected in this year are Albion Towers, Shirley Towers, Sturminster House and Millbank House. There are also surveys to 91 medium rise blocks in the Millbrook, Harefield and Swaythling areas of the city.

#### **Roof Replacement Programme 11/12:**

12. The roof replacement budget will be used to carry out essential replacements of flat roofs where the maintenance teams have identified that there are substantial problems with the existing roofs.
13. A schedule of inspections is continuing which will assist in the development of a longer term strategy in conjunction with the stock condition survey database.
14. It is anticipated that the sum requested for the year 2011/12 of £300,000 including fees, will enable the re-roofing of 2 blocks at Milner Court and 2 blocks at Irving Rd incorporating 160 Homes.

#### **Electrical Rewires 11/12**

15. Following the Electrical Property Test & Inspections carried out in 2010/11, there is a requirement to modernise the electrical systems to a number of properties across the city.
16. The new electrical system, will not only ensure that individual properties comply to the current Institute of Electrical Engineers (IEE) wiring regulations, but shall also address the lack of electrical/socket outlets within a property.

17. The proposed level of investment of £300,000 including fees will see an expected 80 Homes across the city benefiting from the new installations.

### **Decent Homes Plus Programme**

#### **Cheriton Avenue Land Drain**

18. The land to the rear of Cheriton Avenue in Harefield has been identified by residents as causing concern to them. The existing drainage system in the woods behind the properties has now reached the end of its expected life span. The woodland itself has over the years become overgrown and the watercourse which naturally runs down the hill should collate in the existing land drain. However this is now failing and needs to be replaced..
19. It is proposed that an area of the woods directly behind the back gardens of houses in Cheriton Avenue be cleared with a new larger sized drain system installed to collect and dispose of the rain water. SCC is currently working with Southern Water to arrange for connection into the local main drain allowing the water to be disposed of without any further problems occurring and protecting our homes from this natural hazard. The estimated cost of the work is £100,000.

#### **Heating System Upgrade 11/12**

20. This is a continuing citywide programme to install heating systems in council owned homes where no current form of heating exists usually where the previous tenants have refused heating. Installation of the heating systems shall enable these homes to both meet and maintain the Decent Homes Standard.
21. In addition a number of existing solid fuel and gas heating systems across the city are reaching the end of their life span, with elements of the systems needing to be replaced or upgraded. Where the home is supplied with a partially heated (downstairs only) gas or solid fuel system, if the tenant wishes to do so, then it is intended the system be upgraded to provide full heating throughout the property.
22. It is also intended to continue with the existing programme for fuel switch/conversion in houses across the city that have a Credanet type electric heating systems. These works are to be carried out in conjunction with the Government's CESP/CERT funding initiative, thus enabling more properties to benefit from this project. British Gas is currently undertaking this work but further homes will have their heating systems changed following a procurement route being established. Work is ongoing to improve the reliability and effectiveness of Credanet heating systems within flats.
23. It is estimated that £350,000 including fees in 2011/12 will enable approximately 100 properties to benefit from heating improvements.

#### **Energy Saving Programme 11/12**

24. We are providing £75,000 to carry out insulation projects across the city where homes have either no cavity wall/loft insulation or where the existing level is insufficient.
25. The level of capital investment requested will enable approximately 150 homes to benefit from this programme of works (depending on the type of

dwelling and scaffold requirements).

26. In addition to the insulation works, there is a request for funding of £100,000 to replace inefficient boilers with new condensing type boilers. The level of Capital investment requested will enable approximately 40 homes to benefit from this programme of works.
27. We are continuing to try and reduce the Council's carbon footprint, electrical usage cost and the cost of repairs. £25,000 is requested for a trial of Light Emitting Diode (LED) light fittings. It is proposed that the existing lights in the communal corridors within a tower block are changed to LED and the cost will be monitored over the following 6 -9 months.

### **Supported Housing conversions 11/12**

28. A programme of works commenced in 2009/10 and continued in 2010/11 converting studios that are hard to let into self contained one bedroom flats. This has been proven to be successful with new tenants being found soon after works were completed.
29. There are 2 types of studio conversions required:
  - The installation of a shower cubicle within a home where only communal bathing presently exist, The removal of the shared bathrooms also reduces the possible risk of Legionella.
  - The introduction of a dividing wall in the lounge and the creation of a new doorway to both the bedroom and the lounge will transform the property and provide a sense of privacy. The budget of £100,000 will enable a further 8 properties across the city to benefit from the programme of works.

### **Supported Communal Improvements – Graylings.**

30. We are planning to continue the Supported Housing Communal Improvement programme of works commenced at Manston Court. Improvements at Graylings will incorporate design features developed on the initial project and will include:

#### **Internal Areas:**

Refurbish the community room and kitchen to provide a comfortable multi-use café/seating area, refurbish the existing laundry room, refuse areas, disabled WCs and hair salon. Convert an existing store room into a bedroom for the use of overnight staff/visitors and refurbish the wardens flat. All corridors are to be refurbished including floor coverings, ceilings, lighting and new internal doors throughout as well as creating a new Scooter store with charging facilities.

#### **External:**

Provide a new entrance canopy, replace entrance paving, new signage, improved lighting and provide DDA compliant handrails. Provide an additional 5 parking spaces, improve drainage and resurface the walkway to the refuse area. The rear garden will benefit from a new patio area complete with lighting and power.

The estimated cost of the work is £590,000.

### **Programme Management Fees 11/12**

31. There are certain fees involved with managing the schemes of works included within the HRA Capital Programme that are not charged to the individual schemes. The cost of these fees in 2011/12 is £420,000.

### **Decent Neighbourhoods**

#### **32 Shirley Improvements**

The design brief has been informed through extensive consultation with residents and stakeholders and the scope of works are likely to include external painting, improvements to pathways, a focal pathway through estate, focal points at key entrances to the estate, upgrade to door entry systems, communal gardens for supported housing scheme, improvements to car parks including removal of enclosing walls, resolution to parking problems at Ridding Close, signage for estate and blocks, possibly including an estate logo community artwork, improvements to lighting, introduction of recycling facilities and play facilities/ youth provision.

The estimated cost of the works is £1,000,000.

#### **33 Footpath Improvements**

There is a budget of £250,000 and the following priority areas are being considered and subject to cost will form the basis of the programme

#### **Central:**

- Northam path between York / Avon House
- Parts of Leaside Way
- Kingsland finish off remaining areas.
- Castle House – the little area used for car parking.
- Albion Towers around the play area, also other parts of Golden Grove

#### **West:**

- The path that runs from Sturminster House down to the shops in Irving Road
- Around the blocks in Paignton Road and Redbridge Hill.
- Paved area at the end of Kendal Avenue shops .
- Cuckmere lane – certain parts of it, from the pavement to the entrance of the blocks.
- Shopping parades – front of Windermere Avenue shops.

#### **East:**

- Linacre Rd – there is a car park o/s block 98-120 Tatwin Crescent which leads down to the pavement in question. Apparently there is a big dip which obviously fills up with water when rains.
- Paving around the sheltered blocks in Coxs Drive – 15-25, 27-33, 35-45 Coxs Drive

## RESOURCE IMPLICATIONS

### Capital/Revenue

34. The estimated capital expenditure in 2011/12 arising from the approvals recommended in this report is £10.283M. Of this, £10.093M is already in the 2011/12 HRA capital programme approved by Council on 16<sup>th</sup> February 2011. In addition it is necessary to bring forward £190,000 from the unallocated 2012/13 decent homes budget provision to fund the proposed works to void properties. This will reduce the unallocated provision for 2012/13 to £9.991M.
35. The capital financing cost of spending £10.093M in 2011/12 on these schemes was allowed for in the revenue estimates that were approved by Council on 16<sup>th</sup> February 2011. The additional capital financing costs associated with bringing forward £190,000 will be minimal and contained within existing revenue budgets.

### Property/Other

36. The HRA capital programme is fully reflected in the Corporate Property Strategy.

## LEGAL IMPLICATIONS

### Statutory power to undertake proposals in the report:

37. There are no specific legal implications in connection with this report. The power to carry out the proposals is contained within Part 2 of the Housing Act 1985.

### Other Legal Implications:

38. None

## POLICY FRAMEWORK IMPLICATIONS

39. The proposed schemes in this report will contribute positively to the Council's objectives set out in the Housing Strategy and HRA Business Plan to maintain and improve the condition of the city's housing stock. They will also help in ensuring that all Council owned houses continue to meet the Decent Homes Standard.

<b>AUTHOR:</b>	Name:	Geoff Miller	Tel:	023 8083 4987
	E-mail:	Geoffrey.miller@southampton.gov.uk		

**KEY DECISION?** YES

<b>WARDS/COMMUNITIES AFFECTED:</b>	All Wards in the city
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## SUPPORTING DOCUMENTATION

**Non-confidential appendices are in the Members' Rooms and can be accessed on-line**

### **Appendices**

1.	None
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### **Documents In Members' Rooms**

1.	Business cases for Decent Homes programmes listed: A Decent Homes, Central 2011/12 B Decent Homes, Harefield 2011/12 C Decent Homes, Lordshill 2011/12 D Decent Homes, Supported Housing 2011/12 E Adaptations for Disabled People 2011/12 F Structural works 2011/12 G Roof replacement programme 2011/12 H Electrical Rewire programme 2011/12
2	Business cases for Decent Homes Plus programmes listed A Cheriton Avenue land drain 2011/12 B Heating system upgrades 2011/12 C Energy saving 2011/12 D Supported housing conversions 2011/12 E Supported communal improvement – Graylings 2011/12
3.	Business Case Decent Neighbourhoods Shirley Improvements A Outline project proposal B Project evaluation C Integrated Impact Assessment
4	Business Case Decent Neighbourhoods Footpath Improvements A Outline project proposal B Project evaluation C Integrated Impact Assessment

### **Integrated Impact Assessment**

Do the implications/subject of the report require an Integrated Impact Assessment (IIA) to be carried out.	Yes
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**Other Background Documents**

**Integrated 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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<b>DECISION-MAKER:</b>	CABINET
<b>SUBJECT:</b>	PHASE 2 ESTATE REGENERATION PROGRAMME – CUMBRIAN WAY
<b>DATE OF DECISION:</b>	11 APRIL 2011
<b>REPORT OF:</b>	CABINET MEMBER FOR RESOURCES, LEISURE AND CULTURE

**STATEMENT OF CONFIDENTIALITY**

Confidential Appendix 3 to this report contains information deemed to be exempt from general publication based on Category 3 of Paragraph 10.4 of the Council's Access to Information Procedure Rules. The appendix includes details of a proposed transaction which, if disclosed prior to entering into a Legal contract, could put the Council at a Commercial disadvantage in the future, in the event of the proposed sale not completing.

Confidential Appendix 4 to this report contains information deemed to be exempt from general publication based on Category 5 of Paragraph 10.4 of the Council's Access to Information Procedure Rules. The Appendix includes information contains Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

**BRIEF SUMMARY**

Southampton City Council has embarked on a major Estate Regeneration Programme that is seen as playing an essential part in the wider commitment of delivering sustained economic growth on Southampton's council estates.

Phase 2 of the Estate Regeneration Programme comprised Lot 1, Exford Avenue Shopping Parade, Lot 2, Cumbrian Way Shopping Parade; Lot 3, 5 – 92 Laxton Close and Lot 4, 222-252 Meggeson Avenue.

Cabinet approved the proposal to proceed with the preferred bidder for Lots 1, 3 and 4 on 22nd November 2010.

For Lot 2 Cumbrian Way, none of the bids met the council or community's aspirations and it was recommended not to award a development agreement as a result of that tender process. Cabinet approved this recommendation on 22<sup>nd</sup> November 2010.

Alternative procurement options were to be investigated by officers to enable this site to be redeveloped within a timely manner.

Following the outcome of those considerations, this Report seeks authority to proceed with a disposal of the site. The aim is to ensure that the redevelopment intentions of the purchaser following the sale are consistent with the terms of the funding agreement with the HCA which means that as long as the purchaser delivers the redevelopment as stated there would be no repayment of grant to the HCA. However there is no legally enforceable contract with the purchaser which means there is a risk that the grant funding for Cumbrian Way of £787,000 could have to be repaid to the HCA if the site was not redeveloped as intended. It may also be necessary to negotiate amendments to the funding agreement with the HCA to ensure that there are no repayment liabilities in relation to the other 3 sites in phase 2.

This report also seeks authority to make a Compulsory Purchase Order (CPO) in order to acquire land and any new rights, should the need arise.

## RECOMMENDATIONS:

- (i) To approve the principle of the sale of Cumbrian Way Parade to Radian Group.
- (ii) To delegate authority to the Executive Director for Neighbourhoods, in consultation with the Solicitor to the Council, Head of Finance and Head of Property and Procurement, to agree the terms of the land sale conditional on planning permission being obtained for the proposed scheme and to make any consequential amendments to the terms of the Council's Funding Agreement with the Homes and Community Agency (HCA) and specifically to ensure that:
  - The intentions of the purchaser with regard to the subsequent redevelopment of the site are consistent with the terms of the Funding Agreement with the HCA such that, as long as the purchaser delivers on those non-binding intentions there would be no repayment to the HCA but if they were not delivered, the financial exposure is limited to the sums received from the HCA in relation to Cumbrian Way.
  - The disposal represents best consideration and
  - The Council secures vacant possession of the site
- (iii) Delegate authority to the Solicitor to the Council to amend, finalise and sign the land disposal documents
- (iv) Delegate authority to the Head of Property and Procurement to negotiate and agree the purchase of the parcel of land shown edged red on Appendix 1 (being Cumbrian Way Shopping Parade)
- (v) (a) That subject to reasonable attempts to negotiate the acquisition of the parcel of land referred to in paragraph (iv) above having failed, that the Solicitor to the Council be authorised to make a Compulsory Purchase Order to acquire the parcel of land and any necessary rights for the parcel of land at Cumbrian Way Shopping Parade as shown edged red on the map in Appendix 1, being within the Council's Phase 2 Estate Regeneration Programme, under Section 226(1) (a) Town and Country Planning Act 1990 for the purpose of facilitating the carrying out of redevelopment and improvement of the land.
  - (b) The Solicitor to the Council be authorised to approve the basis of each Statement of Reasons for making the Compulsory Purchase Order as set out in Appendix 2.
- (vi) The Solicitor to the Council be authorised:
  - (a) To make, advertise and secure confirmation and implementation of the Compulsory Purchase Order referred to in paragraph (iv) above.
  - (b) To acquire interests in or rights over the land shown edged red on Appendix 1 either by agreement or compulsorily.
  - (c) To amend the Statements of Reasons referred to in Appendix 2 above as required.
  - (d) To approve agreements with land owners setting out the terms for

withdrawal of any objections to any of the Compulsory Purchase Order (to include payment of compensation), including where appropriate seeking exclusion of land from any Order.

- (e) To represent the Council in any Inquiry into the confirmation of the Compulsory Purchase Order.
- (f) To approve (once vacant possession and planning permission has been obtained) the service of a Final Demolition Notice and the demolition of the buildings and structures on the land edged red in Appendix 1.

### **REASONS FOR REPORT RECOMMENDATIONS**

1. The Council's estates offer the potential for the development of new and better homes and to benefit from more mixed tenure communities. This Report proposes a way forward for the delivery of regeneration on the final phase 2 site.

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

2. The option of doing nothing would not achieve the Council's objectives for the Estate Regeneration Programme and not taking the steps identified within this Report increases the risk of delay to the projects.
3. If the decision is taken not to dispose of the site subject to planning permission and vacant possession, then there are realistically only two other alternatives.
  - a) Retender the site to identify and appoint a developer possibly via the accelerated restricted procedure. This would not only delay the regeneration of the site, but, considering the previous procurement option did not realise a preferred developer which the Council considered had made a development offer capable of acceptance, is not guaranteed to result in an award, albeit that if an award was capable of being made, the developer would be contractually bound to undertake the development works in contrast to a pure land sale contemplated by this report.. Also, the necessary time to retender would increase the risk of not meeting the timescales set out in the Funding Agreement with the HCA.
  - b) For the Council to be the lead developer, similar to the LA New Build sites. Whilst a budget has been set aside for this, this would be a significant financial commitment from the Council.
4. Not to proceed with the redevelopment of this site would fail to deliver the Council's regeneration ambitions and mean residents and businesses within this site have been significantly disrupted with no improvements to their homes and neighbourhood.

### **DETAIL (Including consultation carried out)**

5. The Cabinet decision on 28<sup>th</sup> September 2009 commenced the procurement process to procure a development partner(s) to redevelop the Phase 2 sites identified and enter into a Development Agreements to deliver the redevelopment of the Phase 2 schemes. Selection of a developer for these projects was governed by the OJEU (Restricted Procedure) procurement process which commenced with a notice advertised in the OJEU on the 11<sup>th</sup>

December 2009 (Ref: 342028 – 2009). Additional national advertising was placed in the Estates Gazette on the 12<sup>th</sup> December 2009.

6. The decision to follow the OJEU (Restricted Procedure) procurement process, followed legal advice that this was, at the time, considered to be the most appropriate procedure to meet the council's objectives for procurement of a developer(s), in the context that development agreements fall under public procurement law.
7. This process, whilst successful for three out of four phase 2 Lots, has not delivered an appropriate scheme on Cumbrian Way which meets the community's or councils aspirations for the site. That said excellent progress has been made to prepare Cumbrian Way for regeneration (particularly decanting residents and retail units) and community expectations have been raised. Work has also already started on a separate part of the Cumbrian Way Parade site to provide Local authority new build homes. There is now a need to identify a way forward for this part of the site, as addressed by this Report.
8. The following options have been investigated to take forward this site:
  - a) Retender the site through an OJEU process for a disposal under a development agreement approach.
  - b) Appoint a contractor to build and the Council then part dispose/ part rent the homes.
  - c) Disposal of the site, subject to planning permission and vacant possession only.
9. Considering the pros and cons of each approach, and the aspirations for timely delivery of regeneration on the site, option c) is the preferred way forward by Estate Regeneration .
10. Radian Group have made a formal offer to purchase the site. They are proposing a scheme comprising the following:
  - 50 units consisting of 38 flats (71%) and 12 houses (29%).
  - 34 (68%) of the units are to be affordable of which 22 (65%) are to be affordable rent and 12 (35%) are to be low cost home ownership, with the proviso that if the units have not been able to be sold 6 months after completion, the low cost home ownership units may revert to affordable rent. Affordable units to be built to Code for Sustainable Homes Level 3.
  - 2 commercial units comprising 150 sq m (subject to the condition that if after 6 months they cannot be let then they can be converted to flats for affordable rent).
11. Radian intend to simultaneously enter into contract with Drew Smith to sell that part comprising the market dwellings and commercial units and also enter into a contract for Drew Smith to construct the affordable dwellings for Radian
12. The proposed timescale is:
  - Enter into contract to sell the land- May 2011
  - Planning permission granted – July 2011
  - Start on site – October 2011

- Practical completion March 2013
13. The scheme differs from the requirements previously set out in the information and development briefs for the site. The main differences are:
    - A reduction in the commercial space from 4 units comprising 500m<sup>2</sup> to 2 units comprising 150m<sup>2</sup> with the potential that the units would be converted to affordable flats if they could not be let. The developer has advised of lack of commercial interest, considering nearby competition from a national retailer.
    - Private homes account for 32% of the residential units. The preferred split as set out in the brief was for a 50/50 split in tenure between private and affordable. Private sale and low cost home ownership are not favoured because of lack of demand and affordability.
    - Code for sustainable homes level 3 met in respect of the affordable homes. The brief requested code level 4 for all units.
  14. The terms of the offer are set out in Confidential Appendix 3. The proposed disposal is not on the basis of a development agreement and there is therefore no binding obligation on the part of the Radian or Drew Smith to build. There is therefore a risk to the Council that the site will not be built out as expected. Completion of the sale will be conditional on planning permission being obtained which requires a capital outlay by the purchaser but it does not remove the risk. Whilst the Council would have negative control and influence over the situation to the extent that any building activities will have to comply with relevant planning permission, the Council will have no means of positively enforcing the carrying out of any building activity or of preventing an application for amended planning permission
  15. Approval is sought to the principle of the sale of the property subject only to planning permission and vacant possession and to delegate authority to Executive Director for Neighbourhoods, in consultation with the Solicitor to the Council, Head of Finance and Head of Property and Procurement to agree the sale price and detailed terms. As noted above, there will be no contractually binding terms requiring the transferee to undertake any development activity.
  16. Consultation has been undertaken with a range of bodies in the development of the estate regeneration programme including the HCA . The cross-party Estate Regeneration Stakeholder Group on which the Federation of Southampton Tenants and Residents Association is represented, plays an important advisory role in the project.
  17. An extensive programme of consultation took place during summer 2009 in respect of the Phase 2 sites. This involved a number of consultation events and a design festival with an independent facilitator. All residents and businesses directly affected were visited individually to ensure that they understood the proposal to regenerate their areas. Reports on the consultation are available in the Members Room which also indicates the high level of support by residents for the regeneration of their neighbourhoods.

## **Compulsory Purchase Order**

18. Cabinet on the 29<sup>th</sup> September 2009 delegated authority to the Executive Director of Neighbourhoods following consultation with the Cabinet Member for Housing and Local Services, Solicitor to the Council, Head of Finance and Head of Property and Procurement to negotiate and acquire by agreement any legal interests in the Phase 2 sites not held by the Council. In each case subject to approval of terms by Capita acting as independent valuers.
19. Good progress is being made decanting tenants, leaseholders and commercial tenants from the four sites. The remaining interests at Cumbrian Way are set out in the Statement of Reasons at Appendix 2.
20. Negotiations are continuing to purchase the remaining properties which are not held in Council ownership. To ensure the redevelopment of these sites can be guaranteed it is necessary for authority to be obtained for compulsory purchase orders to authorise the acquisition by the Council of any remaining land at Cumbrian Way Shopping Parade as shown edged red on the plan in Appendix 1 under section 226(1) (a) Town and Country Planning Act 1990 for the purpose of facilitating the carrying out of redevelopment and improvement of the land.
21. The draft Statement of Reasons for making the Compulsory Purchase Order is set out in Appendix 2. These will be amended by the Solicitor to the Council in accordance with the recommendations above.

## **RESOURCE IMPLICATIONS**

### **Capital/Revenue**

22. The Council has already established a budget provision in the HRA capital programme to meet the costs of relocating residents, acquiring leasehold interests (including those made using CPO powers) etc and demolishing the buildings on the site. This expenditure is part funded by the HCA as part of a Funding Agreement covering all four Phase 2 sites. There are conditions attached to the provision of this funding that the Council is committed to ensuring that developers meet. Breach of some of these conditions on any site could result in funding having to be repaid for all four sites whilst breach of other conditions would mean repayment of grant for that specific site only.
23. The proposed sale subject to planning and vacant possession would mean that the Council would not be legally able to require the purchaser to meet the funding conditions in the HCA agreement. This therefore leaves the Council at risk of having to repay some or all of the grant for Cumbrian Way and potentially sums for the other three sites. The grant relating to Cumbrian Way is £787,000 and there is a further £2,838,000 for the other three sites.
24. It should be noted that as they currently stand, the purchaser's development intentions are not in accordance with the deliverables set out in the current HCA funding agreement. To limit the financial exposure to the Council (to the HRA), the purchasers intended deliverables would either need to be re-negotiated in advance of sale to be consistent with the terms in the Funding Agreement with the HCA, or agreement will need to be secured from the HCA in advance of the sale to vary the current funding agreement, and, as

part of this, it would be necessary to ensure that any repayments for subsequent non delivery of the intended deliverables would be limited to the £787,000 for Cumbrian Way only.

25. The aim is to ensure that the intentions of the purchaser following the sale are consistent with the terms (revised if necessary) of the funding agreement with the HCA. This would ensure that so long as the purchaser delivers the redevelopment as stated there would be no repayment to the HCA.
26. However if subsequently the purchaser did not deliver the redevelopment as intended, and therefore not in accordance with the terms (revised if necessary) of the funding agreement with the HCA, then the HCA would have discretion to reclaim some or all of the grant received in relation to Cumbrian Way, hence why agreement must be secured in advance of sale with the HCA on the maximum sum repayable should the purchaser subsequently not delivered the anticipate deliverables.
27. The Current offer has been discussed with the HCA and they have agreed, in principle, that a variation of the funding agreement would be acceptable.
28. Any repayment of grant would need to be funded from the HRA and there is no provision to meet this reduction in funding. This risk would need to be taken into account in setting the level of HRA balances in forthcoming budgets.

#### **Property/Other**

29. The land and properties are required for the improvement of the area which will improve the economic, social and health well being of the residents within the four estate regeneration areas and enhance the environment of the estates.

#### **LEGAL IMPLICATIONS**

##### **Statutory power to undertake proposals in the report:**

30. The Council has powers under section 226(1)(a) of the Town and Country Planning Act 1990; the Housing Acts and the Local Government Act 1972 section 120 to undertake estate regeneration proposals. General Disposal Consent E of the General Housing Consents 2005 allows local authorities to dispose of any land held for housing purposes for the best consideration that can reasonably be obtained provided that any dwelling-house included in the disposal: (a) is vacant; (b) will not be used as housing accommodation; and (c) will be demolished
31. The Compulsory Purchase Order is to be made in accordance with s.226(1)(a) Town and Country Planning Act 1990 and The Land Acquisition Act 1981.

##### **Other Legal Implications:**

32. In recommending the making of CPO the rights of third parties that may be affected (including the property rights of the current property owners of the sites) have been balanced against the public interest in acquiring the land. It is recommended that the Council can be satisfied that the proposed CPO is necessary and proportionate having regard to the provisions of the Human Rights Act 1998 and is in the public interest having regard to the both the

need to provide good quality, energy efficient homes in areas where people wish to reside now and in the future and the need to regenerate these estates.

33. Procurement implications are set out in Confidential Appendix 4.

### **POLICY FRAMEWORK IMPLICATIONS**

34. These proposals will help deliver the new homes including affordable homes required in both the Housing Strategy 2007-11 and as part of the Council's partnership with PUSH. The regeneration of Southampton's council estates will play an important part in delivering a number of corporate policy objectives for regeneration.

<b>AUTHOR:</b>	Name:	N. Payne	Tel:	023 8083 2594
	E-mail:	Neville.payne@southampton.gov.uk		

**KEY DECISION?** Yes

<b>WARDS/COMMUNITIES AFFECTED:</b>	Millbrook
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### **SUPPORTING DOCUMENTATION**

**Non-confidential appendices are in the Members' Rooms and can be accessed on-line**

#### **Appendices**

1.	Cumbrian Way Shopping Parade CPO Plan
2.	Draft Statement of Reasons for Cumbrian Way Shopping Parade CPO
3.	Confidential - Terms of Offer
4.	Confidential – Procurement Advice

#### **Documents In Members' Rooms**

1.	<p>Consultation Report</p> <p>A 5-92 Laxton Close, Weston</p> <p>B Cumbrian Way Millbook, Exford Avenue Harefield, 5-25 Laxton Close Weston and 222-252 Meggeson Avenue Harefield</p>
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#### **Integrated Impact Assessment**

Do the implications/subject of the report require an Integrated Impact Assessment (IIA) to be carried out.	No
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#### **Other Background Documents**

**Integrated 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

Document is Confidential

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# Agenda Item 12

by virtue of paragraph number 5 of the Council's Access to information Procedure Rules

Appendix 4

Document is Confidential

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<b>DECISION-MAKER:</b>	CABINET
<b>SUBJECT:</b>	OBJECTION TO PROPOSED DISPOSAL OF MAYFIELD LODGE
<b>DATE OF DECISION:</b>	11 APRIL 2011
<b>REPORT OF:</b>	CABINET MEMBER FOR RESOURCES, LEISURE AND CULTURE
<b>STATEMENT OF CONFIDENTIALITY</b>	
None	

## **BRIEF SUMMARY**

The intention to dispose of Mayfield Lodge has been formally advertised in accordance with statutory requirements. There has been one objection. Cabinet is required to consider the objection before finalising any decision to sell the property.

## **RECOMMENDATIONS:**

- (i) To consider and determine the objection received in respect of the proposed disposal of Mayfield Lodge.
- (ii) If after Cabinet considers the objection it is considered the sale should proceed to approve the disposal of Mayfield Lodge.

## **REASONS FOR REPORT RECOMMENDATIONS**

1. Cabinet is required to consider the objection to the proposed disposal before any decision to sell can be finalised.
2. The lodge is in a poor state of repair and its sale will provide the opportunity for refurbishment to provide a family house and realise a capital receipt.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

3. Not to sell the property – this is not recommended as it is not feasible to meet the cost of repair or to use for Council purposes.

## **DETAIL (Including consultation carried out)**

4. Mayfield Lodge is a single storey Grade II Listed property located at the entrance to Mayfield Park. The property is currently vacant and in a poor condition throughout rendering it uninhabitable. In the absence of feasible and economic alternative use by the Council, it is proposed to sell the Lodge to provide the opportunity for refurbishment to provide a family house and realise a capital receipt.
5. Prior to seeking authority to advertise the intention to dispose, informal consultation was carried out with SCAPPS, Friends of Mayfield Park, Mayfield Park nursery and Mayfield Park bowling club in 2010. While understandably regretting that it was not possible for a use to be made directly with the park, there were no objections in principle to the proposed disposal.

6. Following the Cabinet decision on 20<sup>th</sup> December 2010 to authorise the advertising of the intention to dispose, an advert was duly placed in the Daily Echo on the 10<sup>th</sup> and 17<sup>th</sup> January 2011 in accordance with statutory requirements. One objection has been made, which now needs to be considered by Cabinet.
7. The objection received is from Councillor Richard Williams and was received by the Solicitor to the Council by e-mail on 7 February 2011. The lodged objection stated: 'I would like to object to the sell off plans because of the loss of public open-space and uses given to the community by the land in terms of well-being and community use.'
8. In response to this objection it should be noted that the Lodge was privately occupied as a residence by a service tenant of the Council for many years until 2005 when the tenant moved out. The lodge has therefore not been in community use, nor has the public had any access. Because of the poor condition of the property, it was concluded that the property was uninhabitable and it was not relet. A survey at the time estimated the cost of carrying out necessary structural repairs and of bringing the property up to a habitable standard at £136,000.
9. Further, the proposed sale as indicated on the attached plan is only of the Lodge building its associated garden together with such rights of way in common with other users as will be necessary to provide access from Weston Lane to the Lodge. No other property is included in the proposed sale and public access over the park will be unaffected. It might also be noted the extent of the area that would be sold is slightly less than that practically included with the Lodge to date; the proposed new boundaries would be inside of and exclude the landscaped shrubbery and borders that formerly effectively formed the Lodge boundaries and which will remain within the park.

## **RESOURCE IMPLICATIONS**

### **Capital/Revenue**

10. The disposal will generate a 100% usable capital receipt.
11. The Lodge is currently vacant and uninhabitable and does not therefore produce any income.

### **Property/Other**

12. The property is currently vacant and surplus to Council use and can be disposed of on a vacant possession basis.

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

13. The property is held under the Public Health Act 1875 and is therefore deemed to be "open space" by virtue of the holding power, notwithstanding its actual use. Section 123(1) of the Local Government Act 1972 allows local authorities to dispose of land but Section 123(2A) prevents the sale of open space land unless the Council advertises the intention to dispose in a local newspaper for 2 consecutive weeks and considers any objections made.

### **Other Legal Implications:**

14. None

## POLICY FRAMEWORK IMPLICATIONS

15. The proposal is not contrary to the Policy Framework.

<b>AUTHOR:</b>	Name:	Neville Payne	Tel:	023 8083 2594
	E-mail:	Neville.payne@southampton.gov.uk		

**KEY DECISION?** No      **WARDS/COMMUNITIES AFFECTED:** Woolston

### SUPPORTING DOCUMENTATION

**Non-confidential appendices are in the Members' Rooms and can be accessed on-line**

#### **Appendices**

1.	Plan
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#### **Documents In Members' Rooms**

1.	None
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#### **Integrated Impact Assessment**

Do the implications/subject of the report require an Integrated Impact Assessment (IIA) to be carried out.	No
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#### **Other Background Documents**

**Integrated 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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<b>DECISION-MAKER:</b>	CABINET MEMBER FOR ENVIRONMENT AND TRANSPORT
<b>SUBJECT:</b>	PORTSWOOD RESIDENTS GARDENS CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN
<b>DATE OF DECISION:</b>	11 APRIL 2011
<b>REPORT OF:</b>	HEAD OF PLANNING AND SUSTAINABILITY
<b>STATEMENT OF CONFIDENTIALITY</b>	
None	

## **BRIEF SUMMARY**

As part of the Historic Environment Team's programme of Conservation Area Appraisals, an Appraisal and Management Plan for the Portswood Residents Gardens Conservation Area (PRGCA) has been carried out. This work is required in order that changes to and within the Conservation Area can be managed within a defensible clear policy framework, and applications for changes can be determined based on a clear understanding of the important elements of the area.

## **RECOMMENDATIONS:**

- (i) To adopt the Conservation Area Appraisal and Management Plan (CAAMP), and to agree that the policies contained within the Management Plan will guide future development proposals in the Conservation Area.

## **REASONS FOR REPORT RECOMMENDATIONS**

1. To enable the Council to manage change inside the Conservation Area within a clear framework.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 2 Not to adopt the CAAMP. This would result in a significant loss of good will built up with the Residents over the last year, and would result in additional strains on resources, as the Council is obliged to review the existing Appraisal in any event.

## **DETAIL (Including consultation carried out)**

- 3 A conservation area (CA) is '*an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance*'. Southampton City Council designated the Portswood Residents' Gardens as a CA in October 1996 to conserve the special character and appearance of the area. The Council published the first Character Appraisal of the CA in 1999. This recognised that 'the special quality of this early example of the Garden City Movement is derived from its residential character, architectural quality and its generous layout in terms of the ratio between open space and buildings.

- 4 In January 2009 Cabinet agreed to make a new Direction pursuant to Article 4(2) of The Town and Country Planning (General Permitted Development) Order 2005, the effect of which was to remove Permitted Development rights within part of the Portswood Residents' Gardens Conservation Area.
- 5 The Council has worked closely with the Portswood Residents Gardens Residents Association (PRGRA) in formulating the revised CAAMP. The work was undertaken by local volunteers, and edited by the Council. There have been a number of meetings, both formal and informal, to discuss the extent of the appraisal and the nature and extent of the Management Plan (see Appendix 2).
- 6 The CAAMP will replace the existing Conservation Area Appraisal, and the Management Plan element builds on the existing Article 4 (2) Direction, which remains unchanged.
- 7 Part One of the CAAMP is an appraisal of the character of the conservation area, and includes a broad analysis of the natural as well as the built environment. While more detailed than the 1999 Appraisal, the analysis is broadly similar, in that there has been very little physical change to the area.
- 8 Part Two of the CAAMP sets out detailed Management Policies, which will, if approved, guide officers when determining future planning applications for the Conservation Area. These policies are similar to those recently adopted for the neighbouring Oakmount Triangle Conservation Area, but have been adapted to suit the particular circumstances of the Residents Gardens.
- 9 During the extensive consultation (see Appendix 2), it became apparent that, while there was broad support for the Management Policies, there are three areas where residents raised major concerns. These areas are:
- Solar panels and photovoltaics;
  - uPVC windows;
  - Traffic management.
- These issues are dealt with in detail below.
- 10 The Article 4 (2) Direction removes Permitted Development (PD) Rights for households for works to the principle elevations of properties fronting a Highway. This includes works to the roof. Works to rear and side elevations are not usually covered by the Direction, and therefore are deemed to be Permitted Development.
- 11 In the case of solar panels or photovoltaic arrays, these need to be erected on south-facing elevations to maximise efficiency. Where the south elevation fronts a highway and the panels will be 200mm or more proud of the roof line, erection of this equipment is deemed to require planning permission. The key question when determining an application for any form of development within a conservation area is whether or not it will *conserve or enhance* the area. Therefore the issue with solar panels and photovoltaic arrays is whether they would meet these criteria. Applications for consent will have to be decided on a case-by-case basis.

- 12 With regard to uPVC windows and doors, these would not normally be acceptable in conservation areas because of the negative impact they have on the visual character of such areas. However, the Plan recognises that thermal efficiency is a major concern for residents who want to manage down their bills. Therefore the management policies allow for the possibility of well designed double glazed units in traditional wood or metal, or for the insertion of secondary glazing.
- 13 Traffic management is possibly *the* major issue raised by residents. Their concerns ranged from all-day parking by non-residents to the practice of using the area as a short cut (rat running).
- 14 A letter received on behalf of the residents association states:  
***'You will see from the evidence that by far the biggest issues of concern for residents of the Conservation Area are traffic and parking. It is widely feared that the current situation, already seen by many as intolerable, will become even worse once the new Sainsbury superstore is opened nearby. As you know, a Resident Permit Parking Scheme is currently being proposed which we hope will help with the parking problems, if approved. However, this does not address the widespread and deeply felt concerns regarding traffic flows through the CA, speeding and "rat-running". (A Council survey showed that 95% of the traffic in the CA is non-local already, and this will be worsened by the Sainsbury's development.) Residents have therefore asked me to stress that there is a great deal of frustration that officers' advice is that traffic matters cannot be included in the Management Plan policies, but only as an Enhancement Opportunity. This contrasts with parking, for which there is a relevant planning policy in the Core Strategy and thus a linked policy in the Management Plan. Both traffic management measures and controls on car parking are regarded as inseparable and absolutely essential to preserve and enhance the Conservation Area. The residents' view is that the City Council must do something about these crucial issues, and that it makes nonsense of both conservation policies and public consultation if they are not taken into account. I trust your report will reflect these views.'***
- 15 The CAAMP is designed to guide homeowners when planning works, and officers when dealing with applications. Nevertheless, as identified by the residents, other matters can be equally important in their impact on the residential environment. In response to the residents concerns, it is proposed to deal with all traffic management and parking issues in the 'Enhancement Opportunities' section of the Plan. The Council is committed to introducing a Residents Parking Scheme into the area (subject to public consultation), and dealing with these matters in this way will have no effect on the enforceability of the CAAMP.

## RESOURCE IMPLICATIONS

### Capital/Revenue

- 16 There are no capital implications arising from this report.
- 17 The revenue costs of publicity of up to £3,000 arising from this report can be contained within existing approved E & T revenue estimates.

**Property/Other**

18 There are no Property implications arising from the recommendations contained within this report.

**LEGAL IMPLICATIONS**

**Statutory power to undertake proposals in the report:**

19 The Planning (Listed Buildings and Conservation Areas) Act 1990

**Other Legal Implications:**

20 The Council must be satisfied that any conservation area management plan conforms to the requirements of the Human Rights Act 1998, in particular Article 1 of the First Protocol in relation to the Protection of Property. Any interference with property rights (including restricting development opportunities etc) must be necessary and proportionate in order to control the use of property in accordance with the general public interest .

**POLICY FRAMEWORK IMPLICATIONS**

21 The recommendations set out in the CAAMP are based on and complement the existing policies set out in the Core Strategy and the saved policies of the City of Southampton Local Plan Review.

<b>AUTHOR:</b>	Name:	Kevin White	Tel:	023 8083 3192
	E-mail:	kevin.white@southampton.gov.uk		

**KEY DECISION?** No

<b>WARDS/COMMUNITIES AFFECTED:</b>	Portswood
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**SUPPORTING DOCUMENTATION**

**Non-confidential appendices are in the Members' Rooms and can be accessed on-line**

**Appendices**

1.	Conservation Area Appraisal and Management Plan
2.	Schedule of consultation

**Documents In Members' Rooms**

1.	None
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**Integrated Impact Assessment**

Do the implications/subject of the report require an Integrated Impact Assessment (IIA) to be carried out.	No
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**Other Background Documents**

**Integrated 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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