

# Public Document Pack

## Cabinet

Tuesday, 17th January, 2023  
at 4.30 pm

**PLEASE NOTE TIME OF MEETING**

**Council Chamber, Civic Centre**

### Members

Leader – Councillor Kaur

Deputy Leader and Cabinet Member for Children and  
Leaning – Councillor Dr Paffey

Cabinet Member for Finance and Change – Councillor  
Leggett

Cabinet Member for Housing and Green Environment –  
Councillor Mitchell

Cabinet Member for Economic Development – Councillor  
Bogle

Cabinet Member for Health, Adults and Leisure –  
Councillor Fielker

Cabinet Member for Transport and District Regeneration -  
Councillor Keogh

Cabinet Member for Safe City – Councillor Renyard

Cabinet Member for Communities and Customer  
Engagement – Councillor Kataria

(QUORUM – 3)

### Contacts

Cabinet Administrator

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## **BACKGROUND AND RELEVANT INFORMATION**

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

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

### **The Forward Plan**

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

### **Implementation of Decisions**

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

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

### **Use of Social Media**

The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair’s opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council’s Standing Orders the person can be ordered to stop their activity, or to leave the meeting.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public. Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so. Details of the Council’s Guidance on the recording of meetings is available on the Council’s website.

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

<b>2022</b>	<b>2023</b>
14 June	17 January
19 July	7 February
16 August	21 Feb (budget)
13 September	14 March
18 October	18 April
15 November	

### **Executive Functions**

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

### **Key Decisions**

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

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

### **Procedure / Public Representations**

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

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

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

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

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

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

20 December	
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## **CONDUCT OF MEETING**

### **TERMS OF REFERENCE**

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

### **RULES OF PROCEDURE**

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

### **DISCLOSURE OF INTERESTS**

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

### **DISCLOSABLE PECUNIARY INTERESTS**

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

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

(ii) Sponsorship:

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

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

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

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

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

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

a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or

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

### **BUSINESS TO BE DISCUSSED**

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

### **QUORUM**

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

## **Other Interests**

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

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

## **Principles of Decision Making**

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

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

In exercising discretion, the decision maker must:

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

## AGENDA

### 1 APOLOGIES

To receive any apologies.

### 2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

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

## EXECUTIVE BUSINESS

### 3 STATEMENT FROM THE LEADER

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

Record of the decision making held on 20<sup>th</sup> December, 2022 attached.

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

There are no matters referred for reconsideration.

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

There are no items for consideration

### 7 EXECUTIVE APPOINTMENTS

To deal with any executive appointments, as required.

## ITEMS FOR DECISION BY CABINET

### 8 PROPOSED EXPANSION TO NEWLANDS PRIMARY SCHOOL □ (Pages 5 - 14)

To consider the report of the Cabinet Member for Children and Learning seeking approval for additional funds to expand the Resource Base for Deaf Children.

### 9 COMMERCIAL WASTE DISPOSAL □ (Pages 15 - 20)

To consider the report of the Cabinet Member for Finance and Change seeking approval for a two year extension to the Agreement in relation to Commercial Waste Transfer and Disposal Services.

**10 GROUP BUS FARE OFFER** □ (Pages 21 - 32)

To consider the report of Cabinet Member Transport and District Regeneration seeking approval for the continuation of the Group Bus Fare Offer in Southampton.

**11 APPLICATION FOR THE DESIGNATION OF CIVIL ENFORCEMENT AREA FOR MOVING VIOLATIONS** □ (Pages 33 - 44)

Report of the Cabinet Member for Transport and District Regeneration which details the Council's application for civil enforcement of moving violations and the associated consultation.

**12 EXCLUSION OF THE PRESS AND PUBLIC - EXEMPT 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 exempt appendix to the following Item.

Appendix 1 contains information deemed to be exempt from general publication based on Category 3 (information relating to the financial or business affairs of any particular person (including the Authority holding that information)) of paragraph 10.4 of the Council's Access to Information Procedure Rules. In applying the public interest test this information has been deemed exempt from publication due to confidential sensitivity. It is not considered to be in the public interest to disclose this information as it would reveal information relating to the Authority's own financial or business affairs.

**13 SCC EMPLOYER CONTRIBUTION** □ (Pages 45 - 50)

To consider the report of the Cabinet Member for Finance and Change detailing the Budget Matters – Local Government Pension Scheme proposed saving.

**14 EXCLUSION OF THE PRESS AND PUBLIC - EXEMPT 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 the following Item

The report is considered to be exempt from general publication based on Category (7A) of paragraph 10.4 of the Council's Access to Information Procedure Rules. It is not in the public interest to disclose this information as the report contains confidential and commercially sensitive information in relation to one of the Council's suppliers. It would prejudice the Council's ability to operate in a commercial environment and obtain best value in contract negotiations and would prejudice the Council's commercial relationships with third parties if they believed the Council would not honour obligations of confidentiality.

**15 SOUTHAMPTON GUILDHALL** □ (Pages 51 - 58)

To consider the confidential report of the Leader of the Council concerning the contract for Southampton Guildhall.





SOUTHAMPTON CITY COUNCIL  
EXECUTIVE DECISION MAKING

RECORD OF THE DECISION MAKING HELD ON 20 DECEMBER 2022

Present:

Councillor Kaur	-	Leader of the Council
Councillor Dr Paffey	-	Cabinet Member for Children and Learning
Councillor Bogle	-	Cabinet Member for Economic Development
Councillor Fielker	-	Cabinet Member for Health, Adults and Leisure
Councillor Leggett	-	Cabinet Member for Finance and Change
Councillor Kataria	-	Cabinet Member for Communities and Customer Engagement
Councillor Keogh	-	Cabinet Member for Transport and District Regeneration
Councillor Mitchell	-	Cabinet Member for Housing and the Green Environment
Councillor Renyard	-	Cabinet Member for Safe City

40. AIR QUALITY ACTION PLAN 2023 – 2028

DECISION MADE: (CAB 22/23 35685)

On consideration of the report of the Cabinet Member for Housing and the Green Environment, having taken into consideration and agreeing with recommendations from Overview and Scrutiny Management Committee at their meeting held on 15<sup>th</sup> December, 2022, Cabinet agreed the following:

- (i) To formally adopt and implement the Air Quality Action Plan update as presented in Appendix 1.
- (ii) To delegate authority to the Director of Environment to introduce future revisions, including making minor amendments following consultation with the Cabinet Member Housing and the Green Environment and S151 officer, so that the plan is able to respond to both national and local changes.

41. MANSEL PARK - DISPOSAL OF OPEN SPACE ADVERTISEMENT

DECISION MADE: (CAB 22/23 35762)

On consideration of the report of the Cabinet Member for Economic Development, having taken into consideration representations from a local resident and the Chair of Redbridge Residents Association, Cabinet agreed the following:

- (i) To agree the principle of the disposal of land at Mansel Park as identified on the plan at appendix 1 and authorise the Director, Legal & Business Services to advertise the disposal of the open space in accordance with section 123(2A) Local Government Act 1972.
- (ii) To delegate authority to the Executive Director of Place, following consultation with the Cabinet Member for Economic Development, to consider and determine any objections made in response to the advert for the above open space disposal.

- (iii) Subject to the responses to the advertisement above, to delegate authority to the Executive Director of Place following consultation with the Director for Legal & Business Services, agreement of new lease terms to the existing tenant of the land and authority to do anything necessary to give effect to the recommendations above.
- (iv) Subject to recommendation (ii) above, to authorise the Executive Director of Place to dispose of the Land at Mansel Park in accordance with section 123(2A) Local Government Act 1972 and at less than best consideration if appropriate.

42. SOUTHAMPTON - MASTERPLANNING DELIVERY FRAMEWORK

DECISION MADE: (CAB 22/23 35878)

On consideration of the report of the Cabinet Member for Economic Development, Cabinet agreed the following:

- (i) To note the progress of a developing a new Master-planning Delivery Framework and programme, that will support the long-term growth and development of Southampton.
- (ii) To approve the establishment and draft Terms of Reference of the Southampton Renaissance Board and delegate authority to Executive Director Place, following consultation with the Leader of the Council and Cabinet Member for Economic Development, to administer the Board in line with the draft Terms of Reference as described in Appendix 1 of the report.

43. TOBACCO, ALCOHOL AND DRUGS STRATEGY 2023-2028

DECISION MADE: (CAB 22/23 35799)

On consideration of the report of the Cabinet Member for Health, Adults and Leisure and the Green Environment, Cabinet approve the new Tobacco, Alcohol and Drugs Strategy for the city as set out in appendix 1 to this report.

44. DOMESTIC ABUSE AND VIOLENCE AGAINST WOMEN AND GIRLS STRATEGY 2023-2028

DECISION MADE: (CAB 22/23 35795)

On consideration of the report of the Cabinet Member for Safer City, Cabinet agreed to approve the new Domestic Abuse and Violence Against Women and Girls Strategy for the city as set out in Appendix 1 to this report.

45. FREEPORT UPDATE

DECISION MADE: (CAB 22/23 35906)

On consideration of the report of the Cabinet Member for Economic Development, having complied with paragraph 15 of the Council's Access to Information Procedure Rules, Cabinet agreed the following:

- (i) To delegate to the Chief Executive, following consultation with the Cabinet Member for Economic Development, Executive Director - Finance and Commercialism (S151 Officer) and the Executive Director for Place, to agree the Memorandum of Understanding which Southampton City Council (as a participating rating authority) is expected to sign with Government as part of the arrangements for designating the Freeport.
- (ii) To note the work to agree an Investment Plan for submission to Government, detailing how the proceeds from the growth in business rates will be applied in support of the Freeport Objectives. Furthermore, that this Investment Plan will be agreed via the Retained Rates Investment Committee (RRIC) and Freeport Board, on which the Council is represented by the Cabinet Member for Economic Growth as a voting member, and with the Deputy S151 Officer as an ex-officio nominated representative for the RRIC.

46. DELIVERY OF AFFORDABLE HOUSING ON COUNCIL LAND THROUGH THE COUNCIL FRAMEWORK

DECISION MADE: (CAB 22/23 35493)

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

- (i) To approve the list of sites included in Appendix 1 as the first tranche for transfer to Affordable Housing Providers (AHPs) through the city council framework.
- (ii) To delegate any further decisions relating to the terms for transfer or implementation of the recommendations of this report to the Executive Director of Place following consultation with:
  - Cabinet Member for Housing and Green Environment
  - Executive Director for Corporate Services
  - Executive Director for Wellbeing and Housing
  - Director Human Resources and Governanceincluding the tenure mix for each site and any specific housing requirements.
- (iii) To delegate approval to the Executive Director of Place following consultation with the:
  - Cabinet Member for Housing and Green Environment
  - Executive Director for Corporate Services
  - Executive Director for Wellbeing and Housing
  - Director of Human Resources and Governanceto identify and include further plots for tender through the city council framework subject to achieving best value for the sites and only for those sites where the valuation of the site is within officer delegated powers.



# Agenda Item 8

<b>DECISION-MAKER:</b>	<b>CABINET</b>
<b>SUBJECT:</b>	<b>PROPOSED EXPANSION TO NEWLANDS PRIMARY SCHOOL</b>
<b>DATE OF DECISION:</b>	<b>17 JANUARY 2023</b>
<b>REPORT OF:</b>	<b>COUNCILLOR PAFFEY CABINET MEMBER FOR CHILDREN &amp; LEARNING</b>

<b><u>CONTACT DETAILS</u></b>			
<b>Executive Director</b>	<b>Title</b>	Executive Director Wellbeing (Children and Learning)	
	<b>Name:</b>	Robert Henderson	Tel: 023 8083 4899
	<b>E-mail</b>	Robert.henderson@southampton.gov.uk	
<b>Author:</b>	<b>Title</b>	Service Manager - Education Strategy, Planning & Improvement	
	<b>Name:</b>	Clodagh Freeston	Tel: 023 80833681
	<b>E-mail</b>	clodagh.freeston@southampton.gov.uk	

<b>STATEMENT OF CONFIDENTIALITY</b>
N/A

<b>BRIEF SUMMARY</b>		
<p>Southampton has a number of resource bases which are located within mainstream schools. These bases provide specialist teaching and support for pupils with specific special educational needs allowing them to be educated in a mainstream setting. All pupils who attend a resource base have an Education, Health and Care Plan (EHCP).</p> <p>In December 2020 Cabinet approved £1.11M to build a new resource base for 14 deaf children at Newlands Primary School. Construction projects generally have been significantly affected by rising inflation, supplies and services and energy costs and as a result recent tenders have been higher than the budget originally allocated. This report seeks approval to increase the budget within the capital programme to successfully deliver the project.</p>		
<b>RECOMMENDATIONS:</b>		
	(i)	To approve the virement of £0.66M within the Children & learning capital programme to enable the project to progress to delivery, as detailed in paragraphs 10, 11 and 12.
	(ii)	To approve the spend of £0.66M in 2023/24.
	(iii)	Cabinet notes that use of government grant funding of £0.66M towards the increased costs of this scheme, as outlined in paragraph 12, means it will not be available to reduce borrowing costs for other schemes. Therefore applying in this way does not help offset the considerable budget pressures the authority currently faces.

<b>REASONS FOR REPORT RECOMMENDATIONS</b>	
1.	<p>There has been an increase in recent years of pupils with complex needs relating to their hearing impairments. These pupils were accommodated at Tanners Brook School. In agreement with the Department for Education this facility closed in August 2022 and in September 2022 officially opened at Newlands Primary School (awaiting building works to commence).</p> <p>A temporary modular facility has been installed in the grounds of Newlands Primary School until the build is complete. The revenue cost of providing this facility from October 2021 to date has been £100,000. Ongoing costs are £2500 per month. These facilities do not meet the needs of primary aged hearing impaired pupils and a purpose-built facility is required to enable the pupils to have a more specialist provision.</p> <p>The new resource base will be an extension of the current school. This will ensure that the pupils are fully included in all aspects of school life.</p> <p>This proposal ensures that the Council can meet the needs of all deaf pupils in the City by increasing the number of available places locally.</p>
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
2.	Do nothing. If the modular unit was to remain and SCC fail to invest in specialist provision locally then the pupils would not be taught in fit for purpose facilities and SCC would be failing in their statutory responsibilities and there would be an indefinite cost of £2500 per month for the continued hire of the modular provision.
3.	<p>Remove the provision of facilities on this site by bringing the hire of the temporary facilities to an end and not construct a purpose-built building. This would result in unnecessary out of county independent residential placements for these children. The cost to SCC would be up to £540,000 per pupil over the course of their education. This financial commitment would equate to £7.6M over the coming years based on 14 children.</p> <p>Withdrawing the programme would result in significant reputational damage to the Council as children, parents, Newlands Primary School and the National Deaf Children's Society are strong supporters of the build.</p>
<b>DETAIL (Including consultation carried out)</b>	
4.	Southampton has a number of resource bases which are located within mainstream schools. These bases provide specialist teaching and support for pupils with specific special educational needs allowing them to be educated in a mainstream setting. All pupils who attend a resource base have an Education, Health and Care Plan (EHCP).
5.	In December 2020 Cabinet approved £1.11M to build a new resource base for 14 deaf children at Newlands Primary School (as the base at Tanners Brook Primary School was due to close). Since that time Newlands Primary School has admitted children to the school to ensure educational continuity until the new base was completed. The provision is open from a Department for Education perspective (e.g. for the purposes of school census collections). The

	pandemic has had a considerable impact on the timing and delivery of this project which is now expected to be completed and ready by Spring 2024.								
6.	The original budget was agreed at £1.11M for all professional fees and construction costs including contingency. The final costs have recently been confirmed as £1.77M. This is due to factors outside the council's control including increased building costs. The construction market is in flux and tender values have been affected by rising inflation, the higher costs of supplies and services together with energy costs. A briefing note was circulated on the 25 May 2022 explaining that the pre-tender estimate (PTE) forecast that the tenders would be returned above budget and sought permission to still go out to tender to secure accurate costs. SCC has now received tenders and subsequent cost certainty.								
7.	This report is to request an additional £0.66M funding to allow for the appointment of a contractor and professional team to complete the works, based on the Tender report, as detailed in paragraphs 10, 11 and 12.								
8.	The Corporate Estates and Asset Management division has taken the project as far as RIBA stage 4 and await approval of additional funding in order to progress to completion.								
9.	A full statutory consultation was carried out in advance of the Cabinet meeting in December 2020 for which the papers and minutes can be found here <a href="#">Agenda for Cabinet on Tuesday, 15th December, 2020, 4.30 pm   Southampton City Council</a> All consultation has been concluded and the only outstanding element is delivery of the facility.								
<b>RESOURCE IMPLICATIONS</b>									
<b><u>Capital/Revenue</u></b>									
10.	<p>The approved capital budget is £1.11M, currently funded by borrowing. Spend has been incurred on the project, to complete design and procurement as follows:</p> <table border="1"> <thead> <tr> <th></th> <th>£M</th> </tr> </thead> <tbody> <tr> <td>2021/22</td> <td>0.10</td> </tr> <tr> <td>2022/23 to date</td> <td>0.05</td> </tr> <tr> <td><b>TOTAL</b></td> <td><b>0.15</b></td> </tr> </tbody> </table> <p>Should the project not proceed these costs would become abortive and be charged to the GF revenue account, creating £0.15M budget pressure.</p>		£M	2021/22	0.10	2022/23 to date	0.05	<b>TOTAL</b>	<b>0.15</b>
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2021/22	0.10								
2022/23 to date	0.05								
<b>TOTAL</b>	<b>0.15</b>								
11.	Following the tender process, the budget now required to complete the project is £1.77M, an increase of £0.66M. This is primarily due inflationary pressures in the construction market. Material shortages along with increasing energy prices, has contributed to intense inflationary pressure on the construction sector. The better than anticipated economic recovery has increased the demand for materials both in the UK and globally forcing costs higher and lengthening delivery times. These significant increases together with the rise in energy prices and fuel costs in the economy have resulted in higher than previously forecast levels of tender pricing.								

12.	<p>Therefore, approval is sought for the virement of £0.66M in 2023/24 to be funded by government grants, as follows:</p> <table border="1" data-bbox="357 327 1289 631"> <thead> <tr> <th data-bbox="357 327 1094 470">Project</th> <th data-bbox="1094 327 1289 470">Addition/ (Reduction) £M</th> </tr> </thead> <tbody> <tr> <td data-bbox="357 470 1094 524">Healthy Pupil Fund</td> <td data-bbox="1094 470 1289 524">(0.02)</td> </tr> <tr> <td data-bbox="357 524 1094 577">Schools Condition Works</td> <td data-bbox="1094 524 1289 577">(0.64)</td> </tr> <tr> <td data-bbox="357 577 1094 631"><b>Newlands Resource Base for Deaf Children</b></td> <td data-bbox="1094 577 1289 631"><b>0.66</b></td> </tr> </tbody> </table>	Project	Addition/ (Reduction) £M	Healthy Pupil Fund	(0.02)	Schools Condition Works	(0.64)	<b>Newlands Resource Base for Deaf Children</b>	<b>0.66</b>
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Healthy Pupil Fund	(0.02)								
Schools Condition Works	(0.64)								
<b>Newlands Resource Base for Deaf Children</b>	<b>0.66</b>								
13.	<p>The Council is currently reviewing the overall capital programme to reduce budget and ultimately borrowing costs, given the significant increase in interest rates and the major financial pressure the Council is currently facing, in particular without a draft balanced budget yet for 2023/24 and a shortfall in subsequent years. All new spend proposals need to be seen in the context of the overall financial pressures the Council faces in future and the requirement to set a robust and balanced budget for 2023/24 at February Council. Cabinet received an update on the budget position at its meeting on 8 November 2022, available here:</p> <p><a href="#">Agenda for Cabinet on Tuesday, 8th November, 2022, 4.30 pm   Southampton City Council</a></p> <p>Decisions taken now with resources, will limit future options over the life of the Medium Term Financial Strategy with an update on future budget shortfalls part of what will be considered at February Council. Cabinet is therefore asked to carefully consider all new commitments, including use of grant in this way in support of extra costs in the capital programme. It should be noted that there are other uses for these grants. They could be applied to other schemes, which may potentially help offset borrowing cost in future years. Applying to this scheme treats their use as the first priority and they will be unavailable to fund other projects, which could include ways of reducing the Council's costs for capital financing as one of the budget pressures we face.</p>								
<b><u>Property/Other</u></b>									
14.	The resource provision at Tanners Brook Primary School (academy) has now been closed (children have moved to Newlands Primary School which is a maintained school).								
<b>LEGAL IMPLICATIONS</b>									
<b><u>Statutory power to undertake proposals in the report:</u></b>									
15.	A decision to not proceed with the build will require a new Cabinet decision reversing the previous statutory school organisation decision to proceed with the establishment of a unit on the site.								
16.	The new resource provision at Newlands Primary School was opened in September 2022 in line with statutory guidance when exercising functions under The School Organisation (Prescribed Alterations to Maintained Schools)								



	(England) Regulations 2013 ('the Prescribed Alterations Regulations'). To be read in conjunction with Parts 2 and 3 and Schedule 3 of the Education and Inspections Act (EIA) 2006 and the Prescribed Alterations Regulations. It is the responsibility of LAs and GBs to ensure that they act in accordance with the relevant legislation when making changes to a maintained school.
<b>Other Legal Implications:</b>	
17.	Special educational needs and Disability Code of Practice: 0-25 Years The Code of Practice provides statutory guidance on duties, policies and procedures relating to Part 3 of the Children and Families Act 2014 and associated regulations and applies to England. It is relevant as all pupils who attend a resource base have an Education, Health and Care Plan which states the provision required to meet their needs.
<b>RISK MANAGEMENT IMPLICATIONS</b>	
18.	There is a significant risk of reputational damage should the additional funds not be agreed. Newlands School already hosts the provision. Children are attending the interim provision arrangements (Revenue cost). Not progressing the project would likely be met with significant challenge.
19.	A dynamic risk register has been implemented and kept updated from the initial development of the scheme. This will continue to be reviewed and updated throughout the project delivery.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
20.	The provision of this resource base is consistent with the Council's policies and strategies.

<b>KEY DECISION?</b>	Yes
<b>WARDS/COMMUNITIES AFFECTED:</b>	All
<u>SUPPORTING DOCUMENTATION</u>	
<b>Appendices</b>	
1.	Full Council minutes February 2020 - Capital Programme <a href="http://www.southampton.gov.uk/modernGov/documents/s44115/Appendix%202%20-%20Annex%202.3%20-%20Capital%20Strategy.pdf">http://www.southampton.gov.uk/modernGov/documents/s44115/Appendix%202%20-%20Annex%202.3%20-%20Capital%20Strategy.pdf</a>
2.	Equality Impact Assessment

**Documents In Members' Rooms**

1.	None.
<b>Equality Impact Assessment</b>	
<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	<b>Yes</b>
<b>Data Protection Impact Assessment</b>	
<b>Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.</b>	<b>No</b>
<b>Other Background Documents</b>	

<b>Other Background documents available for inspection at:</b>		
<b>Title of Background Paper(s)</b>		<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>
1.	Special educational needs and disability code of practice. 0-25 years.	<a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf</a>
2.	Making significant changes ('prescribed alterations') to maintained schools	<a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756572/Maintained_schools_prescribed_alterations_guidance.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756572/Maintained_schools_prescribed_alterations_guidance.pdf</a>

**Equality and Safety Impact Assessment**

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

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

<b>Name or Brief Description of Proposal</b>	Newlands Primary School – Resource Base for Deaf Children
<b>Brief Service Profile (including numbers affected)</b>	<p>This assessment has been undertaken to support recommendations to provide additional funding to progress and complete an extension to Newlands Primary School to meet the needs of children with Special Educational Needs and Disabilities</p> <p>The numbers and complexity of children with special educational needs and disability (SEND) has been increasing both nationally and locally for the last 15 years.</p> <p>Southampton, in recent years, has seen an increase in the number of pupils with complex needs relating to their hearing impairments. Whilst the needs of the majority of these pupils can be met in mainstream schools, a number require more specialist provision. In order to meet the needs of primary aged hearing impaired pupils, a new resource base for deaf children is proposed to be built at Newlands Primary School to cater for pupils aged between 4 and 11. The total number of places available will not exceed 14.</p>
<b>Impact on different groups</b>	<p><b>Age – Positive impact</b></p> <p>The proposal to create a new dedicated resource base for children aged 4-11 with a hearing impairment will provide high quality provision tailored to the needs of these pupils with an understanding of the specific needs of this age group. This provision will ensure that pupils needs can be met within the city without having to travel or be placed in residential provision away from home.</p> <p><b>Gender – Positive impact</b></p> <p>The facility will be co-educational ensuring that girls and boys are treated equally and have the same opportunities.</p>

	<p><b>Disability – Positive impact</b></p> <p>This proposal is part of a wider set of reforms which aims to provide a more comprehensive continuum of provision from increased inclusion of children with disabilities in mainstream schools, a specialist offer within a mainstream setting (Mainstream+ options and Resourced Provisions) and increased specialist provision within special schools.</p> <p>This will provide children and families with a greater range of options and enable many children with disabilities to access the wider provision that a mainstream setting can offer.</p> <p><b>Ethnicity, religion or belief – Neutral impact</b></p> <p>It is not anticipated that this proposal will impact differently on any cohorts of children based on ethnicity, religion or belief.</p> <p><b>Geography – Negative impact</b></p> <p>Meeting the needs of specific cohorts of children, requiring more specialist provision will be attending a school outside of their immediate catchment area. As a result, most children have to travel to school and are not educated alongside their local community.</p> <p>Whilst the resulting geographical spread of specialist provision will as a result be little changed to the current provision the proposals do not provide the opportunity to reduce the negative impact of children having to travel to school and be educated away from their local community.</p>
<b>Summary of Impact and Issues</b>	With an increase in resource base school places available all children who require this type of environment will be able to access it.
<b>Potential Positive Impacts</b>	A more flexible, child centred continuum of provision will provide a wider range of options than is currently available to ensure that children’s needs can be met and parents’ preferences honoured. Additionally, this proposal means children’s needs can be met within Southampton, reducing the need for costly out of county independent specialist placements.
<b>Responsible Service Manager</b>	Clodagh Freeston – Service Manager – Education Strategy Planning and Improvement
<b>Date</b>	06.12.22

<b>Approved by Senior Manager</b>	Tammy Marks
<b>Signature</b>	<i>Tammy Marks</i>

<b>Date</b>	07.12.22
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## Potential Impact

<b>Impact Assessment</b>	<b>Details of Impact</b>	<b>Possible Solutions &amp; Mitigating Actions</b>
<b>Age</b>	<p>No increase planned in primary provision</p> <p>Drive for increased inclusion will impact on mainstream schools</p>	<p>Primary numbers should decrease over the next 5-10 years due to falling birth rates.</p> <p>Inclusion Charter, audit and kite mark to be developed to encourage all mainstream schools to become more inclusive</p> <p>Provide enhanced support to mainstream schools to ensure staff have the confidence and competence to manage an increasing complexity of need</p>
<b>Disability</b>	<p>Increased inclusion may initially result in discrimination and bullying</p>	<p>Increased awareness, understanding and exposure to children with a wide range of needs within the context of a social model of disability will in time result in greater acceptance of all</p>
<b>Gender Reassignment</b>	<p>No negative impact identified.</p> <p>Pupils with gender dysphoria experience greater social, emotional and mental health difficulties compared to pupils without gender dysphoria.</p>	<p>Increased provision at secondary age supported by an increase in awareness, understanding across all ages will ensure that the needs of this group of CYP will be better supported in the future</p>
<b>Marriage and Civil Partnership</b>	<p>No impact identified</p>	<p>N/A</p>
<b>Pregnancy and Maternity</b>	<p>No impact identified</p>	<p>N/A</p>

<b>Race</b>	No impact identified	N/A
<b>Religion or Belief</b>	No impact identified	N/A
<b>Sex</b>	As there are more males with disability, the proposals will have greater impact on males.	Ensure new builds provide a range of classroom options to support segregation if and when this may be required
<b>Sexual Orientation</b>	No impacts identified	N/A
<b>Community Safety</b>	Pupils with behaviours that challenge will be managed within the city.	Some pupils may continue to need to be out of the city for their own safety and that of others
<b>Poverty</b>	No negative impacts identified	N/A
<b>Other Significant Impacts</b>	None	

# Agenda Item 9

<b>DECISION-MAKER:</b>	CABINET
<b>SUBJECT:</b>	Commercial Waste Disposal
<b>DATE OF DECISION:</b>	17 January 2023
<b>REPORT OF:</b>	<b>COUNCILLOR LEGGETT CABINET MEMBER FOR FINANCE AND CHANGE</b>

<b>CONTACT DETAILS</b>			
<b>Director</b>	<b>Title</b>	Director - Environment	
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<b>Author:</b>	<b>Title</b>	Head of Supplier Management	
	<b>Name:</b>	Paul Paskins	Tel: 023 80 834353
	<b>E-mail:</b>	paul.paskins@southampton.gov.uk	

## STATEMENT OF CONFIDENTIALITY

N/A.

## BRIEF SUMMARY

It is recommended that Cabinet approves the extension of the Agreement in relation to Commercial Waste Transfer and Disposal Services (“the Agreement”) with TJ Waste and Recycling Ltd (“the Provider”), for two years to 31<sup>st</sup> March 2025.

In July 2019, Council:

- approved a financial envelope of £7.04M, for a maximum period of seven years;
- approved the financial envelope to increase in line with increased business for Trade Waste, on the basis that the additional cost can be met from additional revenue and
- noted the potential risks that could cause the level of cost to exceed the current budget as a result of government strategy and the likely impact on contract costs.

In August 2019, a decision to procure a single supplier waste disposal contract for commercial waste (for a maximum of seven years) was approved by Cabinet.

In April 2020 the Council entered into the Agreement with the Provider to dispose of its commercial waste. The initial term of the Agreement was three years with an optional two-year extension period, taking the maximum duration of the Agreement to five years.

## RECOMMENDATIONS:

	(i)	To approve an extension to the existing Agreement with the Provider for two years from April 2023 to March 2025.
	(ii)	To delegate authority to the Head of Supplier Management to take the necessary actions to give effect to this decision.

## REASONS FOR REPORT RECOMMENDATIONS

1.	A two-year extension to the Agreement will offer best value, provide sufficient time for the Council to further develop the strategy relating to its commercial
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	waste service and help to alleviate the strategic procurement resource and capacity pressures facing the organisation.
2.	There is a requirement under the Environmental Protection Act 1990 for waste collected by local authorities to be disposed of and therefore the Council must have a contract in place with a supplier to provide a commercial waste disposal service. If the extension period to the Agreement is not agreed, the Council will need to procure a replacement contract which will require reprioritising resources from existing projects. This approach would result in additional procurement and mobilisation costs and there is no evidence that a replacement contract would offer better value.
3.	The Agreement is delivering against its objectives and performance standards. The Provider is positively contributing to delivery of social value through its operations which (subject to formal agreement with the Provider) would be enhanced as part of agreeing the recommended extension period.
4.	The Agreement does not contractually commit the Council to use solely the Provider for commercial waste disposal and there are no committed tonnage requirements and, therefore, the Council could elect to use alternative disposals sources and/or reduce (or increase) its disposal levels without financial penalties if the Council's circumstances or requirements change during the extension period, subject to compliance with public procurement law and the Council's Constitution.
5.	The waste disposal sites are within the city making this an efficient arrangement in respect of operations and the environmental impact of these operations.
6.	Remaining with the Provider until March 2025 will allow a degree of certainty in terms of the cost of commercial waste disposal because the Agreement contains fixed tonnage rates charges (subject to indexation) to which the Provider and the Council will be bound during the extension period.
7.	To date, the Agreement features as a project within the Council's Strategic Procurement Programme (SPP). As part of planning resources and activity relating to the overall SPP, the use of contractually permissible extension options for relevant contracts have been considered and where it is determined that the contract continues to provide best value, recommendations to extend contracts are being made. This, in particular, is in the light of the significant strategic procurement activity and pressure on the organisation in the years up to 2026, the very limited resource available, the cost of undertaking successful procurement projects, prevailing market pressures and costs and the Council's ability to withstand the rising contract costs which are very likely to result from many of the re-procurements in the SPP.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
8.	<b>Extending the Agreement by one year only</b> Whilst this option would allow continuity of operation and cost stability for an additional year, this is rejected as it would require further consideration and a subsequent decision in respect of the of the final year extension, which - when considering the contractual position set out in point 4 - is not deemed to be appropriate use of the Council resource as there would be no discernible additional benefits in doing so.



9.	<p><b>Undertaking a procurement for a new commercial waste disposal contract to be in place by the end of the initial three-year period</b></p> <p>It is unlikely that the Council could secure a more favourable commercial position by going out to market as providers are seeking to pass significant risks onto clients because of the prevailing market conditions. This approach would result in additional procurement and mobilisation costs and there is no evidence that a replacement contract would offer better value.</p>
<b>DETAIL (Including consultation carried out)</b>	
10.	The Council operates a commercial waste collection and disposal service in and around the Southampton area, which comprises of trade waste (collection of waste from businesses), and housing void clearances for the Council owned and Private Landlord properties. This service was developed in addition to the household waste service, as a commercial venture.
11.	<p>The Council's commercial waste and disposal service provides the following services which are disposed of through the Agreement:</p> <ul style="list-style-type: none"> <li>• Trade waste services: Collection and disposal of General Waste and bulky items and</li> <li>• "Shine" services: Services to the Council Housing stock as the landlord for bulk waste collections, Void (empty property) property clearances and regular and ad-hoc chargeable work to private landlords and tenants.</li> </ul>
12.	Under the Agreement, the Council disposes of commercial residual waste and items removed from property clearances, fly-tips and bulky collections to waste transfer stations operated by the Provider.
13.	There is a requirement under the Environmental Protection Act 1990 for waste collected by local authorities to be disposed of properly. In practice, this means using one of a range of suppliers which are permitted by the Environment Agency to dispose of waste.
14.	The charges paid by the Council to the Provider under the Agreement are based on the level of tonnage disposed which means that the more (or less) commercial waste the Council disposes of, the more (or less) the service costs the Council.
15.	The Agreement is operating well and Provider performance against contractual indicators is strong. The Provider has demonstrated itself to be a strategic partner who is working closely with Officers to strengthen the social value contribution delivered through the Agreement.
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Revenue</u></b>	
16.	<p>In July 2019, Council approved a financial envelope of £7.04M in respect of commercial waste disposal costs for a maximum period of 7 years. This amount included an estimated 3% inflationary uplift over the period.</p> <p>Under the Agreement, the Council pays the Provider a set charge per tonne or unit, depending on what is being disposed so it is challenging to estimate future year's costs with accuracy. Charges are invoiced monthly and adjusted annually by the Consumer Price Index (CPI). For Financial Year 2021/22 the charges for disposal of commercial waste under the Agreement were £1.65M.</p>

	In 2022/23, commercial waste disposal costs under the Agreement are forecast to be £1.69M. As part of current budget planning, inflation as per the Agreement terms has been estimated as £0.18M in 2023/24. This additional cost will be off-set by a proposed corresponding price increase to commercial waste customers from April 2023 which will be considered as part of budget setting in February 2023. For 2024/25, disposal costs will again vary by CPI and prices charged to commercial waste customers will be further reviewed to ensure that any increased charges to the Council under the Agreement can be funded by the Trade Waste service.
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**Property/Other**

17.	There are no known property or other implications.
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**LEGAL IMPLICATIONS**

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

18.	The Environmental Protection Act 1990 provides local authorities with a power to collect commercial waste and a requirement to do so if the service is requested by businesses in their boundary.
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**Other Legal Implications:**

19.	The Agreement permits the recommended extension period therefore there are no procurement related risk or implications to taking this decision.
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**RISK MANAGEMENT IMPLICATIONS**

20.	Inflation may continue to increase during the extension term but the Council is unlikely to achieve greater protection with a new arrangement. The non-exclusive nature of the Agreement permits the Council to utilise alternative disposal sites if these are subsequently found to offer better value over the contract period.
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**POLICY FRAMEWORK IMPLICATIONS**

21.	Extension of the Agreement is consistent with, and not contrary to, the Council's Policy Framework. It will support delivery of the priorities and outcomes set out in the Southampton City Strategy 2015 – 25 and the Southampton City Corporate Plan 2022 – 30.
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<b>KEY DECISION?</b>	<b>Yes</b>
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<b>WARDS/COMMUNITIES AFFECTED:</b>	All Wards
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**SUPPORTING DOCUMENTATION**

**Appendices**

1.	N/A
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**Documents In Members' Rooms**

1.	N/A
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**Equality Impact Assessment**

<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>		<b>No</b>
<b>Data Protection Impact Assessment</b>		
<b>Do the implications/subject of the report require a Data Protection Im Assessment (DPIA) to be carried out.</b>		<b>No</b>
<b>Other Background Documents</b>		
<b>Other Background documents available for inspection at: N/A</b>		
<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>	
1.	N/A	

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<b>DECISION-MAKER:</b>	CABINET
<b>SUBJECT:</b>	GROUP BUS FARE OFFER
<b>DATE OF DECISION:</b>	17 JANUARY 2023
<b>REPORT OF:</b>	<b>COUNCILLOR KEOGH CABINET MEMBER FOR TRANSPORT &amp; DISTRICT REGENERATION</b>

<b><u>CONTACT DETAILS</u></b>			
<b>Executive Director</b>	<b>Title</b>	Executive Director Growth	
	<b>Name:</b>	Adam Wilkinson	Tel: 023 8254 5853
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<b>Author:</b>	<b>Title</b>	Transport Policy & Sustainable Travel Manager	
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<b>STATEMENT OF CONFIDENTIALITY</b>
None

<b>BRIEF SUMMARY</b>
In Summer 2022, SCC in partnership with bus operators introduced a trial of a lower priced Group Fare offer. Known as 'Five for Fiver', the offer reduced the price of the bus operator's standard £8 group ticket to £5 for up to five people to encourage more travel by bus and to enable people to experience Southampton over the school summer holidays.
The offer ran from July 27 <sup>th</sup> to 25 <sup>th</sup> September and has been continued as a weekend only Group Fare offer. It is now proposed that the weekend only Group Fare offer continues to 31 <sup>st</sup> March 2023 with the potential to continue into 2023/24.
The Evening £1 Fare offer has been running since June 2021 and is continuing currently to 31 <sup>st</sup> March 2023. Any future decision on both of these offers will need to be made in context of challenges around the network changes.

<b>RECOMMENDATIONS:</b>	
(i)	To delegate authority to the Executive Director of Place, following consultation with the Cabinet Member for Transport and District Regeneration to determine the mechanism to set up and administer the Group Fare Offer and £1 Evening Fares for 2022/23, and if continued, in 2023/24.
(ii)	To note the context of the financial challenges the Council currently faces, as set out in paragraph 13 of the report.

<b>REASONS FOR REPORT RECOMMENDATIONS</b>	
1.	The Group Fare offer trial and £1 Evening Fares are carried out under S1 Localism Act powers and requires a Cabinet decision to continue. This will allow the Offers

	to continue to provide affordable bus travel for people in Southampton during a period of change in the bus network.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
2.	Do Nothing – the Fare Offers would not have a legal or approved framework to be implemented without the correct delegations.
<b>DETAIL (Including consultation carried out)</b>	
3.	<p><u>Summer Group Fare Offer (Five for a Fiver)</u></p> <p>Working in close co-operation with local bus operators a Summer Group Fare offer was trialed to encourage families and groups to try bus travel and for existing users to make more use of the bus.</p> <p>Making bus travel more affordable and simpler is one of the nine ambitions in the Bus Service Improvement Plan (BSIP) as a way of reducing the cost of travel by bus. Participating bus companies reduced the price of their existing group day ticket product from £8 to £5 for a group of up to 5 people travelling together between 23<sup>rd</sup> July and 25<sup>th</sup> September 2022. This was supported by a £3 contribution from SCC so bus operators still retained the £8 cost of their own Group ticket.</p>
4.	<p>The trial initially ran to 5<sup>th</sup> September but was extended to 25<sup>th</sup> September spanning school holidays and term times to identify any difference and included Music in the City and the Southampton International Boat Show.</p> <p>The Summer Trial concluded on 25<sup>th</sup> September with 26,600 tickets sold over the 9-week period. 18,737 in the 6-week school holiday and 7,539 in the subsequent 3 weeks. Weekends tended to be the busiest days with Saturdays coinciding with Southampton FC home games producing the greatest ticket sales. Once the school term started, sales of the group ticket reduced by 60% on weekdays.</p>
5.	In agreement with the bus operators, the offer was extended initially to end of October then 13 <sup>th</sup> November as a 'Weekend Only' product. Between 500-750 tickets are sold each weekend. Sales have stabilised with Saturday being the busier day.
6.	<p>SCC carried out two passenger surveys in August and September to understand people's motivations, travel patterns and awareness of the scheme. This also gathered data on group size and ticket types.</p> <ul style="list-style-type: none"> <li>• 37% of the 776 people surveyed were travelling in a group of 2 or more,</li> <li>• 7% of travellers had used the summer group offer with most being season ticket, return or single ticketholders</li> <li>• Of the 54 people travelling in a group who used the 5 for £5 ticket 16% were groups of 2, 28% in group of 3, 23% in a group of 4 or 32% in group of 5, and</li> <li>• 20 of respondents were making this journey for the first time by bus, and 50% of them had previously made this journey by car.</li> </ul>
7.	A further continuation to 31 <sup>st</sup> March 2023 is now proposed of the Weekend Only £5 Group Fare product. This includes the adjusted bank holidays over Christmas period. All participating operators have agreed to this. It should be noted that from 19 <sup>th</sup> February 2023, following First Group's decision to withdraw the CityReds from Southampton, it will still be available on First Solent buses. Southampton MiniLink are no longer in the offer following the withdrawal of their services in October.
8.	Spend for the initial group ticket offer period between July-September was £78,800 from an anticipated £100,000 budget envelope. Spend to end of November

following autumn extension is £98,100. The extension to 31<sup>st</sup> March 2023 as a weekend only offer is expected to cost a further £66,000 for a total spend of £144,800.

Group Offer Period	Amount
July-September (actuals)	£78,800
October-March Weekends Only (forecast)	£66,000
Total Forecast Spend	£144,800

Table 1 – Group Offer Spend

The additional cost to March will be accommodated within the Concessionary Fares budget forecast.

9. £1 Evening Fares

Cabinet determined on 18 October 2021 to support the promotional £1 Evening Bus Fare that was introduced by the bus operators from 5<sup>th</sup> September 2021. This was part of a package of activities to support Southampton’s night-time economy and aid recovery from the Covid pandemic.

Funding for the scheme initially ran to 31<sup>st</sup> March 2022 under a variation of the 2021/22 Concessionary Fare scheme.

Participating operators are First and Go South Coast. Following Officer discussions with the bus operators, and Cabinet agreement on 19<sup>th</sup> July 2022, the offer will continue through to 31<sup>st</sup> March 2023.

The spend to date for 2022/23 (end October) based on operator returns is £47,600.

The weekly support payment is calculated on the difference between evening bus revenue prior to the introduction of the free evening parking charges in July 2021 with adjustments for seasonality against 2019 (as a pre-pandemic baseline) and the 2020 fare increase.

10. Further continuation of the offers beyond 31<sup>st</sup> March 2023 would require a new decision and funding from the 2023/24 budget. With significant changes around the bus network following the withdrawal of First’s CityRed services and methodology for the 23/24 Concessionary Fares Scheme, the continuation of the Group and £1 Evening Fare Offers may be challenging. Depending on how the bus network performs and adjusts over coming months there may be need for SCC to support some bus services if they are uncommercial for the new operator. Concessionary Fares could be higher as the new methodology will need to consider fare changes, latest DfT guidance and the new bus network.

**RESOURCE IMPLICATIONS**

**Capital/Revenue**

11. The funding for the Fare Offers is coming from a one-off allocation in the forecast spend on the 2022/23 Concessionary Fares scheme as outlined above.  
Additional funding for the Evening Bus Fare Support is coming from existing S106 developer contributions totalling £67,000.  
The estimated funding envelopes are:

	Actuals to Sept 22	Projection Oct 22- March 23	Total FY 2022/23
£1 Evening	£42,200	£126,600	£168,800
£5 Group Travel	£78,800	£66,000	£144,800
<b>Total</b>	<b>£121,000</b>	<b>£192,600</b>	<b>£313,600</b>

Table 3 – Bus Fare Offers

Therefore, the total budget envelope for the Fares Offers is £313,600, with £67,000 from S106 and remaining £245,800 coming from the Concessionary Fares budget.

12. The Council does not yet have a balanced budget for 2023/24, with a major budget shortfall as reported to Cabinet on 8 November (reported as £28.9M). It also is forecasting an in-year deficit of £9.6M as reported at Cabinet on 15 November. Both issues are a very considerable financial challenge to the Council and a significant risk to its financial resilience and are at a time when the Council continues to face significant financial risks due to economic pressures such as inflation and higher interest rates and escalating demand pressures for local services.

Against this background, an Essential Spend only approach has been adopted across the council, designed to ensure spend is minimised to legal requirements (including contractual) and avoidance of service failure. All decisions to spend, where not essential, further increase financial risk by limiting the options to mitigate the forecast deficit or address the future budget shortfall projection.

The spend within this report is to provide a service over and above essential levels and cabinet are therefore asked to carefully consider such a commitment.

### Property/Other

13. There are no property implications with this report.

### **LEGAL IMPLICATIONS**

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

14. Localism Act 2011 Section 1 provides the ability to carry out a trial to financially support the bus operator commercial offer.

15. Any permanent or longer-term scheme would need to be put in place via powers under the Enhanced Partnership, Transport Act 2000 or Bus Services Act 2017.

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

16. Subsidy Control

The Council needs to assess whether the fare offer complies with Subsidy Control legislation. Subsidy Control applies where the arrangements could confer an economic advantage due to the Council's financial input. The Fare Offer is a form of subsidy as it replaces revenue the bus operators would have received. Therefore this would be an economic advantage for bus operators currently operating in Southampton and potential to affect international trade (as operators who do or could operate services within the area include companies with national and international subsidiaries and parent companies).



17.	The next stage is to review the subsidy and identify how it meets the two tests: 1. Financial - Total subsidies provided in last 3 years, then 2. Meeting the 7 Principles
18.	The financial test needs to look at whether the totality of subsidies provided to each operator over the last 3 years exceeds £332,000, if so then remains in scope for subsidy control, and then needs to meet the 7 principles <ul style="list-style-type: none"> <li>• They must be evidenced to pursue a specific public policy objective to remedy an identified market FAILURE or address social difficulties or distributional concerns,</li> <li>• Be proportionate and limited to only what is necessary to achieve the objective,</li> <li>• Be designed to bring about a change in economic behaviour of the beneficiaries to achieve an objective that would not have been achieved if the subsidy have not been provided,</li> <li>• MUST NOT compensate for activity that would have been offered if the subsidy had not been provided anyway,</li> <li>• Must achieve a public policy objective that cannot be achieved by other less distortive means, or</li> <li>• Demonstrate the positive contribution to achieving the policy objective outweighs any negative impact on trade or competition.</li> </ul> <p>If, after following all the tests, a subsidy can be justified then it has to be notified to Government and included on their transparency register under current guidance and pending revised guidance under the Subsidy Control Act 2023 when it comes into force on 4<sup>th</sup> January 2023.</p>
19.	Officers have looked at the first financial test to understand level of subsidy provided to bus operators over past 3 years: The items in scope are: <ul style="list-style-type: none"> <li>• £1 Evening Fares (to date),</li> <li>• Group Fare Offer (to date), and</li> <li>• Infrastructure on Tap On Tap Off readers.</li> </ul> <p>The total to all operators is £380,000 with the highest to an individual operator being £199,600 which is below the £332,000 threshold. Therefore, the first test has been met and the subsidy doesn't need to be included on the register.</p>
<b>RISK MANAGEMENT IMPLICATIONS</b>	
20.	To be compliant with the Subsidy Control process.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
21.	Simpler and cheaper fares are an ambition within the Bus Service Improvement Plan (BSIP) to meet targets about increasing the number of people making journeys by bus.
22.	The provision of concessionary travel accords with the policy direction of the City's adopted Local Transport Plan (2019) by helping the Council meet its targets for increasing the use of sustainable transport modes (and bus travel in particular) and increasing accessibility and promoting social inclusion.

<b>KEY DECISION?</b>	<b>Yes</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	All

SUPPORTING DOCUMENTATION

**Appendices**

1. Equality Impact Assessment

**Documents In Members' Rooms**

1. N/A

**Equality Impact Assessment**

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	Yes
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**Data Protection Impact Assessment**

Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
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**Other Background Documents**

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)
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1.	None	
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### Equality and Safety Impact Assessment

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

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

<b>Name or Brief Description of Proposal</b>	Bus Fare Offers
<b>Brief Service Profile (including number of customers)</b>	
This ESIA support the report to approve the continuation of the Bus Fare Offers Southampton City Council is doing in partnership with the local bus operators – the Group Fare offer (Five for a Fiver) and £1 Evening Bus Fare offer in Southampton.	
<b>Summary of Impact and Issues</b>	
<u>Group Fare Offer (Five for a Fiver)</u>	
Working in close co-operation with local bus operators a Summer Group Fare offer was trialed to encourage families and groups to try bus travel and for existing users to make more use of the bus.	
Making bus travel more affordable and simpler is one of the nine ambitions in the Bus Service Improvement Plan (BSIP) as a way of reducing the cost of travel by bus	
Participating bus companies reduced the price of their existing group day ticket product from £8 to £5 for a group of up to 5 people travelling together between 23 <sup>rd</sup> July and 25 <sup>th</sup> September 2022. This was supported by a £3 contribution from SCC so bus operators still retained the £8 cost of their own Group ticket.	
This offers now continue to March 31 <sup>st</sup> 2023	
<u>£1 Evening Bus Fare</u>	
Cabinet determined on 18 October 2021 to support the promotional £1 Evening Bus Fare that was introduced by the bus operators from 5 <sup>th</sup> September 2021. This was part of a package of activities to support Southampton’s night-time economy and aid recovery from the Covid pandemic.	
Funding for the scheme initially ran to 31 <sup>st</sup> March 2022 under a variation of the 2021/22 Concessionary Fare scheme.	

Participating operators are First and Go South Coast. Following Officer discussions with the bus operators, and Cabinet agreement on 19<sup>th</sup> July 2022, the offer will continue through to 31<sup>st</sup> March 2023.

This is an initial Equality Impact, and it has been decided that a full assessment is not required. There are no equality implications specifically in relation to the proposals in the report.

**Potential Positive Impacts**

The Southampton Bus Service Improvement Plan (BSIP) sets out measures that are likely to help promote equality of opportunity for a number of protected groups – namely those who are more likely to be reliant on public transport and those who face increased barriers to using public transport.

This includes making bus services more affordable for all particularly families and those travelling in the evening. These are designed to encourage more people to use the bus, support the city’s economy, and provide environmental benefits from reduced car travel.

Measures include:

- Higher quality, accessible vehicles
- Higher quality, RTI enabled stops/shelters, with raised boarding facilities
- RTI/audio-visual information and free wi-fi on board
- Enhanced information provision on board and in stops/shelters
- Faster services through the implementation of bus lane enforcement and bus priority
- Cheaper and affordable ticket options for young people, families and groups
- Zero emission buses
- Capped fares so people get the best value fare and across all operators

The National Bus Strategy and current Connected Southampton 2040 highlights the important role that bus plays in addressing key strategic equality and inclusion challenges. Young people, BAME groups, disabled people and other protected groups, as well as lower socio-economic groups, are more likely to rely on the bus network to access education, employment and other opportunities. Affordable, accessible and well connected services are vital in ensuring these groups are not marginalised.

<b>Responsible Service Manager</b>	Pete Boustred, Head of Planning & Transport
<b>Date</b>	21/12/2022
<b>Approved by Senior Manager</b>	Adam Wilkinson, Executive Director for Place
<b>Date</b>	

**Potential Impact**

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
Age	Bus services in Southampton carry a high proportion of elderly and younger passengers, so they can access to key facilities (retail, health and education).	Positive impacts

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
	<p>The Group Fare Offer and £1 Evening Fare are available to all users so there is no impact.</p> <p>Should be noted that elderly &amp; disabled people already benefit from free bus travel after 0900 and in the evenings through the existing English National Concessionary Travel Scheme (ENCTS). While not directly benefiting from the offers, any passholder travelling as part of a group before 0900 could take advantage of the Group Fare offer. There are currently 26,200 senior citizen bus passes issued in Southampton.</p> <p>Young people will also benefit from better bus access for employment and education – particularly for NEETs - and a potential wider range of affordable bus ticketing options – evening and group will help access leisure and night time economy activities. They are more likely to use technology to access the bus and make use of more flexible tickets and pricing.</p>	
<b>Disability</b>	<p>The Group Fare Offer and £1 Evening Fare are available to all users so there is no impact.</p> <p>Should be noted that elderly &amp; disabled people already benefit from free bus travel after 0900 and in the evenings through the existing English National Concessionary Travel Scheme (ENCTS). While not directly benefiting from the offers, any passholder travelling as part of a group before 0900 could take advantage of the Group Fare offer.</p> <p>There are currently 2,717 disability bus passes issued in Southampton.</p>	Positive impacts
<b>Gender Re-assignment</b>	Not applicable	N/A
<b>Marriage and Civil Partnership</b>	Not applicable	N/A
<b>Pregnancy and Maternity</b>	<p>The Group Fare Offer and £1 Evening Fare are available to all users so there is no impact.</p> <p>Should be noted that children under 5 do not pay a fare. The Group Fare offer would benefit those on maternity/paternity leave if travelling together in a group.</p> <p>Buses provide an option for new parents who may not have access to a car.</p>	Positive impacts

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
<b>Race</b>	<p>Those from a BAME background are more likely to rely on the bus network to access education, employment and other opportunities. Affordable, accessible, and well-connected services are vital in ensuring these groups are not excluded and marginalised.</p> <p>The Group Fare Offer and £1 Evening Fare are available to all users so there is no impact.</p>	N/A
<b>Religion or Belief</b>	The Group Fare Offer and £1 Evening Fare are available to all users so there is no impact.	N/A
<b>Sex</b>	The Group Fare Offer and £1 Evening Fare are available to all users so there is no impact.	N/A
<b>Sexual Orientation</b>	Not applicable	N/A
<b>Community Safety</b>	<p>The Group Fare Offer and £1 Evening Fare are available to all users so there is no impact.</p> <p>The £1 Evening Fare may encourage more people to use the bus in the evening rather than drive or take taxis. There are benefits for solo female travellers or those in a group taking the bus late at night – lit, security etc. This is weighed up against waiting for the bus at stops and travelling from the bus stop at the end of the trip.</p>	Positive impacts
<b>Poverty</b>	<p>Improvements to bus services will help those in lower income areas of the city, parts of Southampton being among the top decile in England for deprivation and can suffer indirectly from some of the negative impacts of transport such as emissions and lack of access to a private car. They are more likely to rely on public transport to get around to work or health choices.</p> <p>A third of all households in Southampton do not have access to a car, those parts of Southampton that have low levels of car ownership are in the poorer communities. These areas tend to have higher levels of commuting to work by bus and a greater reliance on bus for other trips (shops, leisure, education). 58% of people travelling on</p>	<p>Positive impacts</p> <p>To ensure that the measures don't impact negatively on a number of these groups it is important to ensure that ticketing options are broad, cash is still accepted, and pricing remains</p>

<b>Impact Assessment</b>	<b>Details of Impact</b>	<b>Possible Solutions &amp; Mitigating Actions</b>
	<p>Shirley Road in the morning peak are doing so by bus.</p> <p>The Group Fare Offer and £1 Evening Fare are available to all users so there are benefits to people in low income areas, improving value for money of multi-leg journeys.</p> <p>Further roll out of cashless ticketing (contactless cards or m-tickets) may exclude individuals who rely on cash as a means of purchase. This can have an adverse impact on those who do not have access to a bank accounts (as small %) thus can't use debit/credit cards. Those from a low income background may not have enough funds in their bank accounts to reach a cap threshold, they will benefit from lower capped fares, but may rely on cash. Cash fares need to not penalise those who rely on cash.</p>	consistent and common.
<b>Health &amp; Wellbeing</b>	<p>The planned delivery of improved public transport networks will help offer an alternative to driving, which will reduce congestion and air pollution. This will be through reducing congestion but also decarbonisation of the bus fleet with electric, or other</p>	Positive impacts
<b>Other Significant Impacts</b>	None	N/A

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<b>DECISION-MAKER:</b>	CABINET
<b>SUBJECT:</b>	APPLICATION FOR THE DESIGNATION OF CIVIL ENFORCEMENT AREA FOR MOVING VIOLATIONS
<b>DATE OF DECISION:</b>	17 JANUARY 2023
<b>REPORT OF:</b>	<b>COUNCILLOR KEOGH CABINET MEMBER FOR TRANSPORT &amp; DISTRICT REGENERATION</b>

<b><u>CONTACT DETAILS</u></b>			
<b>Executive Director</b>	<b>Title</b>	Executive Director Growth	
	<b>Name:</b>	Adam Wilkinson	Tel: 023 80
	<b>E-mail</b>	Adam.Wilkinson@southampton.gov.uk	
<b>Author:</b>	<b>Title</b>	Service Manager Integrated Transport	
	<b>Name:</b>	Wade Holmes	Tel: 023 80
	<b>E-mail</b>	Wade.Holmes@southampton.gov.uk	

<b>STATEMENT OF CONFIDENTIALITY</b>	
Not applicable	
<b>BRIEF SUMMARY</b>	
Details of the Council's application for the designation of civil enforcement area for moving violations to the Department for Transport following consultation on the proposals.	
<b>RECOMMENDATIONS:</b>	
	(i) That the Council submit an application for the designation of civil enforcement area for moving violations
	(ii) To delegate to the Head of Service Transport and Planning approval to consult on and implement future sites following consultation with the Executive Director – Finance and Commercialism and the Cabinet Member for Transport and District Regeneration.
<b>REASONS FOR REPORT RECOMMENDATIONS</b>	
1.	The introduction of enforcement of moving violations complies with themes in Southampton's Local Transport Plan Connected Southampton 2040 including An Innovative City that takes advantage of innovative technologies, and A Safe City that reduces the number of people killed or injured on the transport system towards zero. The enforcement also complies with the ambition in the Bus Service Improvement Plan (BSIP) to keep bus routes clear to improve bus journey times and reliability.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
2.	Not applying for the designation – Council is not required to apply for the civil enforcement powers, and instead rely on Hampshire Constabulary to carry out enforcement. Previous requests to Hampshire Constabulary to carry out

	enforcement of moving violations has been subject to available resources within Hampshire Constabulary and has not had high priority.
3.	Applying for the designation with more sites / moving violations – it has been considered that the best approach is to have an initial roll out of sites targeting School Streets / Pedestrian Zones as a trial, and consideration for enforcement of further sites to be done after an evaluation of the proposed scheme.
<b>DETAIL (Including consultation carried out)</b>	
4.	The Department for Transport (DfT) have advised authorities that they will be able to apply for civil enforcement of moving traffic contraventions. Previously, this enforcement ability has only been available to authorities within London and the Police. The application will be made to the Secretary of State.
5.	The DfT have advised the traffic signs that will be available to be enforceable as moving traffic contraventions. These contraventions include turning restrictions, vehicles must proceed in the direction indicated by the arrow, no entry, prohibitions of vehicles / pedestrian zones, weight limits, areas where a vehicle must not stop and yellow box junction markings. A full list of the traffic signs is in Appendix 1.
6.	As part of the application process to the DfT, the Council must demonstrate <ul style="list-style-type: none"> <li>(a) Consulted the appropriate Chief Officer of Police;</li> <li>(b) Carried out a minimum six week public consultation on the locations and types of moving traffic restrictions;</li> <li>(c) Considered all objections raised and has taken such steps the Council considers reasonable to resolve any disputes;</li> <li>(d) Carried out effective public communication and engagement;</li> <li>(e) Ensure all moving traffic restrictions to be enforced will be underpinned by accurate Traffic Regulation Orders; and</li> <li>(f) Ensure all equipment has been certified by the Vehicle Certification Agency.</li> </ul>
7.	As part of the application process, it has been noted that Chief Executives (or other appropriate senior officers) will be required to do the above steps for any camera locations in the future without the need to seek further approval to the Secretary of State for additional locations in cases where the whole area has already been so designated. This would allow the Council to select an initial set of sites as a trial, and following successful monitoring and evaluation, select additional sites for enforcement without the need to reapply to the DfT.
8.	An initial round of applications (Tranche 1) for the civil enforcement has been made by local authorities in 2022. Authorities that now have the civil enforcement powers are Oxfordshire County Council, Bath and North East Somerset, Buckinghamshire Council, Derby City Council, Hampshire County Council, Reading Borough Council, Borough of Luton, Surrey County Council, Kent County Council, Norfolk County Council, Durham County Council and Bedford Borough Council. Of these, Derby City Council and Durham Council have commenced enforcing contraventions.
9.	Consultation has been carried out with Hampshire Police Road Policing Unit, who responds on behalf of the Chief Officer of Police. The Hampshire Police

	Road Policing Unit have indicated that they have no objections to the proposals.
10.	<p>A public online survey ran from 4 October 2022 to 15 November 2022 to obtain resident feedback on the proposals to carry out civil enforcement via the use of Automatic Number Plate Recognition (ANPR) cameras. The survey listed the restrictions as</p> <ul style="list-style-type: none"> <li>• school streets / Pedestrian Zones across the City (with locations listed that include existing permanent sites, sites that are conducting trials and potential sites in the future);</li> <li>• pedestrian zones in the City Centre;</li> <li>• areas where vehicles must not stop at St Marys Fire Station; and</li> <li>• a no left turn / no right turn restriction at Test Lane.</li> </ul> <p>A full list of sites can be found in Appendix 2. The online survey contained details as to why Council is considering applying for the powers for civil enforcement.</p>
11.	A total of 1,022 responses were received during the survey period, with 92% of submissions indicating that they reside in Southampton. 28 of the submissions were from a business which mainly were a response from a school / college.
12.	68% of respondents agreed that the use of ANPR cameras to enforce school streets will help create a safer environment for children and their families, with 25% disagreeing (remainder were neutral). 57% of respondents agreed that the use of ANPR cameras to enforce moving traffic contraventions will contribute to a safer and more efficient highway network, with 22% disagreeing (remainder were neutral).
13.	School Streets – The main objections to the use of ANPR enforcement of school streets related to the concept of school streets rather than the enforcement. It should be noted that at proposed sites or sites under an Experimental Traffic Regulation Order, further consultation will be carried out on the school street proposal before implementation which will address many of the concerns raised.
14.	Specific concerns raised in relation to ANPR camera enforcement for school streets are the ability for residents and blue badge holders to access their property or destinations. All school streets will have a permit holders exemption to the Traffic Regulation Order (TRO), and a policy is being established on how local residents are able to apply for the exemption (likely to be similar to a Residents Parking Zone exemption). Other concerns about the ANPR cameras are the level of existing signage, and sites will have the appropriate signage installed, surrounding vegetation cleared and will include a camera enforcement logo.
15.	Highway Network – The main objections to the use of ANPR camera enforcement of the Highway Network related to the existing restrictions such as Pedestrian Zones and areas where no vehicle must not stop, and not related to the enforcement. These are existing TROs in place to ensure the highway is safe and free from congestion and will not be altered as part of this enforcement.
16.	Objections have been received in relation to the use of ANPR camera technology as a revenue raising instrument. Revenue raised from the enforcement of moving violations will be used to fund the maintenance and

	operation of the system and any additional revenue collected would be used for transport related schemes.
17.	SCC's Highway delivery partner Balfour Beatty Living Places have examined the associated TROs and signage for each of the proposed sites and can confirm that that the orders are accurate and will be suitable for ANPR camera enforcement. The equipment proposed for camera enforcement will be certified as appropriate for use and is currently deployed on the Bus Lane enforcement cameras.
18.	The DfT have advised that following a successful submission, subject to the approval of Parliament, the Designation Order will be in June 2023 and will come into effect July 2023, at which point the enforcement can take place.
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
19.	There is no cost to the Council to make the application for the designation of civil enforcement for moving violations. As and when individual schemes are installed with ANPR camera enforcement, it is proposed that the equipment purchase and installation costs will be funded by the annual Integrated Transport Block Grant within the existing capital programme. This is estimated to be £30k per site for the installation. To reduce the capital amount, a staggered launch of sites will be considered, should the Council decide to proceed, rather than all sites at once.
20.	The revenue generated from the enforcement of moving violations would be utilised for the ongoing maintenance and operation of the scheme. This is an established process that has been in use for the Bus Lane camera enforcement that has been in operation for some time, where the income generated is higher than the maintenance and operation. Ongoing maintenance & admin costs per site is in the order of £15k per annum per site, with the costs reducing as more sites are added into the maintenance contract. To reduce the ongoing revenue amount, a staggered launch of sites will be considered rather than all sites at once.
21.	This report is not proposing any additional costs be incurred as yet. Should the Head of Service Transport and Planning wish to proceed in future, they will consult with the Executive Director – Finance and Commercialism on the budget position at the time and any alternative uses of the Integrated Transport Block Grant.
<b><u>Property/Other</u></b>	
22.	Property – all equipment is located within the public highway and is subject to the Highways Services Partnership agreement with Balfour Beatty Living Places
23.	Staff Resources – fixed penalty notices are administered by Business Support within the Council. The current staffing levels would not be sufficient to expand to cover operations of enforcement of moving violations. Additional resources of a permanent 1 FTE post plus 1 FTE 6 months temporary post to cover the period from implementation enforcement would be required. This would be budgeted at £45,869 in the first year and would be self-financed through fine revenue as per the Bus Lane camera

	enforcement operation. This cost is included in the £15k per site maintenance cost estimate.
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**LEGAL IMPLICATIONS**

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

24.	If the Council’s application is successful to obtain the designation of civil enforcement area for moving violations an Order will be issued giving the Council the relevant statutory powers to undertake the activity described in this report.
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**Other Legal Implications:**

25.	Traffic Regulation Orders will be needed for future sites that will have restrictions that would be suitable for ANPR enforcement. An EISA will be carried out in relation to each proposed site and appropriate consideration given to the matters identified in those EISA’s to help design the scheme at each location.
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**RISK MANAGEMENT IMPLICATIONS**

26.	There is a risk that Council’s application for designation of civil enforcement for moving violations is not accepted. This would result in Council not being able to carry out enforcement, and will remain reliant on Hampshire Constabulary to carry out the enforcement on moving violations
27.	There is a risk that Council does not have the finance to carry out the installations required to provide ANPR camera enforcement if future funding priorities change. A successful application does not require the Council to implement the enforcement immediately, and it would allow time for sufficient capital to be established to carry out the installations
28.	There is a risk that the scheme does not generate sufficient revenue to cover costs, for example if the scheme results in 100% compliance of traffic at the sites. If this scenario was to eventuate, ANPR cameras would be removed and there would be no ongoing future maintenance and operation liability to be funded.

**POLICY FRAMEWORK IMPLICATIONS**

29.	The scheme complies with the goals in the Council’s Local Transport Plan Connected Southampton 2040 and in the ambitions contained in the BSIP.
30.	A Data Protection Impact Assessment (DPIA) will need to be carried out before any camera ANPR is implemented. Similar DPIAs have been completed for the Bus Lane Camera enforcement and for Camera Enforcement Car.

<b>KEY DECISION?</b>	<b>Yes</b>
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<b>WARDS/COMMUNITIES AFFECTED:</b>	ALL
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**SUPPORTING DOCUMENTATION**

**Appendices**

1.	List of possible signs suitable for enforcement of moving violations
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2.	List of sites for consultation
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**Documents In Members' Rooms**

1.	None
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**Equality Impact Assessment**

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	No
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**Data Protection Impact Assessment**

Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
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**Other Background Documents**

Other Background documents available for inspection at: Not Applicable










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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### Appendix 1

#### Traffic Signs Subject to Moving Traffic Enforcement








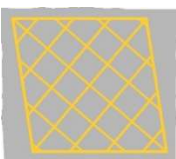
Schedule 7 to the 2004 Act lists those traffic signs below (prescribed in the Traffic Signs Regulations and General Directions 2016 as amended: 'TSRGD') as civilly enforceable as moving traffic contraventions. This applies to any permitted variant under TSRGD; for example, diagram 606 when varied to point ahead or to the right.

It should be noted that the Government committed only to introduce moving traffic enforcement powers in respect of those signs listed below. Regulatory traffic signs (other than those for parking and bus lanes) that are not listed below will remain enforceable only by the police (for example, diagram 626.2A indicating structural weight limits).

Description	TSRGD diagram number & location	
Vehicular traffic must proceed in the direction indicated by the arrow	606 (Schedule 3, Part 2, item 1 and Schedule 14, Part 2, item 42)	
Vehicular traffic must turn ahead in the direction indicated by the arrow	609 (Schedule 3, Part 2, item 2)	
Vehicular traffic must keep to the left/right of the sign indicated by the arrow	610 (Schedule 3, Part 2, item 3)	
No right turn for vehicular traffic	612 (Schedule 3, Part 2, item 7 and Schedule 14, Part 2, item 43)	
No left turn for vehicular traffic	613 (Schedule 3, Part 2, item 8 and Schedule 14, Part 2, item 43)	
No U-turns for vehicular traffic	614 (Schedule 3, Part 2, item 6 and Schedule 14, Part 2, item 43)	
Priority must be given to vehicles from the opposite direction	615 (Schedule 3, Part 2, item 9)	
No entry for vehicular traffic (when the restriction or prohibition is one that may be indicated by another traffic sign subject to civil enforcement)	616 (Schedule 3, Part 2, item 10 and Schedule 14, Part 2, item 44)	
All vehicles prohibited except non-mechanically propelled vehicles being pushed by pedestrians	617 (Schedule 3, Part 2, item 11)	

Description	TSRGD diagram number & location	
Entry to and waiting in a pedestrian zone restricted	618.3B (Schedule 8, Part 2, item 1)	
Entry to and waiting in a pedestrian and cycle zone restricted	618.3C (Schedule 8, Part 2, item 2)	
Motor vehicles prohibited	619 (Schedule 3, Part 2, item 12)	
Motor vehicles except solo motorcycles prohibited	619.1 (Schedule 3, Part 2, item 18)	
Solo motorcycles prohibited	619.2 (Schedule 3, Part 2, item 20)	
Goods vehicles exceeding the maximum gross weight indicated on the goods vehicle symbol prohibited	622.1A (Schedule 3, Part 2, item 13)	
One-way traffic	652 (Schedule 9, Part 4, item 5)	
Buses prohibited	952 (Schedule 3, Part 2, item 17)	
Route for use by buses, pedal cycles and taxis only	953 (Schedule 3, Part 2, item 33)	



Description	TSRGD diagram number & location	
Route for use by tramcars only	953.1 (Schedule 3, Part 2, item 36)	
Route for use by pedal cycles only	955 (Schedule 3, Part 2, item 28)	
Route for use by pedal cycles and by pedestrians only	956 (Schedule 3, Part 2, item 29)	
Route comprising two ways, for use by pedal cycles only and by pedestrians only	957 (Schedule 3, Part 2, item 32)	
With-flow cycle lane	959.1 (Schedule 9, Part 4, item 9)	
Contra-flow cycle lane	960.1 (Schedule 9, Part 4, item 6)	
Part of the carriageway outside an entrance where vehicles must not stop when the marking is placed in conjunction with the prescribed upright sign which includes the symbol at Schedule 4, Part 3, item 10	1027.1 (Schedule 7, Part 4, item 10)	
Box junction markings	1043 (Schedule 9, Part 6, item 25)	

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### School Streets

Belle Moor Road, between St James Road and Wilton Road

Brownlow Avenue, between Peartree Avenue and Redlands Drive

Cutbush Lane, from its junction with Meggeson Avenue (including Coashman's Copse and Camelia Gardens)

Dimond Road, between the junction with Ashtree Road and Newton Road

English Road, between the junctions with Imperial Avenue and Foundry Lane

Fairisle Road, from the junction with Starboard Way

Kesteven Way, from the junction with Rutland Way, including Aberdour Close

Mansion Road, between Queenstown Road and Waterloo Road

Octavia Road, between Mansbridge Road and Robert Cecil Avenue

Porlock Road, between Cromer Road and Canford Close

Richville Road, between Oakley Road and 41 Richville Road

River View Road, from the junction with Manor Farm Road

St Monica Road, from its junction with South East Road to Bay Road, including Maxwell Road

Stafford Road, between Howard Road and Western District Cut

Valentine Avenue, between Botley Road and Elgar Road

Victor Street, between Anglesea Road and Crown Street

Warren Crescent, between Holland Place and 114A Warren Crescent

Western District Cut, at Stafford Road

Wilton Road, between Belle Moor Road and Winchester Road

Yeovil Chase, from its junction with Selborne Avenue and Taunton Drive

### Highway Network Sites

Above Bar Street, between Pound Tree Road and New Road - Pedestrian and Cycle Zone

Pound Tree Road, between Above Bar Street and Sussex Road - Pedestrian and Cycle Zone

St Marys Road, junction with Brintons Road (St Marys Fire Station)

Test Lane, junction with access road to Industrial Estate, 200m north of Gover Road - No right turn for vehicular traffic into the access road, and no left turn for vehicular traffic from the access road.

Winchester Street, between Salisbury Street and Carlton Place and Salisbury Street between Winchester Street and 22m south of Vernon Walk footpath - Pedestrian and Cycle Zone

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<b>DECISION-MAKER:</b>	CABINET
<b>SUBJECT:</b>	BUDGET MATTERS - LGPS EMPLOYER CONTRIBUTIONS
<b>DATE OF DECISION:</b>	17 JANUARY 2023
<b>REPORT OF:</b>	<b>CABINET MEMBER FOR FINANCE &amp; CHANGE</b>

<u>CONTACT DETAILS</u>			
<b>Executive Director</b>	<b>Title</b>	<b>Executive Director for Finance, Commercialisation &amp; S151 Officer</b>	
	<b>Name:</b>	<b>John Harrison</b>	<b>Tel: 023 80834897</b>
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<b>Author:</b>	<b>Title</b>	<b>Head of Financial Planning &amp; Management</b>	
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**STATEMENT OF CONFIDENTIALITY**

Appendix 1 contains information deemed to be exempt from general publication based on Category 3 (information relating to the financial or business affairs of any particular person (including the Authority holding that information)) of paragraph 10.4 of the Council's Access to Information Procedure Rules. In applying the public interest test this information has been deemed exempt from publication due to confidential sensitivity. It is not considered to be in the public interest to disclose this information as it would reveal information relating to the Authority's own financial or business affairs.

**BRIEF SUMMARY**

The triennial valuation of the Hampshire Pension Fund as at 31 March 2022 has been completed. The council has been notified of a new employer contribution rate and given options for treating the surplus in the Fund.

**RECOMMENDATIONS:**

It is recommended that Cabinet:

	(i)	Approve SCC taking the option of the lower contribution rate of 16.8% in order to generate an annual budget saving to the General Fund of around £1.44M
	(ii)	Notes the option of an upfront payment to Hampshire Pension Fund as outlined in paragraphs 8 and 9 and that a decision will be taken by the Executive Director for Finance and Commercialisation, based on whether the estimates of the upfront payment discount offered benefits the Council more than the cash flow costs of borrowing to make the early payment.

**REASONS FOR REPORT RECOMMENDATIONS**

1.	The council is facing severe financial challenges and this proposal would contribute towards reducing the forecast budget deficit.
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<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
2.	Not to take up the option of the lower contribution and retain the additional surplus in the Hampshire Pension Fund. This would generate a saving to the General Fund of around £0.41M instead of the proposed saving of around £1.44M
<b>DETAIL (Including consultation carried out)</b>	
3.	Southampton City Council (SCC) currently contributes 18.2% of employee's pensionable pay for members of the Local Government Pension Scheme to Hampshire Pension Fund.
4.	Every three years the actuary carries out a valuation of the Hampshire Pension Fund. The main purpose is to monitor the assets of the Fund against the liabilities of the pension benefits payable. The employer contribution rate to be paid for the following three years is determined at this valuation.
5.	The actuarial valuation of Hampshire Pension Fund as at 31 March 2022 has been completed and draft results have been issued indicating SCC's employer contribution rate will be 17.8% from 1 April 2023. The figures will remain draft until the rates and certificate is signed at the end of March 2023. However, the actuary has confirmed that it is very unlikely that anything will change, and we can use the figures with confidence for budgeting purposes.
6.	The Hampshire Pension Fund has performed well over the last three years and SCC is more than 105% funded. As a consequence, the fund is allowing SCC to decide whether to use the surplus above a funding level of 105% to subsidise our contribution rate for the next three years or retain the additional surplus in the Fund.
7.	SCC has the option to use the additional surplus to pay an employer contribution rate of between 16.8% and 17.8%. Should SCC take the option of the lower contribution rate of 16.8% this would generate an annual budget saving of around £1.44M for three years from 2023/24, if this option is not taken then the annual saving would be around £0.41M for the same period. In the light of the major budget pressures the authority faces it will assist the budget situation over the next three years by taking advantage of this lower contribution rate. We will still be more than fully funded within the LGPS as an employer based on the actuarial outcome.
8.	Hampshire County Council LGPS pension fund has also written to all scheme employers inviting them to make upfront payments of their employer and employee contributions, either an annual advance payment or three year upfront payment option from 1 April 2023. The benefit to the Council for such an early payment would be a reduction of either 2.1% (1 year) or 6.2% (3 years) on the total due, whilst the benefit to the pension fund is it has the cash upfront to make investments and see quicker returns.
9.	Against that potential payment discount benefit to Southampton, the Council needs to factor the cashflow costs of borrowing the money to finance such an upfront payment, which may be up to £50M for an early 3 year upfront payment. Hampshire Pension Fund has asked for notification by 31 January 2023, if an employer wishes to exercise this option for an upfront payment. A further consideration is that any upfront payment made will need to be an estimate, with an adjustment necessary year-by-year for the actual sum due

	(based on active fund membership). If the Council overpays, the sum cannot be recovered but remains in the fund and credited to the council. Any underpayment incurs a penalty charge of 2.1%.
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**RESOURCE IMPLICATIONS**

**Capital/Revenue**

- |     |   |
|-----|---|
| 10. | Should SCC take the option of the lower contribution rate of 16.8% this would generate an annual budget saving of around £1.44M for three years from 2023/24.   |
| 11. | Whatever decision is made on the employer contribution rate this would also apply to all employers “grouped” with SCC.  |
| 12. | The HRA will also benefit from a saving of around £44K.   |
| 13. | The Finance team is currently comparing the benefit of the upfront payment against the cash flow costs, and a decision will be made by the S151 officer whether this option is taken up with Hampshire Pension Fund. Clearly, the recent sharp rise in the costs of borrowing make this a less attractive option compared to when a similar offer was made by the pension fund in 2020. |

**Property/Other**

- |     |      |
|-----|------|
| 14. | none |
|-----|------|

**LEGAL IMPLICATIONS**

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

- |     |   |
|-----|---|
| 15. | As an employer in the pension fund the authority must pay contributions in line with rates determined by the pension fund actuary, these will be set in according with the Local Government Pension Regulations 2013. |
|-----|---|

**Other Legal Implications:**

- |     |      |
|-----|------|
| 16. | None |
|-----|------|

**RISK MANAGEMENT IMPLICATIONS**

- |     |   |
|-----|---|
| 17. | The Hampshire Pension Fund has performed exceptionally well over the last three years but with the current economic and political uncertainty this situation could reverse over the next three years. Investments do comprise elements of market risk and therefore positive outperformance can never be guaranteed, investments can and do underperform depending upon market circumstances. |
| 18. | Should Hampshire Pension Fund not perform as well over the next three years SCC will no longer have a surplus and may have to pay a higher employer contribution rate from 2026/27 onwards. However, it should be noted that the valuation has made an allowance by setting a 105% funding level for the authority when providing the option above for employer contribution.                 |

**POLICY FRAMEWORK IMPLICATIONS**

- |     |   |
|-----|---|
| 19. | The proposals within this report are in accordance with the Council’s Policy Framework Plans. |
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<b>KEY DECISION?</b>	<b>Yes</b>
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<b>WARDS/COMMUNITIES AFFECTED:</b>	none
<u>SUPPORTING DOCUMENTATION</u>	
<b>Appendices</b>	
1.	SCC Actuarial Valuation CONFIDENTIAL
<b>Documents In Members' Rooms</b>	
1.	None
<b>Equality Impact Assessment</b>	
<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	<b>No</b>
<b>Data Protection Impact Assessment</b>	
<b>Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.</b>	<b>No</b>
<b>Other Background Documents</b>	
<b>Other Background documents available for inspection at:</b>	
<b>Title of Background Paper(s)</b> None	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>
1.	None



Document is Confidential

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