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## SOUTHAMPTON CITY COUNCIL

### MINUTES OF THE COUNCIL MEETING HELD ON 16 SEPTEMBER 2020

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#### Present:

The Mayor, Councillor Mrs Blatchford  
The Sheriff, Councillor Houghton  
Councillors P Baillie, Barnes-Andrews, J Baillie, Bell, Bogle, Bunday,  
Chaloner, Coombs, Cooper, Fielker, Fitzhenry, G Galton, S Galton, Guthrie,  
Hammond, Hannides (Except item 36), B Harris, L Harris, Harwood,  
Houghton, Kataria, Kaur, Keogh, Laurent, Leggett, Professor Margetts,  
McEwing, Mintoff, Mitchell, Noon, Dr Paffey, Payne, Prior, Rayment,  
Renyard, Savage, Shields, Spicer, Streets, Taggart, Vaughan, Whitbread,  
White and Windle

#### 25. APOLOGIES

It was noted that apologies had been received from Councillor Fuller.

#### 26. MINUTES

**RESOLVED:** that the minutes of the Meeting held on 17<sup>th</sup> July, 2020 be approved and signed as a correct record.

#### 27. ANNOUNCEMENTS FROM THE MAYOR AND LEADER

- (i) The Mayor congratulated Councillor Fuller on his marriage this week.
- (ii) The Mayor renewed her Pledge. Mayor's Pledge  
Whilst the quorate of Councillors were in the Chamber for the March Council meeting the last time everyone was in the Chamber was for the February Council Tax setting.

In doing things differently as the Mayor, for example a video story for the Library more recently at the beginning of the month I did a video which can be seen on the Sea City Facebook page called 'Inside the Civic Centre' where you can remind yourselves of what the Chamber looks like. Others have been interested as it has had 7.8 thousand views.

This was to be a year with activities connected with Mayflower 400. Will Rosie who created the Mayflower mosaic trail commissioned by Councillor Peter Baillie had his work marked last week by the Sheriff.

I was able to attend an open air event at the Mayflower Memorial on August 15th the date of the 1620 sailing of the Mayflower and Speedwell. I would like to share just part of what I read as a letter to those departing.

'Never before have we so clearly understood the anguish of the Wampanoag people, who before your arrival, were decimated by a great plague, which they did not know and could not treat. We have learnt from working with

representatives of this tribe and are enriched by the experience. We commit to ensuring that all our school children learn their story’.

Before and since your journey, many people have come to Southampton in search of a new life, either following in your trail across the Atlantic or landing and remaining here to set up home. For many this has not been an easy transition. Whilst our gates have been open, that has not always been the case with hearts and minds. In this anniversary year we have sought to better understand the history of all our communities and will continue to do so; we do this to build a safer more inclusive and friendly City.

Like you, people today still suffer poverty, the threat of violence, and persecution for their religious and political beliefs. We have pledged to be a City Of Sanctuary, to be tolerant, safe and welcoming, to support refugees and asylum seekers. As Mayor, I remake this pledge today.’

Statements from the Leader of the Council, the Monitoring Officer and the Chief Executive.

(i) Councillor Hammond, Leader of the Council.

Following the cancelation of the two boat shows last week, and the subsequent debate in the city and on social media, I wanted to explain, what happened and why this decision was taken.

Firstly, it’s important to remember that we have low infection rates as a city. Currently half that of the national average. This has been due to the compliance and vigilance of the people of Southampton, but also the phenomenal effort of dedicated public servants, that as Councillors we all recognise.

The boat show is an important event in the city’s calendar and one which many people enjoy and provides a boost to the local economy. When British Marine approached the council in June, we had concerns, but worked with them to try and host an event that was as safe as possible. We agreed to the event on the proviso, that if the local or national picture deteriorated, then we reserve the right to use Public Health powers to cancel the event. We made it clear to organisers that they would be proceeding at their own risk. We made it clear that our priority was always to keep our people safe.

As Members will be aware, last week (Wednesday 9 September), the prime minister, along with the chief medical officer, presented to the nation worrying data about the rise of Covid-19 infections across the country. None of us should be in any doubt that the easing of lockdown restrictions is at an end, with a new ‘rule of 6’ being introduced from Monday of this week. Yesterday in Parliament, the Health Secretary announced that tests would be rationed because of the ongoing failure to sort out capacity issues.

Our Director of Public Health urgently reviewed the new data, considered the local context and public health officers visited the site - concluding that the two boat shows, created an unacceptable public health risk as Covid-19 cases were and are still on the rise. The events were set to attract up to 20,000 visitors from across the country coming into Southampton.

The cancellation was a public health decision, based on the evidence, expertise and training, of people who've worked tirelessly to keep us safe. The overriding reason for making this decision was about minimising the spread of infection. This was about the safety of those working at the show. This was about the safety of those visiting the show. This was about the safety of people working in Southampton who would be in contact with visitors from across the country.

This was also about protecting the future of the local economy. We fortunately have a low infection rate in Southampton, but like elsewhere, rates are rising again. And when rates rise, too high, the result is local lockdowns. Look at Birmingham, Bolton, Blackburn, Leicester and Luton to see the impact that this has on economies which were starting to reopen. When local lockdowns happen, venues close again, pubs and restaurants can only serve takeaway food and drinks, restrictions are placed on who we can and cannot see. The cost to the local economy would be far reaching and outweigh a 10-day event, no matter how significant and how much we all wanted it.

Madame Mayor, I would like to express my apologies to the exhibitors, organisers, visitors and local businesses who were impacted. I appreciate that the timing was frustrating and that they were disappointed it couldn't go ahead. But this virus doesn't respect our people or our plans. When the advice changes, the guidance altered, then so must we. We didn't have weeks to act, we had hours and we communicated with the organisers as soon as we could.

Members will be aware that an appeal was made by British Marine to the Secretary of State for Health and Social Care. Our evidence was submitted over the weekend to the Government and they've reviewed our position. I am pleased to report that our decision to cancel the Boat Show has been upheld.

As Councillors, we need to take our eye off the election in May and focus on doing the right thing in the here and now. We can try to stir divisions and target individuals or we can accept the reality of the situation and put our people before party.

Members, this pandemic is the worst seen in a hundred years. Too many have lost loved ones, endured hardships and faced setbacks. But worst of all, it is far from over yet. As a council, there are no easy decisions. But we won't shy away from making those tough calls and providing the leadership through this crisis.

#### (ii) Statement from the Monitoring Officer

Councillors, I am aware that the cancellation of the Boat Shows last week were, and remain, matters of concern and there are differing and strong views on the action that the Director of Public Health took after seeking advice. Although I have not seen them I am aware that there have been many posts on social media and some comments refer to officers of the Council. In the circumstances I think it is important that as the Council's solicitor and Monitoring Officer I take this opportunity to restate the overall parameters of the Members Code of Conduct which all councillors need to abide by in the role as an elected councillor.

Whilst the Code is not there to stifle debate or opinion there are boundaries. The General Obligations include the need to treat others with respect and the need to conduct yourself in a manner that upholds the Council's high standards of conduct. If a councillor falls below this standard there may be a breach of the Code.

In addition the Council has adopted a Member and Officer Protocol which specifically details the expectations of both. I would again like to remind members of the overall requirements but in particular paragraph 3.2

“At the heart of the Code, and this Protocol, is the importance of mutual respect. Member / Officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and Officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.”

In addition 3.4 and 4.2 states...

“A Member should not raise matters relating to the conduct or capability of an Officer in a manner that is incompatible with the objectives of this Protocol. This is a longstanding tradition in public service. An Officer has no means of responding to such criticisms in public.”

“Certain statutory officers have specific roles. These are addressed in the Constitution. Their roles need to be understood and respected by all elected Members.”

The Protocol’s Conclusion at paragraph 13.1 states

“Mutual understanding, openness on these sorts of sensitive issues and basic respect are the greatest safeguard of the integrity of the Council, its Members and Officers.”

Councillors, I would request that you are mindful of the Code, the Protocol and in particular the specific parts I have highlighted. Thank you

(iii) Statement from Chief Executive

Following on from what our Solicitor and Monitoring Officer has just said I would like to briefly sum up the position as your Chief Executive.

The Council was faced with a very difficult position last week. No decision was taken lightly; it was one of last resort. A great deal of thought was given to the options and the city’s Director of Public Health has the most unenviable pressure of responsibility in this global pandemic and has worked tirelessly since January virtually 24/7 to fight this horrible virus for us all in the city as well as being the region’s specialist in epidemiology. This director had a very difficult decision to make but in the current pandemic it would have been wrong to ignore revised Government guidance, emerging new legislation, the increase in Covid cases nationally and the impact 20,000 visitors may have had on the city’s residents notwithstanding the efforts that the events organisers had gone to make the events Covid secure. There is an incredible weight on all paid executives in the system of public service at the moment, a weight to balance the health of our communities with that of the health of the economy.

As the Monitoring Officer has said the Council has high standards; I expect those of myself and my colleagues and they are to equally expected of you as elected councillors serving all of the city. Good governance stems from the very top of any organisation, I understand that and know that you do as councillors. Therefore overt and public criticism of any paid executives of the council, the Director of Public Health included, not least without all of the facts to hand is unwelcome and unjustified and

does not display the appropriate behaviours regarding respect for non-political roles. I would respectfully ask members to reflect on this and refrain from doing so in the future, not least in these unprecedented times.

## 28. DEPUTATIONS, PETITIONS AND PUBLIC QUESTIONS

The Council received and noted the following deputations:

- (a) From Amy Farmer, Yasmin Spreadbury and Michael Kibuuka regarding the Help Us Move on Project.
- (b) From Ahmed Sasso and Sam Waddington on behalf of the Southampton Community hate crime third party reporting network, led by the Disability group 'SPECTRUM'.
- (c) Alex Williamson regarding the Wave Trust 7030 Campaign.

## 29. EXECUTIVE BUSINESS REPORT

The report of the Leader of the Council was submitted setting out the details of the business undertaken by the Executive.

The Leader and the Cabinet made statements and responded to questions.

The following questions were submitted in accordance with Council Procedure Rule 11.1

### 1. Costs relating to Bassett Avenue

Question from Councillor S Galton to Councillor Leggett

Could the Cabinet Member reveal the final cost of the Bassett Avenue measures, from Winchester Road roundabout to the Chilworth roundabout. Could the costs be further broken down in to how much was the initial cone only scheme; and then how much was purely for the painting of the lanes/removal of the cones and finally how much is then the removal of the lane paint and restoration of the road to the pre measures state.

Answer

We are yet to receive the invoicing for removal works completed recently such as the removal of the top section of Bassett Avenue but will have these final costs in October as part of our standard invoicing and note that whilst the remainder of the trial scheme is in place the scheme remains live and with final costs yet to be received but is forecast to come in below the budget allocation.

### 2. Parking at the Common

Question from Councillor S Galton to Councillor Leggett

Recent data has shown that the number of cyclists on Hill Lane, South of Wilton Road increased by just 14 when compared to the last data we held (February 2019). Given we were comparing a winter weather day, with a summer day (13th July) and that other data shows 3 or 4 times more cyclists go through the

common itself; would you now immediately reinstate some of the Common side parking along Hill Lane that has been lost; but especially on the section between Bellemoor Road and Burgess Road?

Answer

Data has been collected monthly on cycle traffic on the Common. August figures were higher than July and the baseline which was established pre-COVID.

Comparing figures now as to where we were is very different. We are, however, committed to review in line with the experimental TRO once the September figures are available.

### 3. Children's Services

Question from Councillor J Baillie to Councillor Hammond

How aware were you of the issues in Children's Services?

Answer

As you would expect I didn't see the entirety of the whistleblowing concerns until the report was finalised. Which we've transparently shared with Councillors and the public.

Obviously, I was aware of the improvements needed from our Ofsted inspections and the themes of the Appreciative inquiry - which the Whistleblowing concerns reiterated.

Within a week of the concerns being raised, we had appointed Malcolm Newsam (Independent Consultant) who subsequently published his Learning Report.

### 4. Question from Councillor J Baillie to Councillor Hammond

Children and Families Scrutiny Panel

Will you commit to making all information available to the Children and Families Scrutiny Panel in order for proper scrutiny to take place?

Answer

The Children and Families Scrutiny Panel determines its agenda and area of focus for each meeting, and requests specific information from Children's and Learning Services to allow proper scrutiny to take place. The administration is committed to sharing all relevant information with the panel, in order that the panel can add full value to the work of the services. Officers are diligent in providing the information requested by the panel in time for every meeting and I commit to ensuring that continues.

5. Question from Councillor S Galton to Councillor Paffey

Children's Social Care Services

Concerns were raised at the Children and Families Scrutiny Panel over issues not being picked up by the Leadership or Executive teams, despite these being flagged by that same Panel. Does the Cabinet Member accept his role in failing to identify and address the issues within Children's Social Care Services, despite the evidence of serious problems that needed urgent attention?

Answer

It was unclear which issues you were claiming had not been picked up and dealt with; if you wish to identify and evidence these I will happily provide a written response.

The Learning Report is a separate matter. At the Children and Families Scrutiny Panel, I stated that I do take responsibility for those issues for which I have politically responsibility. Along with the Council leadership, we have apologised, accepted the findings the report upheld, and committed to making the changes necessary, which will be subject to ongoing scrutiny.

6. Question from Councillor S Galton to Councillor Leggett

Citizen Energy

Citizen Energy is on course to have cost the Council around £200,000 in operational deficit for the period 2018-21. Add this to the £60+ million the parent company has cost the tax payer so far. How on earth can this be justifiable spending, when the energy costs we have been putting our most vulnerable residents on, isn't even the cheapest 100% renewable energy they could secure from the open market?

Answer

It is a sad situation. Citizen Energy had 1500 customers making a combined save of £75k. They were consistently cheaper than the big six energy

companies. We are in discussions regarding the contract process and it is a shame they couldn't complete the contract term. Figures will be available once Robin Hood Energy complete their investigation and a termination agreement between the two companies is made available.

7. Question Councillor Bell to Councillor Leggett

Bus Lanes Bitterne Road West

Does the Council have any plans to remove the temporary bus lanes along Bitterne Road West on the same basis that they have now agreed to remove them on Basset Avenue?

Answer

The Council has committed to a review process in line with the Experimental Traffic Regulation Order process and will undertake further reviews of the schemes using the data.

8. Question from Councillor S Galton to Councillor Leggett

Citizen Energy

Does the Cabinet Member think it is right that Citizen Energy should now seek to secure the public energy supply contract that Southampton City Council will put out via an open procurement process; given the parent company may not even exist in a matter of months or weeks?

The Mayor interjected and suggested a response be made outside of the meeting.

9. Question from Councillor S Galton to Councillor Shields

Traveller Incursion

As part of the traveller incursion press release you stated a major incident was avoided. Could you detail what major incident would have occurred if events had gone differently on the 21st August?

Answer

A 'major incident' in this context is where the police feel the need to intervene due to a breach of Section 61 of the Criminal Justice and Public Order Act (1994) and where one of the key trigger points, as defined in guidance produced by the Association of Chief Police Officers, has been activated. Prompt intervention by the local neighbourhood police team was able in this particular instance to avert any need for escalation.

#### 10. Question to Councillor S Galton from Councillor Hammond

##### Green Transport Recovery Plan

At the 3rd August Cabinet Meeting you dismissed the OSMC request to pause any future plans, such as Millbrook Road West bus lanes, as you stated this was not within the Green Transport Recovery Plan. Could you explain why this item is in the Green Transport Recovery Plan documents, and accounts for around a quarter of the £4.2M cost of the identified schemes to date?

##### Answer

For everyone's benefit - the Scrutiny meeting was on the Green Transport Recovery Plan and not our entire Transport strategies.

Ultimately, The Millbrook Road West scheme is a Transforming Cities Fund initiative, which your government has endorsed by giving us in excess of £50 m. It wasn't a standalone project in the GTRP. Which was what we was discussing.

We will use some of the GTRP monies to accelerate certain transport schemes, which this TCF project is one of.

A number of these projects will be delivered over the next three years and include full consultation on that scheme proposals prior to any implementation

#### 11. Question from Councillor S Galton to Councillor Paffey

##### Playing Fields

Following our last Council meeting you, and other Labour Councillors publicly stated you had "blocked attempts by local Tories to take playing fields away from a Southampton school" – why did you make this mis-leading and wholly inaccurate statement as my motion was very clear; any pocket park or additional activities would not interfere with the primary use of pitches for team games and recreational play?

##### Answer

The facts have been made clear on numerous occasions. The whole field is designated as school playing fields. As a goodwill gesture the field was made available for people to use over recent years. The whole site is now needed for education purposes. Due to the building works at St. Mark's School, playing field space is restricted and cannot be carved up to provide a pocket park. At July's Council meeting an amended Motion did commit the Council to exploring the possibility of a public park in the area, but this is not the right site for it.

### 30. MOTIONS

#### (a) Councillor Guthrie moved and Councillor Streets seconded

This Council recognises that since the nationwide restrictions have become more relaxed, car usage in Southampton has been on the increase. As the City's residents return to work, their children go back to school and the roads bear the weight of a larger number of vehicles, this Council understands that many motorists have found their journey time extended following the decision to install bus and cycle lanes on some of the main routes leading into the city centre as part of the Green Transport Recovery Plan.

This Council acknowledges that cleaner air cannot be achieved if traffic in the city is made to idle longer on the city's main arterial routes than it was prior to the manifestation of the GTRP's programme.

As a result, this Council pledges to halt the roll out of the GTRP, reconsider the implementation of its programme, and remove the schemes currently in place on the city's roads whilst sufficient data is gathered on traffic levels within Southampton. This will be used to assess the viability of the GTRP in its current form and determine it's future role in improving the city's air quality.

UPON BEING PUT TO THE VOTE THE MOTION WAS DECLARED      LOST

**RESOLVED**: that the motion be rejected.

#### (b) Councillor Fitzhenry moved and Councillor Hannides seconded

This Council has lost confidence in the Cabinet Member for Green City and Place to make objective decisions on behalf of this city's transport requirements.

Decisions are being made to the detriment of many of our residents and businesses within our city because of the ever increasing influence of a small minority over the cabinet member.

More now than ever, this city requires clear and strong political leadership to help us emerge from this crisis, not the pursuit of an ideological approach of "forcing people from their cars" by the cabinet member.

Therefore, Council calls on the Leader of the Council to remove Councillor Leggett from his position immediately.

UPON BEING PUT TO THE VOTE THE MOTION WAS DECLARED      LOST

**RESOLVED:** that the motion be rejected.

31. QUESTIONS FROM MEMBERS TO THE CHAIRS OF COMMITTEES OR THE MAYOR

It was noted that no requests for Questions from Members to the Chairs of Committees or the Mayor had been received.

32. APPOINTMENTS TO COMMITTEES, SUB-COMMITTEES AND OTHER BODIES

Councillor Fitzhenry had been appointed to Overview and Scrutiny Management Committee, replacing Councillor P Baillie and Councillor Bunday had been appointed to Licensing (General) Sub-Committee.

33. FINANCIAL MONITORING FOR THE PERIOD TO END OF JULY 2020 AND COVID-19 BUDGET MATTERS

Report of the Cabinet Member for Finance and Income Generation detailing the financial monitoring for the period to the end of July 2020 and COVID-19 Budget matters.

**RESOLVED:**

General Revenue Fund:

- i) Noted the forecast outturn position as outlined in this report, including for business as usual and COVID-19 costs.
- ii) Approved addressing the budget shortfall as outlined in paragraphs 8 to 16 and table 1 of Appendix 3. This means using £9.6M of corporate budgets, a £2.7M underspend at period 4, after applying £4.16M from the Social Care demand reserve to eliminate the Children & Learning overspend and £1.5M of in-year savings.

Capital Programme

- iii) Noted the revised General Fund and HRA capital programme as outlined in this report.
- iv) Approved the delays to capital scheme works and the application of new funds other than borrowing to support the capital programme as outlined in paragraphs 19 to 20 of Appendix 3 and annexe 3.2.
- v) Approved the proposed revised General Fund capital programme to 2024/25 and its financing as shown in annex 2.5 of Appendix 2.
- vi) Approved the proposed revised HRA capital programme to 2024/25 and its financing as shown in annex 2.5 of Appendix 2.

**NOTE – FOR THE SUBSTANTIVE RESOLUTION:** Councillors Barnes-Andrews, Mrs Blatchford, Bogle, Bunday, Chaloner, Coombs, Cooper, Fielker, Hammond, Kataria, Kaur, Keogh, Leggett, Margetts, McEwing, Mintoff, Mitchell, Noon, Paffey, Payne, Renyard, Rayment, Savage, Shields, Spicer, Taggart, Whitbread and Windle.

NOTE – ABSTAINED THE SUBSTANTIVE RESOLUTION: Councillors J Baillie, P Baillie, Bell, G Galton, S Galton, Guthrie, Fitzhenry, Hannides, B. Harris, L. Harris, Harwood, Houghton, Laurent, Prior, Streets, Vaughan and White.

34. REVISIONS TO THE CONSTITUTION - MEMBERS' QUESTIONS AT COUNCIL

Report of the Leader of the Council seeking approval to revisions to the Council's Constitution regarding Members' Questions at Council.

**RESOLVED** to amend the Constitution's Council Procedure Rules in relation to Members Questions as detailed in the amended report.

35. EXCLUSION OF THE PRESS AND PUBLIC - EXEMPT PAPERS INCLUDED IN THE FOLLOWING ITEM (IF NEEDED)

**RESOLVED** 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.

The appendix is considered to be exempt from general publication based on category 3, of paragraph 10.4 of the Council's Access to Information Procedure Rules. It is not in the public interest to disclose this because doing so would prejudice commercially sensitive information related to the proposed lease document for the Studio 144 North facility.

36. SUPPORTING OUR CULTURAL AND CREATIVE INDUSTRIES THROUGH THE AWARD OF A LEASE AND GRANT TO MAYFLOWER ACADEMY LIMITED AS THE PROPOSED NEW TENANT AND OPERATOR FOR STUDIO 144 (NORTH)

Report of the Cabinet Member for Culture and Homes seeking approval to enter into a lease and grant to Mayflower Academy Limited as the proposed new tenant and operator for Studio 144 (North).

**RESOLVED**

- (i) To grant delegated authority to the Head of Property Services, following consultation with the Service Director: Legal and Business Operations, to finalise the detailed terms and enter into a new 35 year lease with Mayflower Academy Limited for the Studio 144 North facility, subject to all standard processes and due diligence. This lease will be based on the heads of terms agreed between MAL and the Council in appendix 1.
- (ii) To grant authority to the Head of Culture and Tourism to award a grant of £511,250 over two financial years (£221,250 for 20/21 and £290,000 for 21/22) to MAL to deliver community based cultural activity emanating from the Studio 144 north facility.

NOTE: Councillor Hannides declared a pecuniary interest and withdrew from the meeting for this item.

