

Public Document Pack

Cabinet

Monday, 21st December, 2009
at 2.00 pm
Council Chamber, Civic Centre

This meeting is open to the public

Members

Councillor Samuels (Leader)
Councillor Dean, Cabinet Member for
Environment and Transport
Councillor Hannides, Cabinet Member for
Leisure, Culture and Heritage
Councillor Holmes, Cabinet Member for
Children's Services
Councillor Matthews, Cabinet Member for Young
People and Skills
Councillor Moulton, Cabinet Member for
Resources and Workforce Planning
Councillor Smith, Cabinet Member for Economic
Development
Councillor Walker, Cabinet Member for
Safeguarding Children
Councillor White, Cabinet Member for Adult
Social Care and Health
Councillor Williams, P, Cabinet Member for
Housing and Local Services

(QUORUM – 4)

Contacts

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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.

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

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

Key Decisions

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

- financial impact (£200,000 or more)
- impact on two or more wards
- impact on an identifiable community

Decisions to be discussed or taken that are key

decisions are denoted by a key symbol (🔑) on the agenda.

Implementation of Decisions

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

Southampton City Council's Six Priorities

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

Procedure / Public Representations

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

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

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

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

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

Municipal Year Dates (Mondays)

2009	2010
01 June	18 January
29 June	1 February
7 July	15 February
27 July	15 March
10 August	19 April
07 September	
28 September	
26 October	
23 November	
21 December	

CONDUCT OF MEETING

TERMS OF REFERENCE

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

BUSINESS TO BE DISCUSSED

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

RULES OF PROCEDURE

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

QUORUM

The minimum number of appointed Members required to be in attendance to hold the meeting is 4.

DISCLOSURE OF INTERESTS

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

PERSONAL INTERESTS

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

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

A Member must disclose a personal interest.

Cont/...

Prejudicial Interests

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

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

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

There are some limited exceptions.

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

Principles of Decision Making

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

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

In exercising discretion, the decision maker must:

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

AGENDA

Agendas and papers are now available via Southampton Online at www.southampton.gov.uk/council/meeting-papers

1 APOLOGIES

To receive any apologies.

2 DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS

In accordance with the Local Government Act, 2000, and the Council's Code of Conduct adopted on 16th May, 2007, Members to disclose any personal or prejudicial interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer

TRAFFIC REGULATION ORDER: STARTING AT 2.00 PM

3 ITCHEN BRIDGE TOLLS: OBJECTIONS TO PROPOSED EXEMPTION FOR MOTORCYCLISTS (TRO) (Pages 1 - 20)

Report of the Head of Highways and Parking Services concerning the determination of any outstanding objections to a proposal advertised to exempt motorcyclists who live within the city boundary from the tolls at the Itchen Bridge, attached.

EXECUTIVE BUSINESS: STARTING AT 5.00 PM

4 STATEMENT FROM THE LEADER

5 RECORD OF THE PREVIOUS DECISION MAKING (Pages 21 - 32)

Record of the decision making held on 23rd November 2009, attached.

6 MATTERS REFERRED BY THE COUNCIL OR BY THE OVERVIEW AND SCRUTINY COMMITTEE FOR RECONSIDERATION (IF ANY) TINY COMMITTEE FOR RECONSIDERATION (IF ANY)

There are no matters referred for reconsideration.

7 REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES (IF ANY)

There are no items for consideration

8 EXECUTIVE APPOINTMENTS

To deal with any executive appointments, as required.

ITEMS FOR DECISION BY CABINET

9 BITTERNE PARK SCHOOL SIXTH FORM APPROVAL TO SPEND

Report of the Cabinet Member for Children's services seeking approval to commit expenditure, attached.

10 ADOPTION OF THE LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY

Report of the Cabinet Member for Environment and Transport seeking approval of the final version of the Core Strategy following receipt of the binding report from the Planning Inspector, attached.

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

To move that in accordance with the Council's Constitution, specifically the Access to Information procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of any consideration of the confidential appendix to item no 12.

Appendix 1 to the report contains information deemed to be exempt from general publication based on Category 3 of paragraph 10.4 of the Council's Access to Information Procedure Rules. It is not in the public interest to disclose this information because it comprises financial and business information that if made public would prejudice the Council's ability to operate in a commercial environment and obtain best value during acquisition negotiations.

12 PURCHASE & INSTALLATION OF NEW CREMATORS, MERCURY ABATEMENT & OTHER ESSENTIAL EQUIPMENT FOR SOUTHAMPTON CREMATORIUM

Report of the Cabinet Member for Environment and Transport seeking approval to purchase and install new Cremators, mercury abatement and other essential equipment to meet new legislative requirements at Southampton Crematorium, attached.

13 SUPPORTED BUS SERVICES CONTRACT AWARD

Report of the Cabinet Member for Environment and Transport seeking approval to the award of contracts for revised supported bus services following an annual retendering process, attached.

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

To move that in accordance with the Council's Constitution, specifically the Access to Information procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of any consideration of the confidential appendix to item no:15

Confidential appendix 2 contains information deemed to be exempt from general publication based on Category 3 of paragraph 10.4 of the Council's Access to Information Procedure Rules. It is not considered to be in the public interest to disclose this information because this Appendix contains confidential and commercially sensitive information relating to the property interests potentially involved in this matter.

15 EASTPOINT REDEVELOPMENT

Report of the Cabinet Member for Economic Development seeking approval for the implementation of the Eastpoint Redevelopment proposal, attached.

16 CONNECT2 CYCLE WAY LAND OWNERSHIP - COMPULSORY PURCHASE ORDER

Report of the Cabinet Member for Environment and Transport seeking authority to proceed with a Compulsory Purchase Order (CPO) in order to acquire land to proceed with the construction of the Connect 2 cycle and walk way along side the River Itchen between Horseshoe Bridge and Mount Pleasant Industrial Estate, attached.

Friday, 11 December 2009

SOLICITOR TO THE COUNCIL

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Agenda Item 3

DECISION-MAKER:	CABINET		
SUBJECT:	ITCHEN BRIDGE TOLLS: OBJECTIONS TO PROPOSED EXEMPTION FOR MOTORCYCLISTS (TRO)		
DATE OF DECISION:	21 DECEMBER 2009		
REPORT OF:	HEAD OF HIGHWAYS AND PARKING SERVICES		
AUTHOR:	Name:	Roger Mortimer	Tel: 023 8091 7589
	E-mail:	roger.mortimer@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

Not Applicable

SUMMARY

Consultations have been carried out on a scheme to offer a 'toll-free' concession at the Itchen Bridge to motorcyclists who reside within the city. This report sets out the outstanding objections to this proposal for determination by Cabinet.

RECOMMENDATIONS:

To consider and determine the outstanding objections.

REASONS FOR REPORT RECOMMENDATIONS

1. To fulfil the Council's obligation to consult upon proposals and consider objections.
2. To enable the proposed concession to be introduced, if considered appropriate after consideration of the objections. This would encourage the use of motorcycles (i.e. powered two-wheelers of any description) as a means of reducing congestion and as a potentially environmentally-friendly form of transport.
3. It would also ensure that safety is not compromised at the toll booths and avoid inappropriate expenditure in the context of possible future changes to the toll collection facilities.

CONSULTATION

4. The proposed Tolls Order was advertised for public comment in the Southern Daily Echo on 25th September 2009, with a 28 day period for objections. Comments were also sought from the Motorcycle Action Group and a range of other interested parties and representative bodies.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. A scheme for all motorcyclists (a vehicle class exemption rather than toll concession) with no special safety measures. This was rejected by Cabinet on health and safety advice in June 2008.

6. A scheme for all motorcyclists (a vehicle class exemption rather than toll concession) together with exit barriers added to the toll booths as a safety measure. This would cost about £75,000-£90,000, but would not represent good value if the barriers were superseded by future alterations to the toll plaza.
7. A scheme for all motorcyclists (a vehicle class exemption rather than toll concession) allowing them to use the bus-only link road at the eastern end of the bridge to avoid the toll booths. This would pose unacceptable risks to pedestrians and motorcyclists in the link road, which serves as a busy local bus terminus.

DETAIL

8. Motorcyclists have been charged for using the Itchen Bridge since it was first opened in 1977, but the toll has remained unchanged at 20p since 1991. In September 2009 Cabinet approved a proposal to offer a ' toll-free ' concession at the Itchen Bridge to motorcyclists who reside within the city. Eligible riders would be given "key fob" permits and, for safety reasons, they would have to stop at the toll booths to have their permit checked. The permits would be prominently marked with unique serial numbers and would be easy to display, either as key fobs or in other acceptable ways. Motorcyclists without permits would also have to stop at the booths to pay the standard 20p toll.
9. Two objections were received when this proposal was advertised and these are summarised and answered in the officer's response shown in Appendix 1.
10. Only one of these objections is now outstanding. This is from Geoff Breeze, the local representative for the Motorcycle Action Group (MAG) whose original comments were as follows:-

"MAG formally objects [to] the proposal of tolls for motorcycles only being axed for city residents. Our view would be that we believe that the bridge should be free to all motorcyclists where ever they have come from. We know that there is an argument that the bridge was originally intended as a [local] service but to axe tolls for motorcyclists that live in the city only is to discriminate against people who may work in the city and people who use the bridge to travel into the city to shop, visit relatives that may live in the city, go to watch football, or any other reason. The motorcyclists who may travel into or out of the city using the Itchen Bridge may very well be people who support local businesses and enterprises that benefit the city of Southampton a great deal and therefore should enjoy the same right to cross the bridge toll free as a resident would ... we would like to see the Itchen Bridge toll free for all motorcyclists as quickly, safely, and cost effectively as possible."
11. The MAG have now indicated that they wish to sustain their objection and their Legal Officer Peter Stubbs has commented as follows:-

"We would like to take this matter to Cabinet level, this is based on discussions with our members. We obtained a copy of the Health and Safety report produced by Capita and to be honest with you we are disgusted with it, it seems to be based on personal opinion of the person or persons that produced the report and there is not a single piece of hard evidence to back up the findings or the conclusions of the report, and the final paragraph [which

refers to amending the Tolls Order so that motorcyclists who disregard the red signal can be traced through the DVLA] is an insult to the vast majority of motorcyclists. Our members wanted to organise a demonstration on the bridge to make our feelings about the report and the councils recommendations to go ahead with the token idea, it seems you have not taken on board any of our suggestions about this issue. We believe the token scheme is dangerous and unworkable, we would present our case for this opinion to the Cabinet.”

12. The Health and Safety report mentioned by the MAG is shown in Appendix 2. It does not relate to the current proposal but to an earlier one, which would have exempted all motorcyclists, not just those who live in the city. That earlier proposal is the one that the MAG would still like to see implemented, but the Health and Safety team's conclusion that it would not be safe without appropriate protective measures is fully supported by Highways officers. The need for appropriate safety measures is met by the scheme now proposed. A full response from the Corporate Health and Safety Service to the MAG's comments is shown in Appendix 3.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

13. The proposal has no capital implications.

Revenue

14. Based upon census data and other sources it is estimated that about 75% of motorcyclists crossing the bridge are likely to be city residents and, on this basis, the annual loss of income would be about £14,000. This can be met from within the approved revenue estimates.
15. The one-off costs of setting up a resident-only concession including the change to the Tolls Order and administration would be in the region of £5,000 and can be met from within the approved revenue estimates.

Property

16. There are no direct property implications associated with this report.

Other

17. None.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

18. The proposed concession necessitates a revision of the Itchen Bridge Tolls Order, under the powers given by the Hampshire Act 1983. These powers include specific provisions to introduce concessions for local residents, in accordance with the original purpose of the bridge as a local facility, and in order to reduce congestion in and around the locality of the bridge.

Other Legal Implications:

- 19. The toll collectors are employees of Southampton City Council. The toll plaza building, the toll booths and the bridge are owned by the City Council. Under the Health and Safety at Work Act, Section 2, the employer must do all that is reasonably practicable for the safety of the employees.
- 20. The Management of Health and Safety at Work Regulations also apply, and this legislation requires risks to be assessed. A risk assessment must be reviewed in the light of any changes in circumstances.
- 21. The proposed concession is restricted to city residents for safety reasons, as explained in this report. If it were introduced without appropriate safety measures, and an accident were to occur as a consequence, the Council would be open to investigation by the Health and Safety Executive. This could result in either the issuing of a notice requiring the introduction of appropriate measures or prosecution for failure to comply with health and safety legislation (or both). Such a prosecution would be directed primarily against the Council as a corporate body but could also include action against senior decision makers as individuals.

POLICY FRAMEWORK IMPLICATIONS

- 22. Support for motorcycles as a form of transport accords with the policies set out in the Local Transport Plan 2006 – 2011.

SUPPORTING DOCUMENTATION

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

Appendices

1.	Officer's Response to Objections
2.	Health and Safety Report
3.	Corporate Health and Safety Service response to MAG’s Objections

Documents In Members’ Rooms

1.	None.
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Background Documents

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

1.	None.	
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Background documents available for inspection at:

FORWARD PLAN No: ET03679 **KEY DECISION?** Yes

WARDS/COMMUNITIES AFFECTED:	All
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OFFICER'S RESPONSE TO OBJECTIONS

I am writing in response to your recent objection to the proposal to exempt Southampton residents from the toll for motorcyclists at the Itchen Bridge.

I enclose for your information a copy of a report on this proposal that was presented to the Council's Cabinet on 7th September 2009. This sets out the reasons behind the scheme and the background of health and safety concerns over the concession that was previously proposed for all motorcyclists. It was those concerns, and the need to find a way to resolve them at a reasonable cost, that delayed the previous proposal. However, a practical and affordable solution has now been found in the form of the key fob permit scheme but, because this would only apply to city residents, it has been necessary to carry out further public consultations upon it.

A public notice about it was published in the Southern Daily Echo on 25th September 2009 and copies were posted on both approaches to the bridge. Written consultations were also undertaken with the Motorcycle Action Group and other organisations. The closing date for responses has now passed and there are currently two objections, including your own.

The purpose of the permit is to identify motorcyclists who live in the city, who would be required to stop at the toll booths to have their permits checked. Other riders would also have to stop to pay the standard 20p toll. Health and safety experts have advised that, with the current traffic control arrangements at the toll booths, it is essential for all motorcyclists to stop. The permits would be easy to display and inspect and would bear clearly marked serial numbers for that purpose. They could be used as key fobs or displayed in other appropriate ways.

In the longer term, there may be a need for more fundamental changes to the arrangements at the booths, including the addition of exit barriers, which are now standard at toll bridges elsewhere. These would control the flow of traffic physically and many of the present safety concerns would no longer apply. Further consideration could be then given to extending the toll concession to all motorcyclists.

I hope that this clarifies the background for you. Turning now to the specific concerns raised in the two objections received, it seems to me that these can be summarised as follows:-

1. The toll concession should apply to all motorcyclists, not just to those living within the city boundary. As it stands, it discriminates against people who work, shop and spend their leisure time in Southampton and help to support local businesses and enterprises.
2. The proposed key fob permit is unacceptable because motorcyclists will still have to queue at the toll booths and cause unnecessary congestion.
3. The proposal is different from what the Cabinet agreed previously.
4. The government has taken away the legal powers to charge tolls for motorcycles.

With regard to the first point, the legislation governing the bridge actually requires the Council to consider giving concessions to local traffic when setting the tolls. Existing discounts for car users only apply to city residents and discounts for lorries are restricted even more tightly to an area around Woolston. The bridge was built as a local facility and was not intended to provide a short-cut through Woolston for longer-distance traffic. However, a wider concession is not ruled out in the future.

On the second point, while motorcyclists would still have to use the toll booths, those with permits would simply need to display them to the toll collector and be allowed to proceed. Even at present, observations at the bridge indicate that most motorcyclists do not take much longer to pay than car drivers and do not contribute noticeably to overall delays.

The proposal is different from what was agreed previously, but the change was approved (subject to public consultations) by the Cabinet on 7th September 2009. There has been no removal of the legal powers to charge tolls for motorcycles and such charges continue to apply at a number of toll bridges across the country.

After carefully considering your concerns, I believe that the current proposal remains the best option available at the present time. Consequently, I regret that I am unable to uphold your objection. I hope you will find this decision acceptable but if, for any reason, you do not you may ask for your concerns to be considered further. They would then be referred to the Cabinet for a decision at a meeting due to take place on 21st December. If you would like to pursue your objection further in this way, please write to let me know and make sure that your comments reach me by 18th November.

Please note that the contents of your objection would be made available to the public if it were considered by the Cabinet. You are welcome to contact me on Southampton 8091 7589 if you would like any further information.

Yours sincerely

Roger Mortimer
Principal Officer Traffic Management



Corporate

Health and Safety Service

Health and Safety report into the proposal to make Itchen Bridge Toll Free for Motor Cycles

- A. [Executive Summary](#)
 - [Recommendations](#)
 - [Background](#)
- B. [Introduction](#)
- C. [Main report](#)
 - [Legislation](#)
 - [Reasonably Foreseeable increase in risks](#)
 - [Scenario one](#)
 - [Scenario Two](#)
 - [Scenario Three](#)
 - [Scenario Four](#)
 - [Scenario Five](#)
- D. [Summary of control measure options](#)
- E. [Conclusion](#)
- F. [Recommendations](#)

John Rothery

Corporate Health and Safety Officer

A. Executive Summary

It is proposed to allow motor cycles to cross the Itchen Bridge toll free. At present, they have to present themselves at a toll booth in the same way as any other vehicles and pay 20p to the toll collector.

This report has identified a high probability that motor cyclists will not wait at the toll plaza once they know it is toll free and will attempt to ride through the booths at speed in light traffic conditions, or weave between the waiting cars during busy periods or use the cycle lane. It is therefore reasonably foreseeable that an accident could occur injuring staff or other members of the public using the bridge.

This Report concludes with two recommendations.

Recommendations

1. To provide a separate motor cycle channel by remodelling the areas on either side of the bicycle channel.
2. To request an amendment to the Statutory Order that sets the tolls for users of the bridge for the right to continue to trace through DVLA any motorcyclist who drives through a red light at the booth, thus maintaining a deterrent.

Background

Corporate Health and Safety were tasked by the Director responsible for health and safety to identify any risks associated with the proposal to make Itchen Bridge toll free for motor cyclists and produce a report with recommendations to mitigate any risks. On the 12th of December John Rothery visited the Itchen Bridge Toll Plaza and booths to conduct his review.

B. Introduction

John was shown the operation of toll collections by the manager, Mervyn Sinclair. It has been proposed that motor cycles should be allowed to cross the bridge without paying a toll. At present, they have to present themselves at a toll booth in the same way as any other vehicles and pay 20p to the toll collector. It has been claimed on behalf of motor cyclists that most bridges and tunnels make an exemption for motor cycles and the Itchen Bridge is being urged to do the same.

Photo 1 shows a general view of the toll booths.



Photo 1

This report describes the present situation and the application of health and safety legislation. It discusses probable increases in risk arising from reasonably foreseeable unsafe changes in the behaviour of motor cyclists, and the possibility of deterring those foreseeable changes in behaviour. It concludes with a recommendation that motor cycles should be given their own dedicated channel at the toll booths, if the foreseeable changes in behaviour cannot be deterred and to amend the Statutory Order allowing application to DVLA to trace number plates..

C. Main Report

At present only bicycles are allowed to cross the bridge free, and they are given a means to bypass the toll booths. There is a cycle lane provided for

them in both directions across the bridge. The cycle lane is adjacent to the footway and is painted green. A narrow dedicated channel (see photographs 2 and 3 below) provides for the cycle lane to bypass the toll booths.



Photo 2



Photo 3

Legislation

The toll collectors are employees of Southampton City Council. The toll plaza building, the toll booths and the bridge are owned by the City Council. Under the Health and Safety at Work Act, section 2, the employer must do all that is reasonably practicable for the safety of the employees. Under section 3 of that Act, the Council must conduct its undertaking (in this case, the management of the bridge and the collection of tolls) in a manner which, so far as reasonably practicable, protects the safety of non-employees (in this case, cyclists, pedestrians, drivers, passengers etc).

Although the Council is the owner, the bridge is covered by the Highway legislation and there is a duty to keep it open for traffic. Only the police have the authority to close the bridge.

The Management of Health and Safety at Work Regulations also apply, and this legislation requires a risk assessment. A risk assessment must be reviewed in the light of any changes in circumstances. In assessing risks, all reasonably foreseeable factors need to be taken into account. If deviant or potentially unsafe behaviour is reasonably foreseeable, decisions in the courts have ruled that this must also be taken into account.

Reasonably Foreseeable increases in risk

It can be reasonably foreseen, that once motor cyclists become aware that they need not pay a toll, they will not be content to accept any delay at the toll booths while they take their turn in a queue with vehicles that have to pay. It is therefore probable that they will try to avoid such a delay by finding a way through the traffic.

Scenario One

There is a high probability that motor cyclists will attempt to use the cycle lane. The channel for bicycles (see photos 2 and 3 above) is 1300mm wide between the kerbs. This is quite wide enough for a motorcycle (if not for a combination motorcycle plus sidecar). This would increase the risk to cyclists who could be struck by a motorcycle coming up behind them.

Scenario Two

A second probability is that it is reasonably foreseeable that a motorcycle will pull out of the queue and try to pass the vehicle which is stationary at the booth while the driver is paying the toll. The channels for vehicles are 3 metres wide between the kerbs to allow the passage of all sizes of vehicle. However, a small car takes up little more than half of this width, and would leave approximate 1250mm (equivalent to the width of the bicycle channel) between its passenger side and the adjacent kerb. See photo 4 below.



Photo 4

There would be an increased risk to toll collectors. When passing from the toll booths to the toll plaza building, collectors take care to cross a vehicle channel only when the traffic light is at red and after they have made eye contact with the driver who is paying the toll. They would not easily notice a motor cycle trying to pass the stationary vehicle on its passenger side, which would be the far side from them. This would be especially so in the case of 'Transit' type vans, motor homes etc. See photo 5 below.



Photo 5

There is also a circumstance in which toll collectors have to verify that the vehicles of mobility allowance recipients are entitled to their exemption from toll. Only the highest category of recipient is exempt, and this category has to be ascertained from the road tax disc. Such discs are normally displayed in the corner of the windscreen on the passenger side. The toll collector is expected to leave the booth, and walk round the front of the vehicle to examine the tax disc, which would put him/her in line to be struck by any motorcycle trying to pass the stationary vehicle on the passenger side.

Although it is not a risk to personal safety, there is the risk that the passenger side of the stationary vehicle could be scraped and damaged by a motor cyclist who misjudges the space available. This would give rise to an expectation from the vehicle owner that the Council should be liable for compensation.

Scenario Three

A third and lesser possibility, but reasonably foreseeable all the same is that motor cyclists will try to pass between the island and the barrier, to use a channel that is (during off peak times) not being used to collect tolls. Each vehicle channel has a hinged barrier which is normally folded back into a niche of the island's brickwork. When a channel is out of use, the barrier is swung out across the carriageway. There is however a gap of 800mm between the end of the barrier and the kerb of the adjacent island. See photo 6 below.



Photo 6

In this circumstance, there is a risk that a toll collector, passing between the toll booths and the toll plaza for a break, will not be on the look-out to avoid being struck by a passing vehicle while crossing a vehicle channel that has been closed by its barrier.

Scenario Four

Other groups of people at risk are vehicle passengers, because of their reasonably foreseeable unsafe behaviour of getting out of a vehicle while it is stationary at the booth or waiting in the queue. This occurs regularly in the vicinity of the toll booths and places them at risk of being struck by a passing motor cyclist. This group do not have the benefit of wearing high visibility jackets.

The four scenarios considered above are related to the presence of a queue at the toll booth. There is a fifth scenario which can be foreseen when there is no queue.

Scenario Five

Motor cyclists are likely to feel that, because they do not have to stop and pay the toll, they are entitled to drive at full speed past the booth when there is no queue. (Many other bridges and tunnels have across each vehicle channel a rise & fall barrier which obliges all vehicles to stop, even if they are going to be allowed through without payment.) A motor cycle passing at speed would not be an increased risk to a collector in the booth, because the booths are protected from impact by piers of brick and concrete.

There would be an increased risk to toll collectors passing on foot between the booths and the plaza building. Their present procedure involves making eye contact with the driver at the booth and waiting for the control light to be at red. It would not be possible to do either if a motor cyclist was not intending to slow down or stop. Toll collectors in this circumstance would have to rely on being extra vigilant as they cross. Bus drivers would also have to be extra vigilant as they turn out of or into their dedicated approach road.

On the occasions when charity collectors are permitted to collect from motorists at the booths, there would be an increased risk to them if motor cyclists were allowed to pass the booths without slowing down. See photo 7 below.



Photo 7

Considering all these scenarios, motor cyclists are at present deterred from behaving in these unsafe ways, because the bridge authority has the right to take the registration number of a vehicle evading the toll and to get the owner's details from DVLA in order to pursue the owner for payment. If motor cycles are exempted from the toll, this procedure would no longer apply. Any of the three foreseeable possibilities might very well be a contravention of the highways legislation enforced by the police, but would no longer be an evasion of toll. The bridge authority would have no right to information from DVLA; it would have to notify the police of the apparent contravention of highway or driving legislation. Motor cyclists would become aware that police action was very unlikely and the deterrent would be removed.

It might be possible to keep the deterrent in place. John has spoken to Roger Mortimer (Principal Officer, Traffic Management) about the Statutory Order that sets the tolls for users of the bridge. The Order will have to be amended to remove the toll for motorcycles and it ought to be possible to include in the amendment a clause that makes it possible to keep in force the right to trace through DVLA any motorcyclist who drives through a red light at the booth, or uses any of the three 'unauthorised' routes to bypass the booths. Maintaining the effectiveness of the deterrent should ensure that motor cyclists will still queue up with other vehicles at the booth, and will still stop at a red light before the collector gives the green light to let them through without payment.

D. Summary of control measure options

1. No change

If the present behaviour of motor cyclists can be maintained by an amendment to the tolls Statutory Order, there will be no increase in risk and the precautions being taken under the present risk assessment will not need to be changed. This is, however, unlikely, and it is reasonably foreseeable that the attitude of motor cyclists will change. Knowing that they are entitled

to use the bridge without payment, they will assume that they ought to be able to pass the toll booths without delay. Even if they are aware that the bridge authority still has the right to trace them, they may very well assume that nobody is prepared to take the time and trouble to do so if there is no payment for the bridge authority to claim. It is foreseeable that they will attempt to pass the booths in the ways described above. There will be an increased risk and action will have to be taken to deal with the increased risk.

2. Bus slip road

The least-cost option is to allow motor cycles to get onto the bridge by the route presently provided for buses. However, this has already been discounted because of the number of bus stops on this short approach road. Passengers alighting from buses could quite foreseeable step out to cross the carriageway and be struck by a passing motorcycle which the bus had prevented them from seeing. The toll-free motorcycles will have to get on and off the bridge via the toll booth area.

3. Barriers

The provision of rise & fall barriers for the vehicle channels could eliminate the possibility of motor cycles passing at speed; or attempting to bypass a deployed stationary barrier; or attempting to pass a stationary vehicle at the booth. Such barriers would not prevent motor cycles attempting to use the cycle channel.

4. Dedicated motor cycle access

To deal, as far as reasonably practicable, with the risks from all of the five scenarios described above, motor cycles should be given their own channel separate from the bicycle channel and the toll booth channels.

Deterrent

5. Maintain a deterrent to motor cyclists by capturing their number plates and reporting them where unsafe behaviour has occurred.

E. Conclusion

This reports concludes it is highly probable that the behaviour and attitude of motor cyclists will change once they are aware that they do not have to stop and pay a toll at the Itchen Bridge. They will seek by any means a way of weaving through the traffic and by passing the toll booth during high traffic build up or speeding though the toll booths when traffic is light. It is therefore reasonably foreseeable that a significant accident will occur at some point in the near future if the proposal to make motor cyclists toll free is put into effect without introducing additional control measures.

F. Recommendations

Corporate Health and Safety therefore make the following two recommendations.

1. Provide separate motor cycle channel.

This would appear to be a reasonably practicable control measure to provide a separate motor cycle channel by remodelling the areas on either side of the bicycle channel. It can be seen from photo 1 (westbound) that there is on one side some shrubbery and a brick paved verge of 1400mm, and on the other side an island (without a booth) which is 1800mm wide. Photo 2 (eastbound) shows a similar island on one side of the cycle channel and shrubbery on the other. It should be possible to insert motorcycle and bicycle channels within these spaces.

2. Trace number plates of motor cyclists performing unsafe actions

To request an amendment to the Statutory Order that sets the tolls for users of the bridge the right to trace through DVLA any motorcyclist who drives through a red light at the booth, thus maintaining a deterrent.

John Rothery
Corporate Health and Safety Officer 20.12.07

As revised by Clyde Jackett, Corporate Health and Safety Adviser Jan 2008

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Proposed Itchen Bridge Toll Free for Motor Cycles

Corporate Health and Safety Service Response to Objections

While it is recognised the vast majority of motorcyclists are probably law abiding citizens and I'm sure members of the MAG are responsible riders, not all motorcyclists are members of MAG nor are all motorcyclists law abiding.

The Tamar and Dartford toll crossings were consulted in the preparation of the report, both are toll free for motor cycles. They both commented on the behaviour of some motorcyclists, where some don't wait in a queue but ride up the side of other vehicles and push in, they are instructed to use manual lanes, but often use automated lanes, causing the barriers to come down on cars that have just paid a toll. Large groups of motor cyclists coming through together do not wait to proceed individually but try to go through as a group.

The largest significant difference between Dartford and Tamar compared to the Itchen Bridge is they both have physical barrier control. There is not believed to be any other toll system of this size that does not have a barrier system, Southampton is unique in this respect.

The line manager of the Itchen Bridge was also consulted on this proposal and health and safety report consideration. It is anecdotally reported by the toll staff there is at least one noticeable collision a week between vehicles at the toll plaza.

The Corporate Health and Safety Service supports the key fob initiative as an interim solution to allow local residents toll free passage while maintaining a level of control and reasonable safety i.e. the status quo.

If future arrangements for the Itchen Bridge traffic control change i.e. the introduction of barriers, this may change the health and safety dynamics and allow for full toll free system for motor cyclists.

The final recommendation to amend the statutory order to allow number plates to be traced was to allow the current system of tracing to be maintained, as allowing toll free removes the automatic right to trace. The MAG group's comments on this suggest they condone unsafe actions of motorcyclists. As the vast majority of their group are I'm sure law abiding citizens, they would not be affected by this amendment.

The Corporate Services stands by its original report findings. This report was prepared by a Chartered Member of the Institute of Occupational Safety and Health, also in consultation with the Accident Analysis and Investigation Officer, Highways and Parking Services. Road Safety Research report no 54 an 'In Depth Insight into Motorcycle Accidents' by the Department of Transport was also taken into consideration.

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EXECUTIVE DECISION MAKING

RECORD OF THE DECISION MAKING HELD ON 23rd NOVEMBER 2009

Present:

Councillor Samuels	-	Leader of the Council (except item 90)
Councillor White	-	Adult social Care and Health
Councillor Holmes	-	Children's Services (except item 90)
Councillor Smith	-	Economic Development (except item 90, 107 and 112)
Councillor Dean	-	Environment and Transport (except item 110 and 112))
Councillor Williams	-	Housing and Local Services
Councillor Hannides	-	Leisure, Culture and Heritage (except item 90)
Councillor Moulton	-	Resources and Workforce Planning (except item 90, 105, 106 and 112)
Councillor Walker	-	Safeguarding Children

Apologies: Councillor Matthews

TRAFFIC REGULATION ORDER COUNCILLOR DEAN, CHAIRMAN

90. PROPOSED RESIDENTS' PARKING SCHEME, KINGSLAND ESTATE (TRO)

DECISION MADE: (Ref: CAB081 – 11/2009)

On consideration of the report of the Head of Highways and Parking Services concerning objections received during public consultations on a scheme to introduce a Residents' Parking Scheme in the car park within Kingsland Estate, and having heard from registered objectors at the meeting the decision-maker made the following decision:-

- (i) To approve the introduction of Residents' Parking Scheme in the car park on Kingsland Estate subject to a review within one year of date of adoption.

Reason for the Decision:

Having considered the objections, Cabinet noted the points raised in relation to the cost of parking, the permit system proposed, the deterrent issue ie non permit users of the car park as well as the concerns expressed about the inflexibility of the scheme. However, Members were satisfied that the proposals were in accordance with the Council's approved parking policy, that the improvements to the car parking facilities to residents outweighed any disbenefits and that the charging and permit proposals were fair and reasonable in the circumstances.

COUNCILLOR SAMUELS, CHAIRMAN

91. STATEMENT FROM THE LEADER

(a) Hampshire SENATE

The Leader reported that he had joined the Hampshire SENATE the purpose of which was to bring together Council Leaders within Hampshire meeting to consider matters of common concern and improved joint working.

(b) Closure of Care Homes

The Leader reported that the Judicial Review process had reached an end by the Judge dismissing the issues bringing to an end a period of anxiety and concern.

92. RECORD OF THE PREVIOUS DECISION MAKING

The record of the Executive decision making held on 26th October 2009 were received and noted as a correct record.

93. REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEE:

(a) Children's Annual Performance Assessment Scrutiny Inquiry

On consideration of the report of the Chair of Children and Young People Scrutiny Panel detailing recommendations made by the Panel the decision-maker made the following decision:

- (i) To receive the inquiry report on the Children's Annual Performance Assessment to enable the Executive to formulate its response to the recommendations contained within it, in order to comply with the requirements set out in the Council's Constitution.

(b) Enforcement Review Scrutiny Inquiry

On consideration of the report of the Chair of the Safer Communities Scrutiny Panel detailing recommendations made by the Panel the decision-maker made the following decision:

- (i) To receive the inquiry report on the Enforcement Review Inquiry to enable the Executive to formulate its response to the recommendations contained within it, in order to comply with the requirements set out in the Council's Constitution.

94. EXECUTIVE APPOINTMENTS

Cabinet agreed to appoint Councillor Smith to the Royal British Legion (Hampshire).

MONITORING REPORTS

95. 2ND QUARTER BUDGET AND PERFORMANCE MONITORING FOR 2009/10

On consideration of the report of the Assistant Chief Executive (Strategy) and the Executive Director of Resources detailing the General Fund revenue financial position for the Authority for the 6 months to the end of September 2009 the decision-maker made the following decision:

- (i) To note the current General Fund revenue budget monitoring position for 2009/10 as at Month 6 (September), which is a forecast under spend at year end of £469,700 against the budget approved by Council on 18th February 2009, as detailed in Appendix 1.
- (ii) To note that the baseline forecast over spend for portfolios is £4,539,800.
- (iii) To note that Portfolios have identified remedial action to the value of £972,300, and that specific action plans have been requested from Children's Services, Adult Social Care and Health and Environment and Transport.
- (iv) To note that the Risk Fund totals £4.3M, and that the estimated draw at Month 6 is £2,887,200 to cover expenditure which is included within the baseline forecast portfolio over spend of £4,539,800. At this stage of the year, it has been prudently assumed that a further draw of £897,300 may be required in 2009/10 which will result in an overall forecast favourable variance on the Risk Fund of £0.5M.
- (v) To note that the Revenue Development Fund now totals £3.1M following the allocation of £1,436,000 in the first 6 months of 2009/10 to Portfolios. At this stage of the year it has been prudently assumed that the Fund will be fully utilised in 2009/10 with the exception of £200,000 which was to fund the local Council Tax discount.
- (vi) To note that it has been assumed that the contingency of £50,000 will be fully utilised by the end of 2009/10 and that the forecast currently highlights an over spend of £200,000 in the light of the economic climate.
- (vii) To approve an increase of £200,000 to bring the contingency up to £250,000. This increase is to be funded from the forecast under spend on the local Council Tax discount.
- (viii) To note the forecast includes an approved carry forward for Central Repairs and Maintenance as agreed by Full Council.
- (ix) To note the addition of £1.0M to the Interest Equalisation Reserve from the savings achieved as a result of debt restructuring as approved by Council on 18th February 2009.
- (x) To note the performance to date with regard to the delivery of the agreed savings proposals approved for 2009/10 and detailed in Appendix 3.
- (xi) To note the performance against the financial health indicators detailed in Appendix 4.
- (xii) To note that 69% of the Performance Indicators that are the responsibility of the council and 86% of the Commitments set out in the 2009/10 Corporate Improvement Plan are reported to be on target at the end of September 2009.
- (xiii) To ensure that appropriate action plans are in place by the end of November 2009 for all areas where significant variances have been reported in the 2nd Quarter and for those indicators where there are no targets set or information available on performance.

96. CORPORATE FINANCIAL GENERAL FUND CAPITAL MONITORING FOR THE PERIOD TO THE END OF SEPTEMBER 2009

On consideration of the report of the Cabinet Member for Resources and Workforce Planning detailing the General Fund capital financial position for the Authority for the 6 months to the end of September 2009 the decision-maker

made the following decision:

- (i) To note the current General Fund capital budget monitoring position for 2009/10 as at Period 6 (September), which is an in-year under spend of £2,224,400 of which £2,100,000 is slippage.
- (ii) To note the current General Fund capital budget monitoring position for the overall programme which is a forecast under spend for all schemes of £154,400.
- (iii) To note the action plans in place, where applicable, to ensure capital expenditure remains within allocated budgets.

97. HOUSING REVENUE ACCOUNT REVENUE MONITORING FOR THE PERIOD TO THE END OF SEPTEMBER 2009

On consideration of the report of the Cabinet Member for Housing and Local Services detailing the revenue financial position for the Housing Revenue Account for the 6 months to the end of September 2009 the decision-maker made the following decision:

- (i) To note the current Housing Revenue Account revenue budget monitoring position for 2009/10 for the 6 months as at period 6 (September).

DECISIONS BY CABINET

98. THE FUTURE STRUCTURE AND FUNCTION OF THE COUNCIL'S OWN HOME CARE SERVICES

DECISION MADE: (Ref: CAB066 - 11/2009)

On consideration of the report of the Cabinet Member for Member for Adult Social Care and Health seeking approval to make a decision on the future of the Council's own home care service organisation's roles and functions the decision-maker made the following decision:-

- (i) To approve the development of the Council's own home care services as a first response rehabilitation and re-ablement service for people needing home care support.
- (ii) To determine that all elements of this service will not attract a charge to the service users.
- (iii) To delegate authority to the Executive Director of Adult Social Care and Health, following consultation with the Cabinet Member for Adult Social Care and Health and the Solicitor to the Council, to implement these developments.

99. RENEWAL OF AGREEMENT WITH HAMPSHIRE PARTNERSHIP FOUNDATION TRUST FOR PROVISION OF INTEGRATED MENTAL HEALTH SERVICES

DECISION MADE: (Ref: CAB067 - 11/2009)

On consideration of the report of the Cabinet Member for Member for Adult Social Care and Health seeking approval to renew the Partnership Agreement between Southampton City Council and Hampshire Partnership Foundation Trust the decision-maker made the following decision:-

- (i) To enter into a partnership agreement between Southampton City Council and Hampshire Partnership Foundation Trust upon such terms as the Solicitor to the Council considers reasonable under Section 75 of the National Health Services Act 2006 to continue to deliver integrated Mental Health Services for a period of two (2) years from 1st April 2010 to 31st March 2012.
- (ii) To delegate authority to the Executive Director of Health and Adult Social Care, following consultation with the Cabinet Member for Adult Social Care and Health, to continue to oversee the role of the Partnership Board which shall govern the arrangements.

100. FUTURE CONFIGURATION OF ADULT SOCIAL CARE AND HEALTH IN SOUTHAMPTON

DECISION MADE: (Ref: CAB068 - 11/2009)

On consideration of the report of the Cabinet Member for Adult Social Care and Health seeking approval to implement the findings of a review of management and future service commissioning arrangements for the Adult Social Care and Health Directorate, the decision-maker made the following decision:-

- (i) That NHS Southampton City and the Council enter into appropriate arrangements, the details of which:
 - In Southampton City Council be delegated to the Chief Executive after consultation with the relevant Cabinet Member, Executive Director of Resources and Solicitor to the Council,
 - In NHS Southampton City are delegated to the Chief Executive from the Board,

to agree closer alignment of their health and social care commissioning arrangements and associated budget responsibilities (Phase 1).
- (ii) That the above arrangements are entered into in anticipation that a recommendation about Phase 2, which will involve moving to fully integrated commissioning, pooled budgets and a single responsible Executive Director across both organisations will be considered formally by both NHS Southampton City Board and the Council no later than September 2011, and if that is approved to implement Phase 2 no later than April 2012.
- (iii) To delegate authority to the Executive Member for Adult Social Care and Health all decisions with regard to matters concerning the Adult Social Care and Health portfolio that fall to be considered by the proposed Joint Strategic Board.
- (iv) To authorise the Chief Executive, Executive Director of Resources and the Solicitor to the Council to undertake any such actions as considered necessary to implement these matters.

101. BUILDING SCHOOLS FOR THE FUTURE - APPROVAL OF STRATEGY FOR CHANGE PART 2

DECISION MADE: (Ref: CAB069 - 11/2009)

On consideration of the report of the Cabinet Member for Children's Services seeking approval for the Strategy for Change Part 2 and grants all necessary delegations to officers to carry out all preparatory work necessary towards submission of Outline Business Case the decision-maker made the following decision:-

- (i) To delegate authority to the Building Schools for the Future and Academies Project Director, following consultation with the Cabinet Member for Children's Services, to amend, finalise and submit the Strategy for Change Part 2, to Partnerships for Schools.
- (ii) Subject to relevant financial approvals required from Council, to delegate authority to the Executive Director, Children's Services and Learning following consultation with the Solicitor to the Council, Executive Director of Resources and the Cabinet Member for Children's Services to take any necessary steps to prepare, finalise and submit the Outline Business Case, to Partnerships for Schools.
- (iii) Subject to relevant financial approvals required from Council, to delegate authority to the Executive Director of Resources as the Council's Section 151 Officer to agree the Council's formal response and commitment on affordability in such form as required in order to submit OBC and obtain all necessary project approvals.
- (iv) To delegate authority to the Executive Director Children's Services and Learning to submit all necessary planning applications for the following schools sites to be included within the BSF programme: Bitterne Park School Chamberlayne College for the Arts St George VA Catholic College The Sholing Technology College Upper Shirley High School, together with such other schools sites as may be necessary in order to finalise the schools to be included within the Building Schools for the Future programme and submit the Outline Business Case.
- (v) To delegate authority to the Executive Director of Children's Services and Learning, to approve final sample school selection, subject to necessary planning approvals, site surveys and feasibility studies.
- (vi) To delegate authority to the Executive Director Children's Services and Learning in consultation with the Solicitor to the Council and Executive Director of Resources and following consultation with the Cabinet Member for Children's Services, to undertake the procurement of the Wave 6a Building Schools for the Future programme in accordance with national and EU procurement legislation by such procurement route as is deemed to be legally most appropriate. Such delegation to include any and all procurement decisions necessary up to and including selection of preferred bidder.
- (vii) To note that a further report will be brought forward in due course seeking to approve formal award of contract, financial and contractual close and seeking all outstanding delegated authorities including authority for the Council's Monitoring officer to enter into any necessary contract Act certificate under the Local Government (Contracts) Act 1997 to confirm the Council has the requisite powers to enter into the BSF contracts

- (viii) To delegate authority to the Building Schools for the Future and Academies Project Director, to be a signatory on any required license in order to authorise use of land outside of Southampton City Council ownership.
- (ix) To delegate authority to the Head of Property and Procurement to acquire or dispose of any interest in land to be used/developed in connection with school sites or otherwise as required in order to progress the Building Schools for the Future programme.

102. AIR QUALITY ACTION PLAN 2009

DECISION MADE: (Ref: CAB070 - 11/2009)

On consideration of the report of the Cabinet Member for Environment and Transport seeking approval of a revised Air Quality Action Plan the decision-maker made the following decision:-

- (i) To approve adoption of the Air Quality Action Plan and its subsequent submission to DEFRA.
- (ii) To delegate authority to the Head of Planning and Sustainability following consultation with the Cabinet member for Environment and Transport to make any minor amendments necessary to the Air Quality Action Plan to give effect to issues arising out of Cabinet and any further consultation prior to it's submission to DEFRA.

103. DOCK GATE 20 DEPOT DEVELOPMENT

DECISION MADE: (Ref: CAB071 - 11/2009)

On consideration of the report of the Cabinet Member for Environment and Transport seeking approval following the purchase of land at Dock Gate 20 for the development of a new depot and recycling park the decision-maker made the following decision:-

- (i) To note that Dock Gate 20 is the main site for the relocation of services from the Town Depot and that the estimated cost of purchasing land and buildings, construction and relocation of services is expected to be £13.6 million.
- (ii) In accordance with Financial Procedure Rules, to approve spend of £10.84 million to carry out the construction of a new depot on the site at Dock Gate 20; to be phased £0.7m in 2009/10, £6.6million in 2010/11 and £3.54 million in 2011/12.
- (iii) In accordance with Financial Procedure Rules to approve spend of £250,000 to facilitate the relocation of the Neighbourhoods Services Management team to Red Lodge and to move this budget from the Environment and Transport Portfolio Capital Programme to the Neighbourhoods Capital Programme in 2010/11.
- (iv) To delegate authority to the Executive Director of Environment following consultation with the Cabinet Member for Environment and Transport to agree amendments to the scheme which will reduce costs or improve the final operation of the development; provided the amendments are retained within the overall £13.6 million cost envelope.
- (v) To note that delegated powers were exercised by the Head of Property and Procurement to purchase a warehouse in First Avenue at a cost of £370,600.

- (vi) To note that costs for the relocation of Building Contracts and Stores will be funded by the Housing Revenue Account (HRA) and will be the subject of a separate report to Cabinet.
104. REVIEW OF THE PLANNING DEVELOPMENT CONTROL SERVICE:
INTRODUCTION OF CHARGEABLE PRE-APPLICATION ADVICE SCHEME
DECISION MADE: (Ref: CAB072 - 11/2009)
On consideration of the report of the Cabinet Member for Environment and Transport seeking approval in respect of the principles of an improved chargeable pre-application advice scheme the decision-maker made the following decision:-
- (i) To agree the proposed chargeable pre-application advice scheme, including the charges and scope of the scheme, as set out in the schedule in Appendix 1;
 - (ii) To agree the exemptions from pre-application charging, as set out in the report; and
 - (iii) That the Head of Division for Planning and Sustainability, in consultation with the Solicitor to the Council, be given delegated authority to undertake the actions required to implement the scheme and to adjust fees to ensure that the scheme responds flexibly to market conditions and that charges do not exceed the cost of service provision.
105. CONCESSIONARY FARES SCHEME 2010/11
DECISION MADE: (Ref: CAB073 - 11/2009)
On consideration of the report of the Cabinet Member for Environment and Transport seeking approval to the terms of the Council's concessionary travel scheme that are proposed to apply from 1 April 2010 the decision-maker made the following decision:-
- (i) To agree the Southampton City Concessionary Scheme from 1 April 2010 and agree to retain the current concessions, as follows:
 - (a) free travel at any time for registered blind residents of Southampton;
 - (b) for all other Southampton passes, free travel between 0900 -midnight Mondays to Fridays and any time at weekends and bank holidays;
 - (c) to continue to provide a local pass for those disabled residents of Southampton who meet the relevant criteria;
 - (d) for all other non-Southampton English National Concession passes, free travel valid between 0930 and 2300 Monday to Friday and anytime at weekends and bank holidays; and
 - (ii) To revise the proof of eligibility for companion passes for those pass holders who are unable to travel alone to ensure the need is targeted.
 - (iii) To reimburse bus operators at 41.2%.
 - (iv) To delegate authority to the Executive Director of Environment following consultation with the Solicitor to the Council to do anything necessary to give effect to the report recommendations including (but not limited to) taking all necessary decisions relating to the statutory consultation process required in accordance with the legislation to introduce an amended 2010 scheme.

106. SOUTHAMPTON CENTRAL STATION IMPROVEMENT

DECISION MADE: (Ref: CAB074 - 11/2009)

On consideration of the report of the Cabinet Member for Environment and Transport seeking approval to identify £800,000 of funding towards a £2.5m scheme to improve the south side passenger facilities at the station the decision-maker made the following decision:-

- (i) To approve capital expenditure of £800,000, phased £50,000 in 2009/10, £375,000 in 2010/11 and £375,000 in 2011/12 in the form of a grant to South West Trains towards the cost of an improvement programme of £2.4M to Southampton Central station.
- (ii) To delegate to the Director of Environment, in consultation with Committee, authority to enter into an agreement relating to financial assistance with South West Trains and allocate and apportion strategic section 106 or local transport plan funding in accordance with managing the capital programme.

107. REVIEW OF GRANTS TO VOLUNTARY ORGANISATIONS

DECISION MADE: (Ref: CAB075 - 11/2009)

On consideration of the report of the Cabinet Member for Housing and Local Services giving the outcome of the 12 week consultation, seeking final approval for the 'in principle' recommendations of the Review of Grants to Voluntary Organisations report approved by Cabinet on 27th July 2009 the decision-maker made the following decision:-

- (i) To approve, in addition to the Council's 6 priorities, the Grants Criteria attached at Appendix 1 as a basis for allocating grants in 2010/11 and beyond.
- (ii) To approve the principle that in future unallocated grants budgets are used to fund non-recurring, one-off projects and initiatives for discrete periods of time and that only in exceptional circumstances will consideration be given to repeat funding.
- (iii) To approve that in future the annual revenue grants scheme will be advertised and new applications encouraged.
- (iv) To approve that where appropriate and for a limited number of organisations the council enters into Three Year Grant Funding Agreements from 2011/12.
- (v) To approve the continued use of grants as well as contracts to fund voluntary organisations and the use of the Grant Flowchart attached at Appendix 2 as a guide for officers to determine the most appropriate route.
- (vi) To approve the establishment of a centrally administered single corporate grants budget including all reserves and small grants schemes from 2010/11.
- (vii) To approve the following monitoring regime and grant payment instalments
 - Grants quarterly and paid in four quarterly instalments in advance
 - Grants £5,000-£50,000 monitored twice a year and paid in two instalments in advance
 - Grants under £5,000 monitored annually and paid in one instalment in advance
- (viii) To approve the delegation of authority to the Executive Director of

Neighbourhoods:

- following consultation with the Cabinet Member for Housing and Local Services to carry out such further consultation as may be necessary to inform the Council's decision making process in June 2010 and to take any further action necessary to effect the recommendations and actions arising from the review.
 - in consultation with any other relevant Portfolio Directors and following consultation with the relevant Cabinet Members for the affected portfolios to transfer any residual amounts between portfolios.
- (ix) To approve that the Workers Education Association 2010/11 continuation grant is increased from one quarter (£1,530) to one-third (£2,040).

108. LOCAL AUTHORITY 'NEW BUILD' SCHEME APPROVAL

DECISION MADE: (Ref: CAB076 - 11/2009)

On consideration of the report of the Cabinet Member for Housing and Local Services seeking approval to accept a grant award from the Housing and Communities Agency (HCA) and to approve expenditure on this capital scheme in accordance with the Council's Financial Procedure Rules the decision-maker made the following decision:-

Subject to DCLG approval that the proposed new dwellings will be outside the HRA subsidy system:

- (i) To accept the grant sum of £2,338,000 from the Homes and Communities Agency (HCA) to build new Council homes under the LA New Build scheme on 6 sites in the city at:-
- Borrowdale Road
 - Flamborough Close
 - Keynsham Road
 - Orpen Road
 - Pennine Road
 - Grateley Close.
- (ii) To approve, in accordance with Financial Procedure Rules, overall capital expenditure of £4,722,000 within the Housing Revenue Account Capital Programme for 2010-2011 for the following LA New Build schemes:-
Borrowdale Road £823,577 Flamborough Close £467,377 Keynsham Road £902,950 Orpen Road £772,419 Pennine Road £444,353 Grateley Close £1,311,005
- (iii) To delegate authority to the Executive Director of Neighbourhood, following consultation with the Cabinet Member for Housing and Local Services and Chief Financial Officer, to undertake all necessary actions to achieve the proposals within the Report, such as entering into the HCA grant contract, all consequential contracts, and rent setting for the new homes.
- (iv) To note that another funding bid to build more new Council homes was made to the HCA in October 2009, and that a further report will be submitted to the Cabinet meeting scheduled for the 15th of February 2010 if the bid is successful.

109. COURT LEET PRESENTMENTS 2009

DECISION MADE: (Ref: CAB077 - 11/2009)

On consideration of the report of the Leader of the Council bringing to the Executive's attention the Presentments accepted by Court Leet, the action taken to date and to identify Lead Officers and members for future actions, having also received a deputation from a Presenter requesting an amendment, the decision-maker made the following modified decision:-

- (i) That the initial officer responses to the Presentments approved by the Court Leet Jury as set out in Appendix 1 to the report be noted.
- (ii) That individual Cabinet Members ensure that responses are made to Presenters regarding presentments within their portfolios as appropriate and as soon as practically possible.

NOTE: Other relevant matters – presentment 16 – Riverside Park – Zebra Crossing initial officer response be amended as follows:

Second sentence delete 'controlled' crossing and replace with 'zebra' crossing.

110. SEA CITY MUSEUM PROJECT

DECISION MADE: (Ref: CAB078 - 11/2009)

On consideration of the report of the Cabinet Member for Leisure, Culture and Heritage seeking approval to submit the bid to the Heritage Lottery Fund (HLF) and to continue to develop the project until a decision is made on the submission in March 2010 the decision-maker made the following decision:-

- (i) That, in accordance with finance procedure rules, Cabinet approve the increase in the total spend on the development of this scheme by £375,000.

111. HIGHTOWN YOUTH CENTRE – SALE TO PLUS YOU LIMITED (Successor Body to the Thornhill Plus You NDC Partnership)

DECISION MADE: (Ref: CAB079 - 11/2009)

On consideration of the report of the Cabinet Member for Resources and Workforce Planning detailing the proposal to sell the Hightown Youth Centre to Thornhill Plus You with an asset when the current NDC programme ends the decision-maker made the following decision:-

Subject to approval by the Government Office for the South East (GOSE):

- (i) That the sale of Hightown Youth Centre to Plus You Limited (PYL) with a disposal transaction value of £215,000 be approved.
- (ii) That future use of the building is secured for Early Years and Youth Services as set out in the report, including a binding agreement in relation to the proposed Early Years provision.
- (iii) To delegate authority to the Head of Property and Procurement to agree the final terms of sale.

112. CUSTOMS HOUSE DECLARATION PROCEEDINGS

DECISION MADE: (Ref: CAB080 – 11.2009)

On consideration of the report of the Cabinet Member for Housing and Local

Services in relation to Customs House the decision-maker made the decision in accordance with recommendations set out in the confidential report.

INDIVIDUAL CABINET MEMBER DECISIONS

113. REDEVELOPMENT OF THE FORMER TYRRELL AND GREEN DEPARTMENT STORE
DECISION MADE: (Ref: CAB081 - 11/2009)

On consideration of the report of the Head of City Development and Economy to agree the principle terms of the development agreement with Grosvenor and any associated documentation necessary to progress the selected developer proposal and the implementation of the art complex project, the decision-maker made the following decision:

- (i) To delegate authority to the Head of City Development and Economy authority to proceed to enter into the necessary documentation (including all leases relating to the development and art complex) to facilitate the delivery of the Grosvenor proposal. The agreement with Grosvenor will be conditional upon the Council entering into a funding agreement with the Arts Council and in line with the financial information provided in Confidential Appendices 1a and 1b of the original 7th September 2009 Cabinet report.

Agenda Item 9

DECISION-MAKER:	CABINET		
SUBJECT:	BITTERNE PARK SCHOOL SIXTH FORM APPROVAL TO SPEND		
DATE OF DECISION:	21 DECEMBER 2009		
REPORT OF:	CABINET MEMBER FOR CHILDREN'S SERVICES		
AUTHOR:	Name:	DAVE KITSON	Tel: 023 8083 3643
	E-mail:	dave.kitson@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

None

SUMMARY

On 21st September Cabinet approved the proposal to establish a sixth form at Bitterne Park School, agreed to accept the grant of £6.38 million from the Learning and Skills Council (LSC) and added this sum to the Children's Services and Learning Capital Programme.

Approval is now required to commit expenditure on the scheme of £6.38 million in line with Cabinet's stated support for the scheme.

This report provides details of the capital investment that is needed and the facilities at the school that it will deliver to local learners.

RECOMMENDATIONS:

- (i) To approve, in accordance with Financial Procedure Rules, capital expenditure in the sum of £6,380,000 from the Children's Services Capital Programme to provide a sixth form at Bitterne Park School.

REASONS FOR REPORT RECOMMENDATIONS

1. Approval is required to commit expenditure on the scheme to enable it to proceed within the planned programme dates.
2. The proposed expenditure meets the criteria for the grant.
3. The project will provide sufficient additional accommodation to increase the capacity of the school by 180 pupils to enable the age range of the school to be altered from 11-16 to 11-18 from 1st September 2011, as set out in the statutory notice agreed by Cabinet in September 2009.

CONSULTATION

4. The proposed project was agreed following pre statutory consultation conducted by the Governing Body of the school. Full details of the consultation were appended to the 21st September Cabinet report.
5. The building project proposals have been discussed with the School and SCC officers and approved by the LSC.

6. A Project Board has been established to manage the project. The first meeting was held on 20th November 2009.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

7. This is the only option that supports the Cabinet decision on 21 September to establish a sixth form at Bitterne Park School that complies with Financial Procedure Rules.

DETAIL

8. Cabinet made it clear when approving the proposal to establish a sixth form at Bitterne Park School on 21 September, that they support it and will do all they can to facilitate it.
9. The project will provide a 180 place sixth form block with a Gross Internal Floor Area (GIFA) of 2106m², the block is arranged over three floors comprising:-
 - Lower ground floor: double height theatre, dance studio, café and study area, plant room.
 - Upper ground floor: main entrance and reception, general and specialist teaching accommodation
 - First Floor: general and specialist teaching accommodationAn artist's impression of the building and a site location plan is attached at Appendices 1 and 2.
10. The current programme enables a contract to be signed by 20th May 2010 which is a condition of the LSC funding agreement. It is anticipated that the project will start on site in August 2010 and complete by the end of December 2011.
11. A Project Board has been established comprising officers from the Council and Capita Symonds, Bitterne Park School and the LSC. The first meeting was held on 20 November 2009 when the Project Initiation Document (PID) was approved (draft PID attached at Appendix 3). The PID sets out roles and responsibilities, reporting mechanisms, change control and risk management.

FINANCIAL/RESOURCE IMPLICATIONS

12. **Capital**

The current cost estimate for the project is £6.36 million including design risk contingency, furniture & equipment and professional fees. The project will be wholly funded by the LSC grant of £6.38 million. Funding will be drawn down from the LSC in accordance with the LSC requirements (on 1st April 2010 the responsibility for capital funding of school sixth forms will transfer to the School Funding Agency). The Council has made it clear in a Memorandum of Understanding that it will not allocate funding to the proposal, which must therefore be contained within the LSC and/or Bitterne Park School's own delegated budgets.

13. The conditions of the LSC grant state that prior written confirmation must be obtained from the LSC on any material changes (more than 5%) to the overall budgeted cost of the scheme, or in the cost of key elements of the scheme. If the costs vary significantly (more than 10%) a capital application will need to be submitted to the LSC with a full justification for any proposed changes. Therefore if a fully costed scheme exceeded the £6.38m available, in the first instance additional funding will be sought from the LSC (or successor body).
14. Once the scheme has been given approval to spend and the build has commenced, if the project overspends, the shortfall will firstly be claimed from the LSC, or failing that from Bitterne Park School's own delegated budgets as laid out in the Memorandum of Understanding between the City Council and the school. No additional funding will be allocated from Council resources.

Revenue

15. Sixth form funding is currently overseen by the LSC but will transfer to the City Council in April 2010 as part of the overall transfer of responsibility for post 16 education.
16. Funding for school sixth forms is calculated using a national funding formula based on:
 - **Standard Learner Numbers (SLN)** depends on the consolidated number of Learners and the number and size of subjects being taken by each student.
 - The **Provider Factor** is calculated individually for each school and reflects success, social deprivation, course weighting and area costs.
 - The **Funding Rate** is the national rate for each Standard Learner Number, £3,007 in 2009/10.
 - **Additional Learning Support** is funding to provide support for students for special educational needs.

(Standard Learner numbers x Provider Factor x Funding rate) + Additional Learning Support.
17. Bitterne Park School will need to manage the new sixth form from within the total of this additional grant funding plus its existing 11-16 school budget. The school will also need to plan for any shortfall in funding due to lower than anticipated take up of sixth form places.

Property

18. The maintenance costs for the buildings, both long and short term and Revenue and Capital will need to be determined and added to existing maintenance budgets. It should be noted that specialist equipment, fittings and systems are excluded from the building maintenance process and will need to be separately assessed and funded.

19. The grant for the new buildings will be paid by the LSC to the City Council. The land and building of the school, as a community school, rest in the ownership of the Council as the maintaining authority with the day to day control and management of the premises delegated to the Governing Body of the school within the restrictions imposing under the Scheme for Financing School and the terms of the School individual delegated budgets.
20. The building project will be required to comply with the Council's Financial Procedures rules and Procurement rules. There is a clear requirement to demonstrate 'best value' in procuring both the professional services and construction elements of the proposal. The Council will set out how this will be achieved in the proposed Memorandum of Understanding with the school and the PID.

Other

21. The building will be designed to achieve British Research Establishment Environment Assessment Method (BREEAM) very good rating.
22. It is anticipated that the project will be procured via the Southampton City Council General Building Framework Lot 3. This is a single stage tender process using Joint Contract Tribunal (JCT) 2005 standard form of contract.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

23. Bitterne Park School (as proposer) has a legal duty under the School Standards & Frameworks Act 1998 as amended to implement the proposal to establish a sixth form by the date set out in the recommendations. If the school fails to reach agreement with the Authority or the LSC in relation to project management, site issues etc or they fail to meet the requirements of the statutory conditions imposed, the school will be required to apply to the Council, as decision maker for school organisation matters, to defer the implementation date or to revoke the proposals as appropriate.

Other Legal Implications:

24. The Council, acting in its capacity as decision maker, must also have regard to all relevant equalities legislation, section 17 of the Crime & Disorder Act 1998 and the Human Rights Act 1998 in assessing the impact of these proposals on both individuals and the local community.

POLICY FRAMEWORK IMPLICATIONS

25. The proposed project, as set out in this request, is fully in accordance with the:-
 - Children and Young People's Plan 2009-12
 - 14-19 Learning, Skills and Employability Strategy 2009-12.
 - Economic Development Plan 2009-12.

SUPPORTING DOCUMENTATION

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

Appendices

1.	Artists Impression of Sixth Form block
2.	Site Location Plan
3.	Draft Project Initiation document

Documents In Members' Rooms

1.	None
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Background Documents

Title of Background Paper(s)

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

1.	Memorandum of Understanding	
2.	Capita Symonds RIBA Stage D report	

Background documents available for inspection at: Children's Service and Learning, Frobisher House

FORWARD PLAN No: CS03755 **KEY DECISION?** YES

WARDS/COMMUNITIES AFFECTED:	Bitterne Park
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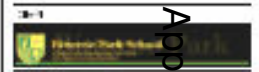
Page 39

ARTIST ILLUSTRATION OF D[iamond] ROAD STREET SCENE

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11/12/2009 10:41:20 AM

Project Name	Bitterne Park Sixth Form	Drawn By	AL
Client	Government	Checked By	DL

PLANNING
CAPITA SYMONDS
 100 Victoria Road
 Bournemouth, Dorset BH1 1JH
 Tel: 01202 316100
 Fax: 01202 316101
 www.capita.co.uk



**BITTERNE PARK
 SIXTH FORM**

ARTIST ILLUSTRATION OF
 D[iamond] ROAD
 STREET SCENE

Project No	CS038477	Drawn By	ALICE	Rev	P1
Date	20/10/09	Scale	1:50	File	011
By	DL	Checked	DL	Approved	DL

Appendix

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PROPOSED LOCATION PLAN
1:2500



PROPOSED SITE AND ROOF PLAN
1:500

DO NOT SCALE OFF THIS DRAWING
ALL DIMENSIONS TO BE CHECKED ON SITE

Notes

NO	DATE	REVISION	BY	CHK
01	20/10/09	Issue for tender	AL	PS
02	20/10/09	Final	AL	PS

Drawing issued

PLANNING
CAPITA SYMONDS

Capita Symonds
Planning
10th Floor, 100 Broad Street, Birmingham B4 7DQ

Appendix 2

**BITTERENE PARK
6TH FORM**

Drawn by: TBA
**PROPOSED LOCATION
AND SITE PLANS**

Project No	Drawn by	Rev
CS/038477	AL008	P2
Date	Scale	Sheet No
20/10/09	1:500/1:2500	01/11
By	Checked	Appr
AL	AL	PS

APP Number: 038477

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Project Initiation Document

Title:	Bitterne Park School Sixth Form
Executive Sponsor:	Clive Webster clive.webster@southampton.gov.uk
Senior Responsible Owner:	Andrew Hind Andrew.hind@southampton.gov.uk
Project Manager and Author:	Dave Kitson Dave.kitson@southampton.gov.uk
Version Number:	1
Date:	13 November 2009

1. Introduction/Background

- 1.1 The project is for the development of a Sixth Form at Bitterne Park School (BPS). It will comprise of a post-16 skill centre with a performing arts specialism and will accommodate up to 180 students.
- 1.2 The project is to be wholly funded by the Learning & Skills Council (LSC).
- 1.3 The project will be managed by Southampton City Council (SCC).
- 1.4 A Memorandum of Understanding (MOU) defining the responsibilities for project risks between SCC and BPS is in place (see Appendix 1).
- 1.5 Capita Symonds have been commissioned to design, procure and manage the construction of the project to completion.

1. Project Definition

2.1 Objectives

- 2.1.1 To provide sufficient additional accommodation to increase the capacity of the school by 180 pupils to enable the age range of the school to be altered from 11-16 to 11-18 from 1 September 2011.
- 2.1.2 To fulfil the Government intention of enabling high performing specialist schools to open a sixth form.
- 2.1.3 Offer pupils and parents the choice of continuing their education in a school based Sixth Form provision at their local community school.

- 2.1.4 Work with other school and college providers within the Southampton area to contribute to flexible and diverse pathways.
- 2.1.5 Secure a 'state of the art' resource for pupils in the Southampton area which will support the developments for collaborative working across a range of study programmes.

2.2 Defined Method of Approach

- 2.2.1 Capita Symonds were appointed in July 2009 to design the project based on the Royal Institute of British Architects (RIBA) design stages. RIBA Stages A to D have been completed based on a strategic brief provided by the school and approved by LSC. This has enabled a full planning application to be submitted. Stages E to L have been approved in principle.
- 2.2.2 Cabinet Approval will be sought on 21 Dec 2009 to commit expenditure on the scheme.
- 2.2.3 Funding will be drawn down from LSC in line with the Funding Agreement (see also para 6 Project Controls).
- 2.2.4 The procurement route is to be agreed. Use of the SCC General Building Framework Lot 3 is recommended. This is a single stage tender process using the JCT 2005 standard form of contract.

2.3 Scope

- 2.3.1 The construction of a 180 place Sixth Form block with a Gross Internal Floor Area (GIFA) of 2106m². The block is arranged over three floors comprising:-
- Lower ground floor: double height theatre, dance studio, cafe and study area. Plant room.
 - Upper ground floor: main entrance and reception, general and specialist teaching accommodation.
 - First Floor: General and specialist teaching accommodation.
- 2.3.2 The provision of furniture and equipment.
- 2.3.3 The project is being designed to achieve a BREEAM very good rating.

2.4 Project Deliverables

- 2.4.1 To deliver the project on time and to budget.
- 2.4.2 To provide sufficiently high quality accommodation to enable the age range of the school to be altered from 11-16 to 11-18.
- 2.4.3 To support 14-19 Strategy objectives.
- 2.4.4 To enable BPS to achieve outstanding status with sixth form provision.

2.5 Exclusions

2.5.1 The Authority will not be liable for or contribute to any capital or revenue costs directly arising from the proposed sixth form facilities, otherwise than as provided for under the delegated budget to the School and within the Scheme for Financing Schools (see MOU Appendix 1)

2.6 Constraints

2.6.1 The project must be completed within the approved LSC budget of £6.38m and within the terms of the Funding Agreement as set out in the letter to BPS dated 20 May 2009.

2.6.2 A contract must be entered into by 20 May 2010.

2.6.3 The new building must be set.

2.6.4 Planning conditions must be adhered to.

2.7 Interfaces

2.7.1 The main interfaces for this project are between:

- The Authority and BPS
- The Authority and LSC
- The Authority and Capita Symonds
- Capita Symonds and the Contractor
- Capita Symonds and other statutory bodies and undertakings

2.8 Assumptions

2.8.1 LSC funding will not be withdrawn or scaled back.

2.8.2 The Funding Agreement will be honoured by the LSC's successor body.

2.8.3 The project will be procured in accordance with SCC rules and OJEU regulations.

2.8.4 The project will be delivered in accordance with the MOU and Funding Agreement.

3. Project Organisation Structure (see diagram at Appendix 2)

Project Board (see also Terms of Reference at Appendix 3)

3.1.1 **Executive Sponsor** – Clive Webster, Executive Director Children's Services & Learning. Has overall responsibility for delivery of project but does not sit on the Project Board. Chairs the CS&L Capital Board to which the BPS Project Board reports.

- 3.1.2 **Senior Responsible Owner** – Andrew Hind, Head of Infrastructure & Capital, CS&L. *Check title* Chairs Project Board taking responsibility for successful delivery of project.
- 3.1.3 **Project Manager** – Dave Kitson, Assets & Capital Strategy Manager, CS&L. Responsibility for day to day management of project.
- 3.1.4 **Senior User** – Susan Trigger, Headteacher Bitterne Park School, and/or other senior members of the school's management team as required. To safeguard the interests and objectives of the end user.
- 3.1.5 **Senior Supplier (Design and Construction)** – Paul Stansfield, Project Architect, Capita Symonds and/or other officers from Capita Symonds as required. Responsible for design, procurement and construction.
- 3.1.6 **Senior Supplier (Cost Control)** – Paul Capocci, Quantity Surveyor, Capita Symonds. Responsible for cost control.
- 3.1.7 **Senior Supplier (Funding)** – Mike Stoneman, LSC, and/or other LSC officers. To safeguard the aims and objectives of the funding body.
- 3.1.8 **Legal Consultant** – Sarita Riley. To provide legal advice and safeguard the legal interests of SCC
- 3.1.9 **Property Consultant** – Nigel Mullan. To provide property advice and safeguard the property interests of SCC.
- 3.1.10 **Financial Consultant** – Lynn Franklin. To provide financial advice and safeguard the financial interests of SCC.
- 3.1.11 **14-19 Consultant** – Julie Batory-Walsh. To provide advice on 14-19 Strategy and developments.
- 3.1.12 **Configuration Librarian** – Kathy Spiers (to Dec 09), Senior Business Support, CS&L. To administer the project, taking responsibility for all documents produced during the life of the project.

4. Communications Plan

- 4.1. The Authority (SCC) and the school undertake to consult and regularly liaise with each other in relation to all matters relating to the performance of the contract.
- 4.2. Capita Symonds will provide an update on progress with the project every month to the Project Board.
- 4.3. Outside of the Project Board meetings the Project Manager will keep all parties informed of any matters affecting the delivery of the project.
- 4.4. Any proposed change to the project will be agreed with and communicated via the Project Manger.

5. Project Quality Plan

- 5.1. The project must achieve a BREEAM very good rating of 55 credits.
- 5.2. Specialist consultants will be engaged to ensure compliance with building and planning regulations.

- 5.3. The building will be designed in accordance with Building Bulletin 98 area space standards for secondary schools.
- 5.4. Design Quality Assessments will be made at agreed stages by another Capita office to ensure high design standards are maintained.

6. Project Controls

6.1. Reporting and Monitoring

- 6.1.1 The Project Manager has the authority to manage the project on a day to day basis within the agreed funding and timescale.
- 6.1.2 Capita Symonds will agree with the Project Manager a monthly progress report confirming the construction works, site works and ancillary activities completed to the report date and confirmation of the funds expended to that date by the Authority in execution of the project. This report will be presented to the Project Board and agreed with the LSC's Property Adviser (RPA) monthly. It will be circulated to Board members in advance of the meeting.
- 6.1.3 If the Project Board considers it necessary then it will escalate issues to the Secondary Capital Board and CS&L Capital Project Board by way of an Exception Report written by the Project Manager.

6.2. Change Management

- 6.2.1 The Project Manager may approve any changes to the project provided that they:
 - Would not result in an overspend;
 - Do not contravene the Funding Agreement or Cabinet scheme approval;
 - BPS and LSC are consulted on the proposed change.
- 6.2.2 Any request for change to the agreed project products must be agreed with the Project Manager who will escalate the request as necessary.
- 6.2.3 Any material changes (more than 5%) the overall budgeted costs of the scheme, or in the cost of key elements of the scheme, require prior written confirmation from LSC. If the costs vary significantly (more than 10%) the capital application must be re-submitted to the LSC with a full justification for any proposed changes.

6.3. Issue Management

- 6.3.1 Any issues arising during the duration of the project will be resolved by the Project Manager in the first instance.
- 6.3.2 Thereafter issues will be determined with the Senior Responsible Owner.
- 6.3.3 Should an issue arise which cannot be resolved by the Project Manager or Senior Responsible Owner the PM will escalate the issue to the Project Board.
- 6.3.4 The Project Board may escalate an issue to the Secondary Board or if necessary straight to the CS&L Capital Board.
- 6.3.5 Issues requiring an urgent decision may be escalated to the Executive Sponsor and Cabinet Member, following consultation with BPS and LSC representatives.

7. Project Plan

- 7.1. See Appendix 4.

8. Risk Register

- 8.1 See Appendix 5

Agenda Item 10

DECISION-MAKER:	CABINET COUNCIL		
SUBJECT:	ADOPTION OF THE LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY		
DATE OF DECISION:	CABINET – 21 DECEMBER 2009 COUNCIL – 20 JANUARY 2010		
REPORT OF:	CABINET MEMBER FOR ENVIRONMENT AND TRANSPORT		
AUTHOR:	Name:	Deborah Mobbs	Tel: 023 8083 2549
	E-mail:	Deborah.mobbs@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

Not applicable

SUMMARY

The main planning document for the city is the Core Strategy which sets out the vision for the future development of the city and the key strategic planning framework. The Core Strategy underwent its Examination in July 2009 and the Planning Inspector's Report has been received. The Inspector found the document sound providing the amendments he recommended were made. The Inspector's report is binding on the Council. The final version of the Core Strategy, incorporating the Inspector's recommendations can now be adopted. Fewer than 15% of local authorities in England have adopted Core Strategies.

RECOMMENDATIONS:

CABINET

- (i) To recommend that Council adopts the Core Strategy which has been amended in accordance with the Inspector's recommendations
- (ii) To recommend that Council endorse the list of additional Local Plan Review policies (attached as Appendix 1) that will be replaced in part or in full by the Core Strategy.

COUNCIL

- (i) To adopt the Core Strategy which has been amended in accordance with the Inspector's recommendations
- (ii) To endorse the list of additional Local Plan Review policies (attached as Appendix 1) that will be replaced in part or in full by the Core Strategy.

REASONS FOR REPORT RECOMMENDATIONS

1. To give adopted development plan status to the Core Strategy which will encourage investment in the city by providing clarity and predictability in decisions on the use and development of land and contribute to achieving the PUSH and local (City of Southampton Strategy) vision for the City.
2. To adopt the Core Strategy by January 2010 to meet the target agreed by GOSE in our Local Development Scheme.

CONSULTATION

3. Throughout its preparation the Core Strategy has been subject to consultation, both internal and external. There have been 3 formal stages of public participation that culminated in the public examination of the Core Strategy in July 2009. This was held by a Planning Inspector and members of the public, stakeholders, developers and amenity groups were invited to participate in the Examination.
4. The Inspector's report is binding on the Council so the Council is not in a position to further amend the Core Strategy (other than to include his recommended changes).

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. The alternative would be not to adopt the Core Strategy. The current statutory plan (the Local Plan Review) was adopted in 2006 for the period up to 2011. It needs to be updated to ensure delivery of the additional growth identified through the South East Plan. Having an up to date planning framework will contribute to the future prosperity of the city by encouraging investment in new and expanding businesses, homes and leisure, sporting and cultural facilities supported by the necessary infrastructure.

DETAIL

6. The Proposed Submission version of the Core Strategy was published for public consultation between December 2008 and February 2009. Following receipt of comments some changes were proposed to the document. Most of these were minor but some did impact on the soundness of the document. These changes were endorsed by the Cabinet Member for Environment and Transport. The Core Strategy was submitted to the Secretary of State in March together with the suggested changes plus all the background evidence that had been produced to support the document. A Public Examination into the Core Strategy was held by a Planning Inspector for two weeks in July. A number of further changes to the document were discussed during the Examination.
7. The Inspector's report was received in October 2009. The Inspector concluded that with the amendments he recommended the Core Strategy satisfies the requirements of the Planning and Compulsory Purchase Act 2004 and meets the test of soundness in PPS12 "Creating strong safe and prosperous communities through Local Spatial Planning".

8. The Inspector supported the overall strategy set out in the Core Strategy and considered that it “provides an appropriate and realistic spatial vision for the city to 2026”. He considered that “there are soundly based and realistic prospects that the CS will deliver the required growth over the plan period, sustainably focussed on the city centre”. He supported the general thrust of the policies such as those relating to family homes (CS 16), affordable housing (CS 15), the safeguarding of employment sites (CS 7), the requirement for new development to meet the standards for carbon reduction and water resource conservation (CS 20) and measures to improve access to jobs (CS 24).
9. The Inspector accepted most of the changes put forward by the Council but suggested further amendments that relate to points of clarification and soundness. The main changes required are:
 1. **Flood risk.** The policy (CS 23) and the supporting text have been rewritten to explain how the appropriate steps of the flood risk hierarchy required by government guidance will be implemented at the local level.
 2. **City centre retail**, especially future needs. The level of comparison retail floorspace for the city centre has been reduced in policy CS 1 from a level of up to 200,000 square metres down to 130,000 square metres. This is in light of the most recent update study on retail capacity in the city centre carried out by DTZ in June 2009.
 3. **Transport**, notably concerning the strategic road network. Additions have been made to the supporting text to policy CS 18 to refer to the measures that will need to be taken following the joint study of the strategic road network that is underway.
 4. **Biodiversity / nature conservation.** Additions to the supporting text to policy CS 22 to refer to the Habitats Regulations Assessment that has been carried out and the implementation of a strategic approach across the sub-region to protect internationally designated sites.
 5. **The Port.** Additional wording in policy CS 9 and the text (throughout the document) to refer to the importance of the Port and its role in the city’s economy.
10. The Inspector made two further significant changes to policies although they do not affect the overall approach of the strategy.
 1. Affordable Housing. He supported the thresholds and percentages of affordable housing that will be sought by policy CS 15 but changed this to relate to ‘net’ dwellings proposed rather than the ‘gross’ number.
 2. Open Space. He deleted the words ‘seek to’ from the first line of policy CS 21 thus making it a requirement to retain the quantity of open space within the city and also added “help deliver new open space both within and beyond the City”.

11. In order to now adopt the Core Strategy so that it forms part of the development plan, we are legally bound to incorporate the Inspector's recommendations. These changes mainly reflect those that were put forward before and during the Examination and do not affect the overall approach of the strategy. Therefore it is recommended that the changes are incorporated and the strategy adopted. The Core Strategy will be used to enable and enhance development within the city.
12. Once the Core Strategy is adopted it will supersede a number of the policies in the Local Plan Review 2006. Appendix 3 of the Proposed Submission version of the Core Strategy lists the Local Plan Review policies that are to be replaced by Core Strategy policies. With the changes that will be made to the Core Strategy a number of other local plan policies will be partly or wholly replaced by the Core Strategy policies and need to be added to the list in the Core Strategy. A list is attached as Appendix I.
13. **Next steps.** The Core Strategy sets out the main strategic policies for the city. Work is now being progressed on the City Centre Action Plan and the Sites and Policies Development Plan Document which will draw up the detailed site allocations and policies for the city centre and the rest of the city, respectively.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

14. The Core Strategy is a spatial planning document. The Core Strategy does not itself commit the Council to capital expenditure but does include an Infrastructure Delivery Plan which will provide a framework for some future decisions on capital expenditure.

Revenue

15. Printing the final document will cost approximately £6000 which will be funded from the existing publication budget associated with the production of the Local Development Framework within the Environment and Transport Portfolio. Costs will be kept to a minimum by making electronic copies available on the website.

Property

16. There are no immediate property implications arising directly from the Core Strategy. If, following approval of this report, property implications arise as the policy is implemented, they will be the subject of further detailed consideration in the normal way which will include evaluation of any property implications and the results of any formal option appraisals where the investment is over £2 million (as required by Financial Regulations).

Other

17. The Core Strategy has been subject to an Equalities Impact Assessment and the findings have informed the document.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

18. The report is prepared in accordance with section 23 of the Planning & Compulsory Purchase Act, 2004.

Other Legal Implications:

- 19. In preparing the Core Strategy regard has been had to the provisions of the Human Rights Act 1998, the Crime & Disorder Act 1998 and Equalities legislation as appropriate.

POLICY FRAMEWORK IMPLICATIONS

- 20. The Core Strategy is a part of the LDF and is a statutory development plan document. It supersedes part of the Local Plan Review 2006. Planning applications must be determined in accordance with the Core Strategy unless other material considerations indicate otherwise.

SUPPORTING DOCUMENTATION

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

Appendices

1.	List of additional Local Plan Review Policies to be replaced by the Core Strategy.
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Documents In Members’ Rooms

1.	Inspector’s Report on the Examination into the Southampton Core Strategy Development Plan Document, October 2009
2.	Core Strategy – as proposed to be adopted

Background Documents

Title of Background Paper(s)

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

1.	Proposed Submission Core Strategy, December 2009	
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Background documents available for inspection at: Office of the Head of Planning and Sustainability

FORWARD PLAN No: ET03718 **KEY DECISION?** Yes

WARDS/COMMUNITIES AFFECTED:	All
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List of additional local Plan Review Policies to be Replaced by Core Strategy Policies

Appendix 3 of the Core Strategy includes a list of Local Plan Review policies that will be fully or partly replaced by Core Strategy policies. Following receipt of the Inspector's report and his recommended changes to the document additional policies will be partly or wholly replaced by Core Strategy policies. The following table lists the policies and is set out in the format shown in the Core Strategy document.

Policy No.	Description	Replaced in full by Core Strategy?	Further information:
SDP 13	Resource Conservation	No	Part replaced by policy CS 20 & Minerals & Waste CS.
SDP 20	Flood Risk & Coastal Protection	Yes	Replaced by policy CS 23.
SDP 21	Water Quality & Drainage	No	Partly replaced by policy CS 20.
NE 4	Protected Species	No	Partly replaced by policy CS 22.
CLT 4	Amenity Open Space	Yes	Replaced by Policy CS 21.
H 12	Housing Type and Design	Yes	Replaced by policy CS 16. <i>(Currently in the Core Strategy it is mentioned that this policy will be partly replaced by the Core Strategy policies)</i>
REI 2	Warehouse Clubs	Yes	Replaced by policies CS 3 & CS 6.

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DECISION-MAKER:	CABINET COUNCIL		
SUBJECT:	PURCHASE AND INSTALLATION OF NEW CREMATORS, MERCURY ABATEMENT AND OTHER ESSENTIAL EQUIPMENT FOR SOUTHAMPTON CREMATORIUM		
DATE OF DECISION:	21 DECEMBER 2009 20 JANUARY 2010		
REPORT OF:	CABINET MEMBER FOR ENVIRONMENT AND TRANSPORT		
AUTHOR:	Name:	Phil Wells	Tel: 023 80 917572
	E-mail:	phil.wells@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

Appendix 1 to the report contains information deemed to be exempt from general publication based on Category 3 of paragraph 10.4 of the Council's Access to Information Procedure Rules. It is not in the public interest to disclose this information because it comprises financial and business information that if made public would prejudice the Council's ability to operate in a commercial environment and obtain best value during acquisition negotiations.

SUMMARY

This report seeks to secure the necessary approval to purchase new cremators and associated mercury abatement equipment allowing the project to progress through the formal procurement process.

The crematorium requires new cremators and coffin handling equipment, new chapel coffin lifts, the renewal of the chapel ventilation systems, the installation of mercury abatement equipment to comply with new legislation and some urgent repairs principally to the East Chapel and book of remembrance room and area.

RECOMMENDATIONS:

Having had regard to the provisions of the Community Strategy and being satisfied that the proposals in this report will improve the economic, social and environmental well being of service users and the local community:-

- (i) Cabinet
Subject to Council approving the addition of the Crematorium - New Cremators scheme to the Environment and Transport Capital Programme, to approve, in accordance with Financial Procedure Rules, capital expenditure on the purchase of new cremators, associated mercury abatement equipment and other ancillary equipment and repairs, as set out in the confidential appendix.

(ii) Council

To approve, in accordance with Financial Procedure Rules, the addition of the sum in the confidential appendix to the Environment & Transport Capital Programme for the Crematorium - New Cremators scheme funded from a combination of direct revenue financing and unsupported borrowing, as set out in the confidential appendix.

REASONS FOR REPORT RECOMMENDATIONS

1. To purchase and install new cremators, mercury abatement equipment and associated plant to comply with new legislation and to replace equipment at the end of its serviceable life.

CONSULTATION

2. Property services, Finance, Democratic Services, Legal, Private Sector Service Providers, Stakeholder groups.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. In total seven other service delivery models have been examined:- Cease service provision, transformation in-house, market testing, outsourcing, public/private partnership, sale of the business and creation of a wholly owned company. All were rejected for financial reasons.

DETAIL

4. The crematorium requires new cremators and the installation of mercury abatement equipment by the end of 2012 to comply with new legislation. The crematorium currently operates with 6 cremators, none of which is compliant with the new legislation and all are reaching the end of their normal operational life. A feasibility study has indicated that the crematorium may operate efficiently with 4 cremators 2 of which will be fitted with mercury abatement equipment. A small amount of other urgent work will also be undertaken including the renewal of the chapel catafalque scissor lifts, the renewal of the chapel ventilation systems, improvement of the book of remembrance room and area and the provision of mechanical coffin handling in the crematory to overcome manual handling issues.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

5. The estimated costs of the scheme are shown in the confidential appendix.
6. On 24th November 2008 Cabinet agreed to an increase in cremation fees, from 1 January 2009, which included an element (£85 per adult cremation) that will be specifically used towards financing the cost of installing new cremators and mercury abatement equipment. In the first 10 months a balance of £217,260 has accumulated. Based on the current forecast of future income levels, it is anticipated that £918,000 will be available as direct revenue financing for the scheme. The balance will be met from unsupported borrowing, as set out in the confidential appendix. The ongoing borrowing costs, over the 15 year anticipated life of the cremators, will be met from the element of cremation fees that will continue to be set aside for this purpose. If the set aside remains unchanged at £85 per adult cremation, it is

estimated that an additional sum of £27,000 per annum will be accrued. This would build a 'sinking fund' of approximately £400,000 over 15 years towards future maintenance and replacement costs.

Revenue

7. The maintenance cost of the crematorium building and the cremators is currently met from the Council's central repair and maintenance fund. It is now proposed that the ongoing revenue costs associated with the operation of the cremators, which include a new refractory lining every 5 years, at a cost of £40,000, and the maintenance of the mercury abatement equipment, will be met from the sinking fund. The purchase of more fuel efficient equipment will reduce gas consumption and reduce energy costs by an estimated £30,000 per annum.

Property

8. Not applicable.

Other

9. Not applicable.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

10. Section 2 of the Local Government Act 2000 permits a Council to do anything likely to improve the economic, social or environmental well-being of its area provided a Council first has regard to the provisions of its Community Strategy and is satisfied that the likelihood of such an improvement is supported in that context.

Other Legal Implications:

11. Procurement of works, goods and services in connection with this report will be subject to compliance with Contract Procedure Rules.

POLICY FRAMEWORK IMPLICATIONS

12. The proposal for the purchase of new cremators and associated plant at Southampton Crematorium, are set out within the Corporate Improvement Plan (CIP) 2009/10 Policy Framework document and implement strategic objective 4 in the Community Strategy – a high quality public realm and a City which lives within clear environmental limits.

SUPPORTING DOCUMENTATION

Appendices

1.	Confidential Financial Implications.
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Documents In Members' Rooms

1.	None.
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Background Documents

Title of Background Paper(s) none.

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

1.	None.	
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Background documents available for inspection at:

FORWARD PLAN No: **No:ET03742** **KEY DECISION?** Yes

WARDS/COMMUNITIES AFFECTED:	All
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Document is Confidential

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DECISION-MAKER:	CABINET		
SUBJECT:	SUPPORTED BUS SERVICES CONTRACT AWARDS		
DATE OF DECISION:	21 DECEMBER 2009		
REPORT OF:	CABINET MEMBER FOR ENVIRONMENT AND TRANSPORT		
AUTHOR:	Name:	Simon Bell	Tel: 023 8083 3814
	E-mail:	simon.bell@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

None.

SUMMARY

This report seeks approval for the Cabinet to award bus contracts to operators following tendering of supported bus services. The Council has obtained prices for 19 contracts currently operating as listed in Appendix 1 and recommended award of 16 contracts listed. Awarding these contracts will allow the continuation of services.

RECOMMENDATIONS:

- (i) To approve the award of contracts listed in Appendix 1.
- (ii) To delegate to the Director of Environment, following consultation with the Cabinet Member for Environment and Transport, authority to make any further changes and awards following subsequent changes to commercial bus services.

REASONS FOR REPORT RECOMMENDATIONS

1. The majority of the supported bus contracts expire early in 2010. Following a review of these contracts the Council has obtained prices for various services including different levels of service to those currently supported. An award needs to be made at this time in order that operators can be given sufficient time to make the necessary arrangements to start in February 2010. The services to be recommended for award are those with the greatest patronage and lowest subsidy per passenger so target the limited resources to those offering greatest benefit.

CONSULTATION

2. These proposals will be considered at the bus users group meeting on 26 November 2009. Any comments received by Officers will be fed back to Cabinet verbally at the decision meeting.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. It is possible for the Council to award any combination of contracts or not to award any contracts for supported bus services.

DETAIL

4. The majority of supported bus contracts are due for renewal in early February 2010. This year for the first time, the Council has used an e auction to obtain

tenders for bus contracts. This allows all operators bidding to see the lowest price currently bid to compare with the price they have submitted. It has produced significant savings to the Council when procuring other Supplies and Services outside Public Transport. These contracts allow residents and visitors to access services and facilities in the city from communities that would have no access to public transport.

5. In order to protect the Council from possible exploitation by bus operators, maximum prices were set for each contract which were based on the existing contract price plus between 5% and 30% increase depending on the type of service. Prices were also obtained for various reductions in frequency to ensure it would be possible to award a level of service which would cover the City should contract prices be increased. Around 40% of contracts did not receive any bid as the Council's maximum price was found to be too low for operators to consider bidding. Under the system operators can submit a group price for a combination of tenders. This can be cheaper where the costs of operating multiple contracts results in economies of scale for the operator which are then passed on in lower tender prices.
6. The tenders have been submitted significantly higher than expected or by comparison with previous years. With the changes to services listed below the impact of these costs increases can be accommodated within the agreed budget for supported services.
7. Award contracts for the following supported services where there is no change:
 - 4 City Centre – Millbrook (Sun/BH)
 - 8/8A Lords Hill- Moorgreen Hospital via City (evenings daily)
 - 10 Lords Hill – Thornhill via City (evenings daily)
 - 14 City – Bitterne via Mansbridge (Mon – Sat off peak)
 - Bitterne Hoppa (Mon – Sat off peak)
 - U6 University – General Hospital (Mon – Sat evenings and Sunday daytimes and evenings)
8. Proposed contracts to be awarded where there is a change include:
 - Services 21 and 22 Royal South Hants Hospital to Lords Hill via Freemantle, Regents Park, Shirley, Upper Shirley and Lordswood is an all day service supported by the Council. The contract price has increased by over 60% to operate both routes. The Council received a separate bid for service 21 which was 30% more than the current price. It is suggested that a contract be awarded for service 21. The 22 service was recently retendered as an hourly service between the city centre and Shirley only rather than to Lords Hill. This has reduced the tender price by £70,000. This will result in a reduction of service for residents on the section between Shirley and Lords Hill although there will still be an hourly service.
 - Service 13 City Centre to Sholing via Northam and Bitterne operates hourly after 2000 on Mondays to Fridays and 1800 on Sundays supported by the Council. Service 13 provides evening and Sunday version of services 11A/11C and 12A/12C which are commercial. First have indicated to the Council that they are unwilling to operate the service

commercially between 1830 and 2000 on week days (before the supported journeys commence). The majority of passengers have alternative journeys available on commercial service 18 with just the section of Bursledon Road east of Kathleen Road and Botley Butts Roads unserved. No contract should be awarded for these services reducing costs by £34,620.

- Service 15 Weston to Bitterne via Thornhill was an hourly off-peak council supported service introduced in 2008 to replace lost links following commercial service changes. There have been further commercial changes in 2009 which means the cross Thornhill link has been restored commercially every 20 minutes all day. Passengers from Weston can undertake the journey by changing buses in Woolston. No award will be made for this service reducing costs by £33,000.
- Service 154 Thornhill to Springhill School via Harefield, Bitterne and Northam providing one return journey designed to coincide with school hours but open to all. Half the passengers board the bus in the city centre where an alternative commercial service is available. The school also contracts its own service from Bassett Green and Portswood and it would be possible to combine the two into one service supported by the school. Award this contract for the period until the end of July 2010 to allow children to complete their academic year cost reduction of £26,000 in 2010/11 and £40,000 in 2011/12.

9. The Council has commissioned a strategic review of the supported bus network which will be available in early summer and allow the council to identify a longer term strategy for supported services. In addition a review of the current bus strategy will also take place.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

10. None

Revenue

11. The cost of awarding all the services, as they now stand in 2009/10, would significantly exceed the draft 2010/11 revenue budget for Supported Bus Services of £724,200 (subject to full Council approval on 17th February 2010). The cost of awarding the Contracts shown in Appendix 1 is £679,345, which can be met from the draft 2010/11 revenue budget. The remainder of the budget will fund additional Public Transport services.

Property

12. None

Other

13. There are no other implications.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

14. The discretionary power to subsidise public transport services is contained within the Transport Act 1985. The power is subject to compliance with sections 89-92 of

the Act to cooperate with other authorities to secure, in the interests of the ratepayers of their areas, the best value for money from their expenditure on public passenger transport, taken as a whole and to tender for such services in accordance with the provisions within the Act.

Other Legal Implications:

15. In exercising its powers under the Transport Act 1985 the Council is required to have regard to the impact of its decision on individuals in accordance with the Human Rights Act 1998 and Equalities legislation and to have regard to the Council's duties under s.17 Crime & Disorder Act 1998 to exercise its functions with a view to reducing or eliminating Crime & Disorder in its area.

POLICY FRAMEWORK IMPLICATIONS

16. The provision of supported bus services helps the council meet its targets for increasing the use of sustainable travel modes and bus travel in particular. It accords with the policy direction of the City's published Local Transport Plan 2006 – 2011 and the Community Strategy.

SUPPORTING DOCUMENTATION

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

1.	Details of tender prices
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Documents In Members' Rooms

1.	None
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Background Documents

Title of Background Paper(s)

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

1.		
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Background documents available for inspection at:

FORWARD PLAN No: ET03245 **KEY DECISION?** YES

WARDS/COMMUNITIES AFFECTED:	ALL
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SOUTHAMPTON CITY COUNCIL SUPPORTED BUS SERVICES								
SCHEDULE OF PROPOSED AWARDS OF CONTRACTS 23010/11								
Operator	Service Number	Route	Subsidy per trip 09/10	Subsidy per trip 10/11	Annual Trips	Cost 2009/10	Proposed Annual Cost of Contract 2010/11	Action/options
			£	£	No.	£	£	
First	4	City Centre – Hill Lane – Sports Centre – Shirley – Millbrook r/b Hourly Sunday/BH daytime service to supplement Mon – Sat commercial service	£0.44		9,120	3,991	See Group 1	Award to First as part of Group1
First	8	City Centre – Woolston – Bitterne – Townhill Park – Chartwell Green Hourly Sunday/BH evening service	£0.90		7,700	6,900	See Group 1	Award to First as part of Group1
First	10E	Harefield – Thornhill – Woolston – Shirley – Lords Hill Sunday /BH hourly evening service	£0.77		8,064	6,200	See Group 1	Award to First as part of Group1
First	Group 1		£0.69	£1.31	24,884	17,091	32,640	Group 1 Total
First	8/8A	Lords Hill – Shirley – City – Woolston – Bitterne – Townhill Park/Moorgreen Monday to Saturday half-hourly evening service (after 2000) service to supplement Mon – Sat commercial service	£0.90		100,000	90,000	See Group 3	Award to First as part of Group3
First	10E	Harefield – Thornhill – Woolston – city - Shirley – Lords Hill Monday to Saturday eve journeys (after 2000) service to supplement Mon – Sat commercial service	£0.84		89,167	74,900	See Group 3	Award to First as part of Group3
First	Group 3		£0.85	£0.97	214,051	181,991	206,975	Group 3 Total
Unilink	U6	Portswood – Wessex Lane – University – General Hospital Hourly evening service mon - sat service to supplement Mon – Sat commercial service	£0.15	£0.16	100,000	15,000	15,750	Award to Bluestar

SOUTHAMPTON CITY COUNCIL SUPPORTED BUS SERVICES								
SCHEDULE OF PROPOSED AWARDS OF CONTRACTS 23010/11								
Operator	Service Number	Route	Subsidy per trip 09/10	Subsidy per trip 10/11	Annual Trips	Cost 2009/10	Proposed Annual Cost of Contract 2010/11	Action/options
Unilink	U6	Portswood – Wessex Lane – University – General Hospital Hourly Sunday/BH all day service service to supplement Mon – Sat commercial service	£0.21	£0.22	72,000	15,000	15,750	Award to Bluestar
First	8A	City Centre – Woolston – Bitterne – Chartwell Green – Moorgreen Hospital Hourly Sunday/BH daytime	£0.08	£0.00	87,210	7,329	0	No award operator will operate commercially
First	13	Sholing – Bitterne – City Centre Monday to Saturday hourly evening service (after 2000)	£3.71	£0.00	6,732	25,000	0	No award
First	13	Sholing – Bitterne – City Centre Hourly Sunday/BH evening service	£0.52	£0.00	4,600	2,370	0	No award
First	13	Sholing – Bitterne – City Centre Hourly daytimes Sundays/BH (enhances commercial service).	£1.97	£0.00	5,073	10,000	0	No award
First	14	City Centre – Westwood Road – Portswood - Highfield – Swaythling – Chartwell Green – Bitterne Mon to Sat off-peak hourly	£0.84	£1.00	83,268	70,000	83,500	Award to Bluestar
Bluestar	15	Weston – Weston Lane - Hightown – Thornhill – Bitterne Hourly off peak service	£1.97	£0.00	21,341	42,000	0	No award
First	21/21A	RSH – City Centre – Freemantle – Regents Park - Shirley – Upper Shirley – Lordswood - Lords Hill – Nursling Mon to Sat daytime hourly	£1.11	£1.41	95,312	106,000	134,000	Award to First

SOUTHAMPTON CITY COUNCIL SUPPORTED BUS SERVICES								
SCHEDULE OF PROPOSED AWARDS OF CONTRACTS 23010/11								
Operator	Service Number	Route	Subsidy per trip 09/10	Subsidy per trip 10/11	Annual Trips	Cost 2009/10	Proposed Annual Cost of Contract 2010/11	Action/options
First	22	RSH – City Centre – Polygon – Freemantle - Shirley – Upper Shirley – Lordswood - Lords Hill Monday to Saturday daytime hourly service	£1.15	£0.00	93,787	108,000	0	No award see below
First	Bitterne Hoppa	Bitterne local service operating hourly on 3 routes mon – fri off peak	£0.52	£0.55	34,615	18,000	19,030	Award to First
First	154	Thornhill – Harefield – Bitterne – Springhill School One return journey schooldays	£4.32	£4.44	9,000	38,841	14,000	Award to First until end July 2010
First	22	City Centre-Polygon-Freemantle-Regents Park-Shirley-Mon=Sat hourly		£1.98	50,000	108,000	98,900	Award to Black Velvet
		Total cost of Subsidised Bus Services to be awarded in this report					620,545	
		Existing Continuing Services						
	Nightbuses						25,800	
First	7A						33,000	
		Existing Continuing Services-SubTotal					58,800	
		Total cost of Subsidised Bus Services Proposed and Existing Services					679,345	

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DECISION-MAKER:	CABINET		
	COUNCIL		
SUBJECT:	EASTPOINT REDEVELOPMENT		
DATE OF DECISION:	21 DECEMBER 2009		
REPORT OF:	CABINET MEMBER FOR ECONOMIC DEVELOPMENT AND REGENERATION		
AUTHOR:	Name:	Sue Jones	Tel: 023 8083 3929
	E-mail:	Sue.jones@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

Appendix 2 of this report is not for publication by virtue of Category 3 (Information relating to the financial or business affairs of any particular person including the Council) of paragraph 10.4 of the Council's Access to Information Procedure Rules as contained in the Council's Constitution. It is not considered to be in the public interest to disclose this information because this Appendix contains confidential and commercially sensitive information relating to the property interests potentially involved in this matter.

SUMMARY

Cabinet and Council are asked to approve the sum of up to £3M to be paid to Eastpoint Centre Ltd as compensation for the surrender of their current unexpired lease of the site. This will enable it to build and service the new Community Training and Conference Centre.

Following surrender, 1.5 acres of the Eastpoint site will transfer to the ownership of Eastpoint Centre Ltd, to provide the site upon which the new Eastpoint can be built. The Council will regain the freehold of the remaining 5.19 acres of the site with an option retained by Itchen College, so that it can locate to the site if it has a commitment by the indicative date of March 2011 (final date to be agreed).

This proposal maintains Cabinet's continued support to enable the delivery of the new Eastpoint Centre, a flagship project of the Thornhill Plus You (TPY) regeneration programme and secures both the successful investment of £7,064,280 of TPY grant, but also a future income for the TPY successor body.

RECOMMENDATIONS:

CABINET

Cabinet is recommended to :-

- (i) Continue to support the principle of the redevelopment of the Eastpoint site by Eastpoint Centre Ltd; with Eastpoint Centre Ltd building the new Eastpoint on 1.5 acres as identified in Appendix 1 and, through a revised Tripartite Legal Agreement, Itchen College retain an option to develop on the site at a future date;

- (ii) Request Council (subject to the conditions listed below) to approve a sum of up to £3,000,000 to be added to the Economic Development Portfolio Capital Programme as a payment to Eastpoint Centre Ltd as compensation for the surrender of their current unexpired lease, to enable them to fund the building and servicing of their new Community, Training and Conference Centre. The Council will gain 5.19 acres with Itchen retaining an option to locate to the site until March 2011 or such other later date as may be agreed by the Chief Executive;

Recommendation (ii) is subject to the following:

- (a) Government Office for the South East (GOSE) and Department of Communities and Local Government (DCLG) approving funding allocation and release of the £2.5 Million in the Thornhill Plus You Delivery Plan for 2010-11, in time to allow Eastpoint to let its contract for the construction of the new Eastpoint and complete the spend of the TPY grant to Eastpoint before the end of the NDC programme in March 2011
 - (b) A Revised Eastpoint Business Plan being approved by both the Head of Finance and IT and GOSE, in addition to any final approvals required from GOSE and DCLG;
 - (c) Eastpoint concluding any s106 agreement in order to achieve planning consent and issue of the decision notice and confirmation that there are no planning issues outstanding from the links with the Itchen College outline planning consent;
 - (d) the successful completion of the revised Tripartite Legal Agreement, which sets out the land deal for the Eastpoint site, the option for Itchen College to still locate to the site and the Council's position
- (iii) Grant to Itchen College an option to locate to the site until March 2011, or such other later date as the Chief Executive may decide, upon such terms as the Solicitor to the Council considers reasonable;
 - (iv) Approve subject to Council recommendation (i) below, expenditure of up to £3,000,000 for the surrender of the Eastpoint Lease;
 - (v) Request Council to add £130,000 to the Capital Programme for the demolition of the old Eastpoint centre following the construction of the new Eastpoint building and services, and the vacation of the old Eastpoint Centre;
 - (vi) Require Eastpoint Centre Ltd (and Itchen College should it in future go ahead on the Eastpoint site) to submit to the Council a Community Plan setting out how the facilities developed on the site will be available for the use of the wider community. This plan will cover the ten year period commencing when the facilities are open for use and will include both recreational and educational activities. The outline of this plan, covering the key principles, will be in place before the land transactions are completed respectively for each development;

- (vii) delegate authority to the Assistant Chief Executive (Economic Development and Regeneration), following consultation with the Cabinet Member for Economic Development and Regeneration, Executive Director of Resources, the Solicitor to the Council and Head of Property Services and Procurement to negotiate, and agree conditions of the redevelopment in the general terms outlined in the report, to resolve and implement anything necessary to effect the proposals contained in this report, including agreeing amendments to the Tripartite Legal Agreement underpinning the land deal for the site;
- (viii) To note that this Cabinet decision supersedes all previous Cabinet decisions regarding Eastpoint redevelopment

COUNCIL

Council is recommended :

- (i) To approve the addition of up to £3,000,000 to the Economic Development Portfolio Capital Programme for the surrender of the current Eastpoint Lease
- (ii) To approve the addition of £130,000 to the Economic Development Capital Programme for the demolition of the old Eastpoint centre following the construction of the new Eastpoint building and services, and the vacation of the old Eastpoint Centre.

REASONS FOR REPORT RECOMMENDATIONS

Revisions required to the funding of the new Eastpoint due to Itchen College loss of funding source

1. Due to government funding constraints Itchen College is now unable to access the government funding required in order to allow the decision by Cabinet in July 2007 to be implemented. Itchen has no funds to buy the Eastpoint site from the Council and therefore, the Council does not have the money from this land transaction to pay Eastpoint Centre Ltd £3,000,000 to enable them to surrender their lease and proceed to build the new Eastpoint Conference and Training Centre on the 1.5 acres, in the timescale necessary to spend the Thornhill Plus You grant allocation to the project by March 31st 2011.
2. Given this position, the Cabinet decision of July 2007 recommendation (x) made provision: 'to undertake a comprehensive review of the Cabinet's position regarding support to Eastpoint Centre Ltd if Itchen College is unable to develop its new provision on the Eastpoint site, on the basis that all previous decisions regarding Eastpoint Trust Ltd will need to be reconsidered'. This Cabinet report is the consequence of such a review.
3. It is not possible for Eastpoint Centre Ltd to build the new Eastpoint Conference and Training Centre and utilise the Thornhill Plus You grant within the lifetime of the New Deal for Communities (NDC) programme (March 31st 2011) unless the Council agrees to pay Eastpoint Centre Ltd for the surrender of their lease on the current Eastpoint site. The value of surrender is equivalent to the gap funding for the new scheme of up to £3,000,000 towards the construction of the building and necessary servicing and access to the new Eastpoint site.

- 4 Eastpoint Centre Ltd requires up to £3,000,000 towards its funding package to build the new conference and training centre. Currently, Eastpoint is out to tender with a return date of the 18th December 2009. Due to the contractors' Christmas break it is not anticipated that the final winning tender figure will be known until mid January 2010. It is proposed that any financial payment to Eastpoint by the Council, including the cost of the surrender of the Eastpoint lease, will reflect the actual build costs submitted by the winning contractor.

Value for Money for the Council's Funding

- 5 The Council is carrying out due diligence work to ensure that the tendering and building specification is of a correct standard and represents value for money.
- 6 The Council's funding of Eastpoint will only be recommended if the results of the due diligence and value for money checks are satisfactory.

Sale and Lease Back Agreement between Thornhill Plus You and Eastpoint Centre Ltd

- 7 In return for Eastpoint Centre Ltd surrendering its lease 5.19 acres will pass into Council ownership and the remaining 1.5 acres of the site will be owned initially by Eastpoint Centre Ltd. However, in order for Thornhill Plus You to receive maximum gain from its remaining £2.5 million investment in the new Eastpoint there is agreement for Thornhill Plus You to buy the 1.5 acres from Eastpoint Centre Ltd who then pays an annual sum to the TPY successor body, enabling the latter, to gain a source of regular income. Currently, the Heads of Terms for the sale and leaseback agreement have been agreed by the parties. Final approval is required by central government for this spend, which currently sits in the TPY Delivery Plan for 2010-2011.

Benefits to the Council of Gap Funding Eastpoint

- 8 In return for supporting the project the Council will secure the successful TPY spend of £7 million. Thornhill Plus You (TPY) has already spent £1,052,459 on developing the project and a further £6,011,821 is due to be spent, largely on construction. This latter figure includes money held in an escrow account and the £2.5M, which is due in 2010-11, subject to central government final approval. The successful delivery of the new Eastpoint also secures an annual income for the TPY successor body through the sale and lease back agreement.
- 9 Other benefits of delivering the new Eastpoint include a flagship project for TPY with benefits for both the Thornhill community, and those in the east of the city. The Council also gains 5.19 acres of the site, no longer encumbered by the Eastpoint lease. The short term option on the land, which will be given to Itchen College, is in line with Council priorities and if Itchen does not proceed then the Council can develop other plans for the site. The land will have the advantage of the new junction and access from Bursledon Road.

Future Council responsibility for the vacated Eastpoint Centre

- 10 As previously stated, under this proposal the Council will become the freehold owner of the remainder of the Eastpoint site and will be responsible for the existing Eastpoint Centre when it becomes vacant. Under the existing and revised terms of the Tripartite Legal Agreement all current tenants of the existing Eastpoint must vacate the building according to the terms of their lease. It is highly likely that the most cost effective solution for the Council, as owner, will be to demolish the existing building, therefore approval for this is included in the report. Although this requires additional financial commitment by the Council there is a possibility that the cost could be recovered, at a later date if land values sufficiently recover, as part of the capital receipt for the site.

Need to Secure the Council's Commitment at this time

- 11 Good progress is being made towards resolving all the issues necessary to enable the Eastpoint project to build. Recommendation (ii) is subject to items a) to e), which set out the outstanding items, which are being progressed, but are still to be finalised. A Council decision to pay money to Eastpoint Centre Ltd can only take place once these matters have been satisfactorily resolved.
- 12 However, Eastpoint Centre Ltd and Thornhill Plus You require as much certainty as possible, at this time, in order that can continue to commit to the delivery of the new Eastpoint Centre within the timescale (March 31st 2011) of the New Deal for Communities (NDC) programme.

Revised Eastpoint Business Plan

- 13 The Eastpoint Business Plan has been revised to reflect the impact of the recession and the proposed sale and lease back agreement between Eastpoint Centre Ltd and Thornhill Plus You. GOSE appointed a regeneration specialist to report on the revisions, which has been positive. Council Finance Officer's are in ongoing discussions with Eastpoint Centre Ltd regarding the revisions and TPY are to carry out further due diligence. Signs are positive that the revised Business Plan will be accepted by Council officers and TPY, however, government sign off is also required.

Revision to the Land Deal: The Tripartite Legal Agreement

- 14 Following the Cabinet decision of July 2007 Itchen College, Eastpoint Centre Ltd and the Council worked on a legal agreement which put in place the details of the land transaction that would allow the college and Eastpoint to build on the site. However, the legal agreement signed in March 2008 and predicated on Itchen College receiving government funding now cannot be executed within the timescale required by Eastpoint to build and spend the TPY grant before the end of the NDC programme on 31st March 2011. This is due to the current lack of availability of central government funding for the college building programme. Therefore, with the agreement of the parties involved, the Tripartite Legal Agreement must be revised before the Council can pay Eastpoint Centre Ltd any money.

December 2009 Decision to Supersede all previous Eastpoint Cabinet Decisions

- 15 Now that Itchen College cannot implement the agreed Cabinet decision of July 2007 and the Council are now the only alternative funder of the shortfall in the project this new Cabinet decision will supersede the previous decisions

CONSULTATION

- 16 Since the July 2007 Cabinet decision on the Eastpoint Redevelopment the respective parties Itchen College, Eastpoint, Thornhill Plus You and the Council have continued to develop proposals for the site in conjunction with a variety of consultations.
- 17 In line with recommendation (ix) of the July 2007 Cabinet report the Council set up an Itchen Eastpoint Project Board, which has met regularly to co-ordinate and facilitate the work of the various partners in the development.
- 18 Council officers hold regular meetings with both Thornhill Plus You and Eastpoint and discussions have also taken place latterly with the main parties concerning revision to the Tripartite Legal Agreement.
- 19 Public consultations were held as part of the planning application process undertaken by both Itchen College and Eastpoint.
- 20 There have also been ongoing discussions with Government Office for the South-East (GOSE) and the Department of Communities and Local Government (DCLG) who oversee the New Deal for Communities (NDC) Programme, which funds Thornhill Plus You (TPY).

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The Council Does Not Approve the Funding

- 21 If the Council does not approve the funding to enable the transaction proposed, in this report, then it is doubtful that the new Eastpoint will be built. It is unlikely that Eastpoint could attract the level of commercial borrowing required, and the banks would wish to secure the first charge on the property, thus, reducing the security of TPY's funding. TPY would be left in the last year of their programme with a large sum of unallocated money, which they would be unlikely to be able to re-programme, and the funding would be lost to the benefit of the Thornhill community. TPY's successor body would lose the opportunity to gain a regular source of income from the proposed sale and lease back agreement currently agreed between Thornhill Plus You and Eastpoint Centre Ltd. They would also have to find and pay for new office accommodation and its support. If Eastpoint is not built then the Thornhill community lose a valuable new community asset and an important flagship building, which is going to be visible proof of the regeneration of the area and a boost to local morale.

Funding the financial gap with alternative grant funding

- 22 There are currently no grants available to meet the size of the funding deficit. Also due to State Aid regulations the conference and training centre cannot be funded using public grant money. It must be money to pay for a commercial transaction like the one proposed in this report.

Seeking Commercial Funding to cover the gap

- 23 It is highly unlikely that the application for a commercial loan of this magnitude would be successful, since the enterprise although run as a commercial business has local community regeneration and social benefit as the recipient of its profit. Eastpoint Centre Ltd have prepared bids to two banks, but further work on this has been postponed, since it required further investment of £50,000 in order for the banks to consider them. As previously stated previously commercial lenders insist on having the first charge on property and therefore, other investors, such as TPY in this case, have little protection for their investment.

Council sells the site on the open market

- 24 There is no guarantee within the short timescale available that a successful outcome could be achieved. The timing of selling the site would not be good given the fall in property prices and activity due to the economic recession and a site would not necessarily realise its value.

DETAIL

- 25 This should be read in conjunction with the section of the report on Reasons for the Report Recommendations.
- 26 The provision of a new Eastpoint Centre has been in the Thornhill Plus You Delivery Plan since the beginning of their programme in 2001. The Council, as a key representative, in the partnership has over many years supported the work to deliver a flagship project on the site.
- 27 There have been various iterations of a development on the site. The previous version before Cabinet was the location to the site of a new Itchen College to site beside the new Eastpoint Conference and Training Centre. However, this was dependent on Itchen College receiving Learning and Skills Council funding, which is now not available in the timescale necessary to deliver the new Eastpoint Centre.
- 28 This outcome has required the partnership of Thornhill Plus You, Eastpoint Centre Ltd, the Council and Itchen College to review and reconstruct a new agreement if the Eastpoint Centre is to be built.
- 29 Currently, the financial deal on the land between Itchen College, Eastpoint Centre Ltd and the Council is legally binding in the Tripartite Legal Agreement. Currently this is under revision between the parties, but cannot be finalised by Council officers without Cabinet approval.
- 30 A crucial element for the Council is the lack of immediate funding from the land deal with Itchen College so that the Council can pay Eastpoint for the surrender of their lease, which currently runs until 2024.
- 31 Therefore, the Cabinet and Council now have to decide whether to fund up to £3,000,000 required by Eastpoint for the surrender of their lease. In addition the Council will become the landowner responsible for the vacant Eastpoint and it will need to either, reuse the building, secure it, or demolish it. This report contains a cost for demolition, which is considered to cheapest option in the long run.

- 32 The Council will not be required to exercise its financial decision unless the other outstanding issues listed in the decision are successfully completed. Many of these decisions are not within the Council's control and are subject to central government approval.

Community Benefit

- 33 A Community Benefit Report has been produced by Eastpoint Centre Ltd and is available on request. The proposed benefits are wide ranging and include: 9 community rooms, (affordably priced for community use), new premises for the existing social club, a community development manager, use of further space for social and community educational functions and offices for the TPY successor body. Eastpoint Centre Ltd will also continue and expand the range of social and education activities for which it is well known and reflect its charitable aims.

Timescale for the Build of the new Eastpoint

- 34 The contract for the build of the new Eastpoint is due to take 15 months from start to practical completion. It is anticipated that all necessary consents, including those from central government, can be achieved to allow a site start at the beginning of April 2010, which would enable practical completion by end of July beginning of August 2012.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

- 35 This report asks for formal approval for a sum of up to £3M for the surrender of the Eastpoint Lease and for a further £130,000 for the demolition of the old Eastpoint building once it has been vacated
- 36 The actual level of the payment to Eastpoint for the surrender of their lease will be dependent on the final costs of the construction of the new building and services for the site. Given that the funding for the lease surrender effectively represents gap funding it has been made clear to Eastpoint Centre Ltd that the Council will want to limit its liability as far as possible by ensuring that all works and specifications are good value for money. However the position will be clearer once tenders are received for the construction costs but these will not be known until later in January 2010.
- 37 It is anticipated that the Council can recouped , if not all, a substantial sum of the gap funding from the eventual sale of the old Eastpoint site, but given current market conditions there is likely to be quite a time delay between the payment to Eastpoint and the receipt of sale proceeds for the site.
- 38 This would mean funding the expenditure from Council resources (most likely prudential borrowing) in the short term before the receipt is realised. It should be pointed out that this timing difference is not an unusual situation for the Council but it does mean that they are taking the risk on whether the full value of the expenditure can eventually be recouped from the site.

Revenue

- 39 It is anticipated that the Council would carry out demolition 'back to back' with the vacation of the building by Eastpoint and its tenants. If this was not possible then the Council would be liable to pay the cost of; building

insurance, securing the building, security patrols, and £60k per annum empty property rates. The full revenue cost of looking after the building has not been costed.

Property

40 The property implications are contained within the contents of this report and in the confidential appendix.

Other

41 None

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

42 Section 2 Local Government Act 2000

Other Legal Implications:

43 None

POLICY FRAMEWORK IMPLICATIONS

44 The report conforms with the Council’s Policy and Framework Plans.

SUPPORTING DOCUMENTATION

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

Appendices

1.	Site plan
2.	Confidential Appendix

Documents In Members’ Rooms

1.	Community Benefit Report
2.	Plans of the new Eastpoint Building

Background Documents

Title of Background Paper(s)

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

1.	None	
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Background documents available for inspection at:

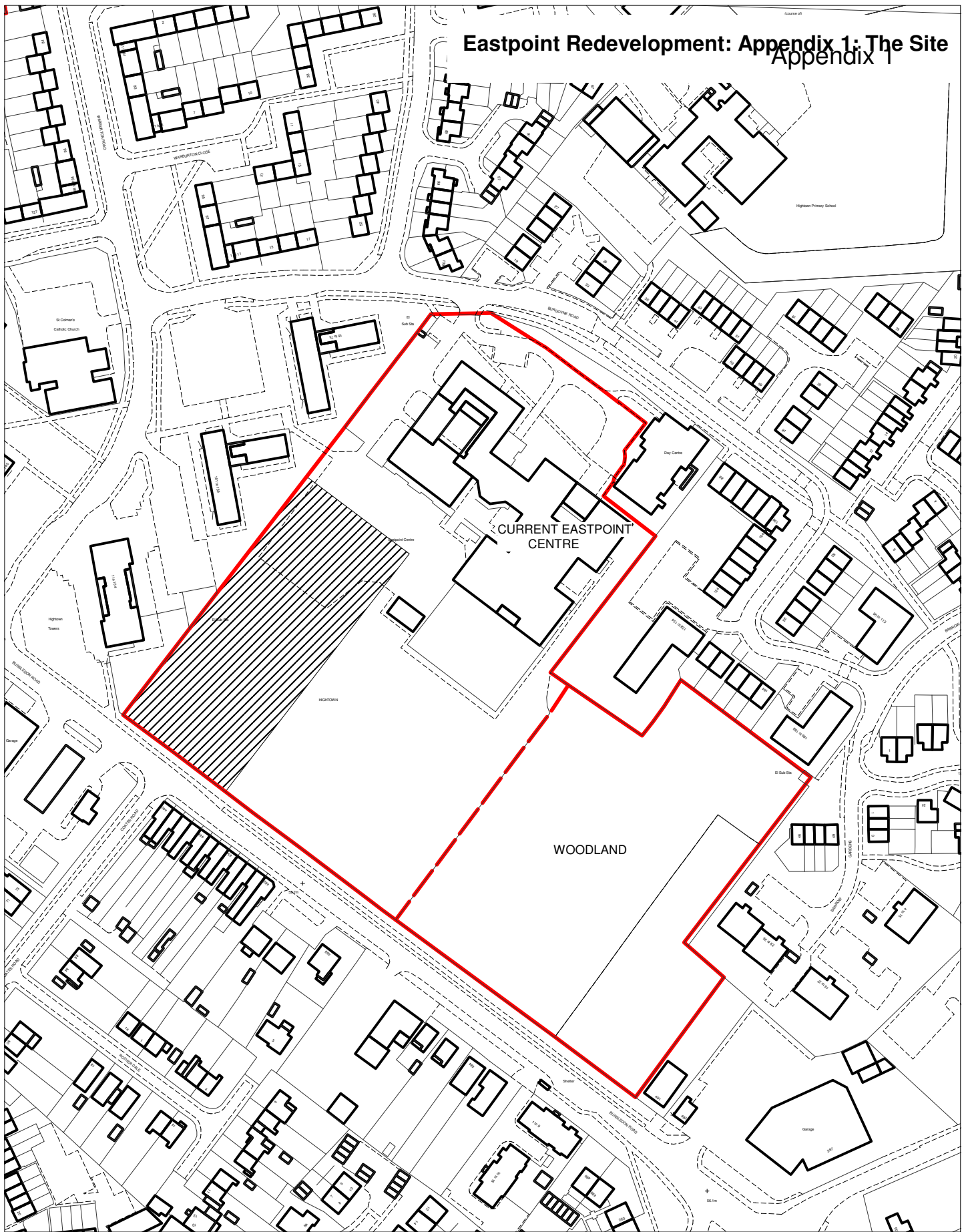
FORWARD PLAN No: ED03650 **KEY DECISION** Yes

WARDS/COMMUNITIES AFFECTED:	Bitterne and other wards in the east of the city
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Eastpoint Redevelopment: Appendix 1: The Site

Appendix 1



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 <p>SOUTHAMPTON CITY COUNCIL</p>	<p>PROPERTY SERVICES SOUTHAMPTON CITY COUNCIL OVERLINE HOUSE, BLECHYNDEN TERRACE, SOUTHAMPTON, SO15 1GW.</p>	<p>SCALE (1): 2000</p>	<p>DATE 10/12/09</p>
	<p>PLAN NO V2650</p>	<p>LAND AT EASTPOINT Woodland = 2.53 acres (SCC Ownership) Hatched Area = 1.5 acres (Site of new Eastpoint) Remainder excluding woodland and blue area = 5.19 acres</p>	

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Document is Confidential

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DECISION-MAKER:	CABINET		
SUBJECT:	CONNECT2 CYCLE WAY LAND OWNERSHIP - COMPULSORY PURCHASE ORDER		
DATE OF DECISION:	21 DECEMBER 2009		
REPORT OF:	CABINET MEMBER FOR ENVIRONMENT & TRANSPORT		
AUTHOR:	Name:	Dale Bostock	Tel: 023 80 83 2366
	E-mail:	dale.bostock@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY
None.

SUMMARY:

This report seeks authority to make a Compulsory Purchase Order (CPO) in order to acquire land to proceed with the construction of the Connect 2 cycle and walk way along side the River Itchen between Horseshoe Bridge and Mount Pleasant Industrial Estate

RECOMMENDATIONS:

Having complied with paragraph 15 of the Council's Access to Information Procedure Rules and having had regard to the provisions of the Community Strategy and being satisfied that the proposals in this report are likely to improve the economic, social or environmental well being of the area:

- (i) That a Compulsory Purchase Order be made to authorise the acquisition by the Council of the land along side the River Itchen between Horseshoe Bridge and Mount Pleasant Industrial Estate shown pink on the map in appendix 1 for the purpose of constructing a cycle path under s.226(1)(a) of the Town & Country Planning Act 1990 and the Acquisition of Land Act 1981.
- (ii) To approve the Statement of reasons for making the Compulsory Purchase Order as set out in appendix 2
- (iii) To authorise the Solicitor to the Council, following consultation where appropriate with the Executive Director of Environment and the cabinet member for Environment and Transport, to do anything necessary to give effect to the above recommendations including but not limited to undertaking all procedural steps required to:
 - (a) make, advertise and secure confirmation and implementation of the Compulsory Purchase Order,
 - (b) acquire interests in or rights over the land either by Agreement or Compulsorily,

- (c) approve agreements with land owners setting out the terms for withdrawal of objections to the Order (to include payment of compensation), including where appropriate seeking exclusion of land from the Order, and
- (d) to represent the Council in any Inquiry into the confirmation of the Compulsory Purchase Order.

REASONS FOR REPORT RECOMMENDATIONS

1. This report is submitted for consideration as a General Exception under paragraph 15 of the Access to Information Procedure Rules in Part 4 of the City Council's Constitution, notice having been given to the Chair of the Overview and Scrutiny Management Committee and the Public. The matter requires a decision to instigate the compulsory purchase order in order for works to commence on site in April 2010. This is to suit the "ecology" window in respect of work planned to start on site April 2010 and be completed before migrating birds arrive at the end of summer 2010.
2. A key requirement of the project is that the Big Lottery Fund requires proof of land owners' permission for each project to be sited on or across their respective land. In the case of the Southampton project there are two areas of land that have not been recorded with the land registry.
3. The key to this project is to have land owners permission to install the route across their land. This is a condition of the Big Lottery Fund; by not having land owners consent the Big Lottery Fund will not consider any financial support for the Connect2 project. Therefore the project would not be funded. This would result in the project not progressing or Southampton City Council having to contribute the £450,000.

CONSULTATION

4. The project was subject to a television vote in December 2007. Planning permission for the scheme was approved on 16th March 2009
5. In order to proceed with the project ownership of the land is needed. The title to the land is not registered at HM Land Registry and enquiries have failed to identify the land owner. There is no alternative but to consider a compulsory purchase order.

DETAIL

6. The National Connect2 is a five year project run by Sustrans. It involves the creation of new cycle and walking routes, bridges and other facilities in 79 locations around the UK. It aims to create new networks of local paths, improve cycling and walking access and to connect local areas. Sustrans launched the 'Connect2' project in August 2006 in a successful bid to win £50 million from the Big Lottery's 'Living Landmarks; The People's Millions' competition. It was one of four short listed projects competing in a public vote for the grant and Connect2 was announced as the winning project on 12 December 2007. It is estimated that Connect2 will pass within half a mile of: 3,280,000 people; 1,426,000 households; 1,355 schools; 500,000 pupils; and 57 of the most deprived boroughs in the UK. With the aim to give the benefits of: 61.5 million trips a year are expected to be made on the routes; 79,500 tonnes of CO2 could potentially be saved per annum if each of the journeys

had replaced a car trip; £135 million of funding in total will be generated by Connect2; and 116 local authorities are working to deliver Connect2.

7. The Connect2 is supported by the Big Lottery Fund as part of the People Millions project and will be managed by Sustrans. The funding award of £450,000 from the Big Lottery Fund has been allocated to Southampton for the construction of the boardwalk. To finance the claims from the contractor, although the costs will then be reclaimed from the Big Lottery Funding. Sustrans have appointed a contractor to commence the work. The site programme would commence in April and works would be completed 12 to 16 weeks later. If the April deadline is missed the scheme would not be able to commence until the following year.
8. A condition of the lottery funding is that the Council must have the land owners permission to install the route across their land. Without this permission the project can not progress. Despite extensive investigation including land registry, service planning notice on the site and contacting potential historical owners (Network Rail, the Crown and local industrial park owners) land ownership remains unclear. Land records suggest owners have been Network Rail and Crown Estates. There are two areas of land that have not been recorded with the land registry. The core of the Connect2 project in Southampton relates to the implementation of a cycle way "boardwalk" along side the River Itchen between Horseshoe Bridge St Denys and Northam Industrial Estate. The land required is reclaimed land and as such would have been Crown Property. But since reclamation the rail line was built during which time part of the land was acquired by Network Rail. Network Rail do not believe they own the land. This leads us to believe that in all likelihood the land is owned by the Crown or the Council but no documentation exists to confirm this.
9. As the owner of the land cannot be identified there is a need to make a CPO. The process is not a quick one. It requires a proper evaluation to be carried out, notification on site in an accessible location to allow possible land owners to come forth, any appeal/purchase process and the confirmation of an Order by the secretary of state. Each stage of the process is subject to various time lines and advertisement procedures.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

10. The project has secured funds that are available from January 2008 for five years. The projected cost of the boardwalk is within the allocated £450,000. It is proposed that the scheme will be added to the Environment and Transport Capital Programme when this is next reviewed by Council in February 2010. The sums expended will be grant funded in arrears, after completion of the construction and land purchase, and therefore the net cost to Southampton City Council will be zero.
11. Following extensive land ownership investigation the Council are not aware that there are any land owners likely to claim title to the land. It appears that the land is owned by the Crown, the Council or Network Rail but there is no definitive historical record to confirm this. Network Rail do not consider themselves to be the owners of the land. The value of the land is likely to be

low due to the fact that it is a narrow slither of land running alongside the rail line and the high water level of the River Itchen. Development value is therefore likely to be very low to zero. However, no formal valuation has been undertaken. It is suggested that officers be delegated authority to consider this issue and undertake proper valuation procedure as part of the authorisation to proceed with the CPO. The cost of acquiring the land is probably limited to the officer time to undertake the legal orders and land valuation work. It is estimated that this cost would be in the region of £15,000 and would be met from the approved Cycling Improvements capital scheme. If land dispute issues were to arise this would be higher but it is not possible to confirm this without formal valuation. It is considered that the risk of a land owner coming forward is low.

Revenue

12. The cost of staff time will be met from existing resources or charged to the capital scheme, as appropriate.

Property

13. The land is required for the improvement of the area which will improve the environmental well being of the area pursuant to section 226(1) (a) of the Town and Country Planning Act 1990.

Other

14. None.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

14. Section 2 of the Local Government Act 2000 permits a Council to do anything likely to improve the economic, social or environmental well-being of its area. Having had regard to the Community Strategy, the proposals in this report are permitted in accordance with the Act.
15. The Compulsory purchase is to be pursued in accordance with s.226(1)(a) of the Town & Country Planning Act 1990 and the Acquisition of Land Act 1981.

Other Legal Implications:

16. In recommending the making of a CPO the rights of third parties that may be affected (including the property rights of the current property owners of the sites) have been balanced against the public interest in acquiring the land. It is recommended that the Council can be satisfied that the proposed CPO is necessary and proportionate having regard to the provisions of the Human Rights Act 1998 and is in the public interest having regard to the need to provide adequate cycling facilities for the public in accordance with the connect2 project.

POLICY FRAMEWORK IMPLICATIONS

17. The project is consistent with the City of Southampton Local Transport Plan 2006 - 2011, which aims to encourage more cycling and walking through the Active Travel Plan.

18. The implementation of a cycle route meets many objectives of several local strategies including the local transport plan, the Community Strategy and the Health and Well Being Partnership. It promotes the economy through modal shift to non car transport modes, healthier and more active lifestyles through high levels of physical activity and also opens up sections of waterfront to walkers and cyclists.

SUPPORTING DOCUMENTATION

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

Appendices

1.	Map
2	Statement of Reasons

Documents In Members’ Rooms

1.	None.
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Background Documents

Title of Background Paper(s)

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

Background documents available for inspection at:

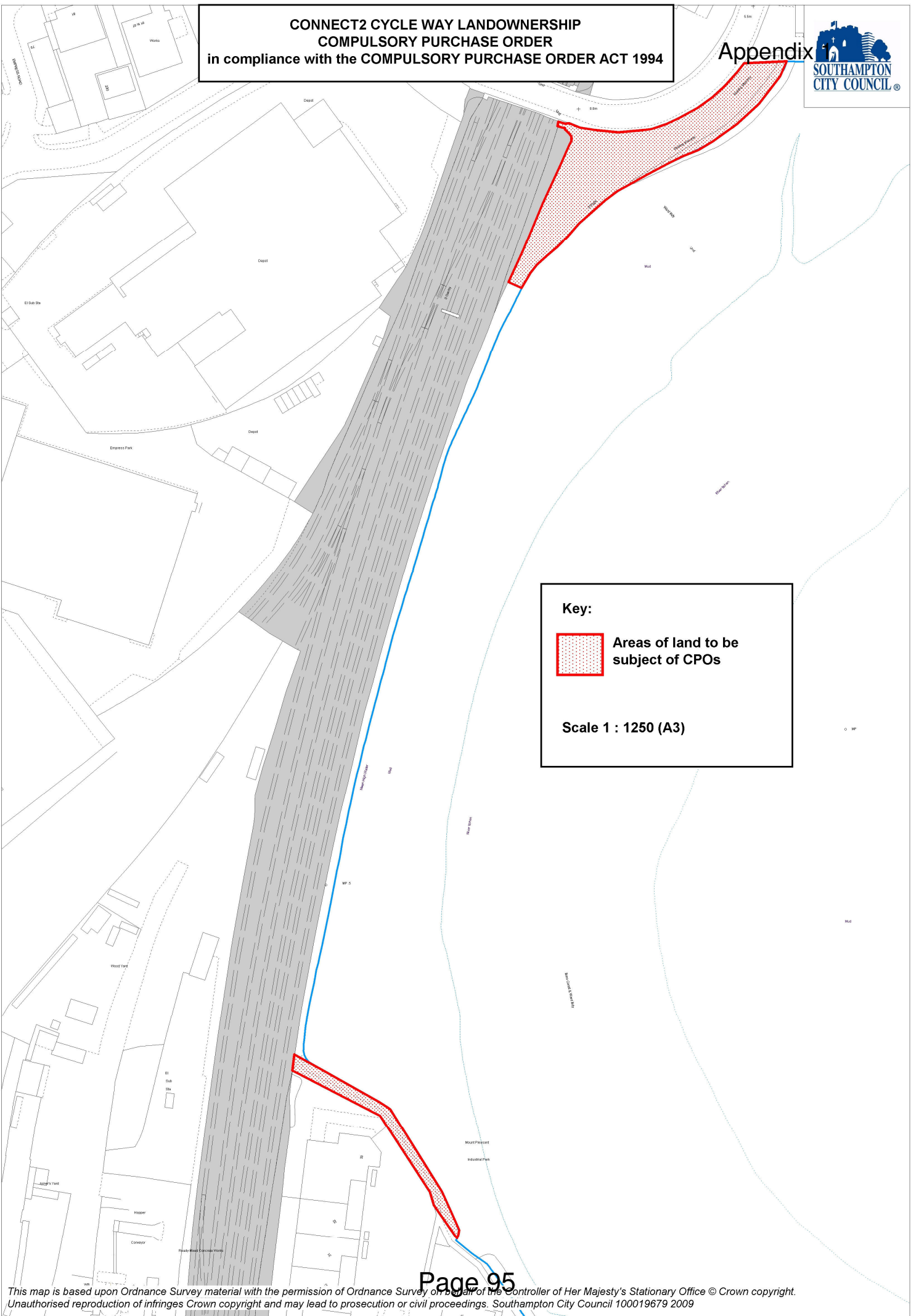
FORWARD PLAN No: N/A **KEY DECISION?** Yes

WARDS/COMMUNITIES AFFECTED:	Bevois
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
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**CONNECT2 CYCLE WAY LANDOWNERSHIP
COMPULSORY PURCHASE ORDER
in compliance with the COMPULSORY PURCHASE ORDER ACT 1994**

Appendix 1



Key:

 **Areas of land to be subject of CPOs**

Scale 1 : 1250 (A3)

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The Southampton City Council (Horseshoe Bridge) Compulsory Purchase Order 2010

Statement of Reasons

The Order is made under Section 226 (1)(a) of The Town and Country Planning Act 1990 in respect of the acquisition of land.

1.0 **Description of the Land, Location and Present Use**

- 1.1 The Order covers approximately 2479 sq m (square metres) of land along side the River Itchen between Horseshoe Bridge and Mount Pleasant Industrial Estate shown pink on the map. The Order land is unoccupied reclaimed land and is adjacent to the rail line which was constructed by Network Rails predecessor.
- 1.2 The area is characterised by the industrial uses and the river environs of the Itchen shoreline and mud flats.

2.0 **Explanation of Use of Enabling Power**

- 2.1 The Council considers that section 226(1)(a) of the Act is the most appropriate power for compulsory acquisition of the Order land as it is a power of compulsory acquisition to be used where the Order making authority thinks that the acquisition of the land will facilitate the improvement on or in relation to the order land. In considering whether or not to acquire land under this section the Order making authority can only do so if they consider that the improvement is likely to contribute to the achievement of one or more of the objectives in section 226(1A) of the Act. The Order making authority considers that the acquisition of the Order land will improve the environmental well being of the immediate area surrounding the Order land. The land is required to for the purpose of constructing a cycle path as described further in paragraph 3 below.

3.0 **The Purpose of the Authority**

- 3.1 The purpose of the Authority in making the Order is to achieve the acquisition of an area of land whose ownership is unknown. This land is required to form part of a cycle path within the city under the umbrella of the National Connect2 scheme. National Connect2 is a five year project run by Sustrans. It involves the creation of new cycle and walking routes, bridges and other facilities in 79 locations around the UK. It aims to create new networks of local paths, improve cycling and walking access and to connect local areas. The project is consistent with the City of Southampton Local Transport Plan 2006 - 2011, which aims to encourage more cycling and walking through the

Active Travel Plan. The implementation of a cycle route meets many objectives of the Order making authorities local strategies including the Local Transport Plan, the Community Strategy and the Health and Well Being Partnership. It promotes the economy through modal shift to non car transport modes, healthier and more active lifestyles through high levels of physical activity and also opens up sections of waterfront to walkers and cyclists.

3.2 On theDecember 2009 Cabinet of the Authority resolved to authorise the making of a compulsory purchase order to acquire the land described in the Order

4.0 **The Description of the Proposal**

4.1 The core of the Connect2 project in Southampton relates to the implementation of a cycle way “boardwalk” along side the River Itchen between Horseshoe Bridge St Denys and Northam Industrial Estate. This cycleway will run within the City, the key section from St Denys to Northam. The board walk will be 400 metres long – the overall National cycle route is 9 kilometres. It will link into Southampton Airport to the Town Quay Ferries as well as have a network of links to the City Centre, University, and District Centres.

5.0 **The Need for Compulsory Purchase**

5.1 The Order Land is needed to enable the cycleway route to be completed. The formation of this cycleway is enabled by the Connect2 project. The Connect2 project is supported by the Big Lottery Fund as part of the People Millions project and will be managed by Sustrans. Funding of £450,000 from the Big Lottery Fund has been allocated to Southampton for the construction of the boardwalk. This funding will also be used to fund the costs of land acquisition pursuant to this Order and the payment of any compensation should an owner of the land come forward. A condition of the lottery funding is that the Council must have the land owner’s permission to install the route across their land. The Authority has permission from all land owners of the remaining parts of the cycleway route but has not identified the land owner for the Order land. Without permission from land owners for the entire length of the cycleway, the project can not progress. The land ownership of the Order land is unknown.

5.2 The Authority has, without success, made extensive enquiries to find the owner of the Order Land. These enquiries have taken the following forms:-

- Searches at Land Registry on the land to be acquired.
- Searches at Land Registry on neighbouring land.

- The service of Section 5A Notices (Land Acquisition Act 1981) to all surrounding and neighbouring properties.
- Correspondence with Network Rail and the Crown Estates who confirm they do not own the land

5.3 As ownership of the Order Land is unknown, the proposal as described above cannot be implemented unless the acquiring authority is authorised to acquire the Order Land under section 226(1)(a) of the Town and Country Planning Act 1990 (“the Act”) for the purposes of providing a cycleway

5.4 Council has considered whether the powers that it seeks to exercise are compatible with the European convention on human rights, in particular article 1 of the First Protocol of the convention. It has concluded that there is a compelling case in the public interest for the acquisition of the Order land, as it will bring benefits to residents of the area and the wider city. This compulsory purchase order follows existing legislative provisions in respect of making and confirming of CPOs and the payment of compensation and, as such, the council considers it to be compatible with the Convention.

6.0 **The Planning Position**

6.1 On the 16th March 2009 the Authority, in discharging its statutory duties as Local Planning Authority, resolved to grant planning permission for the construction of the cycleway. The consent was issued on the 20th March 2009. This decision was in accordance with the City of Southampton Local Transport Plan 2006 - 2011, which aims to encourage more cycling and walking through the Active Travel Plan. The implementation of a cycle route meets many objectives of several local strategies including the Local Transport Plan, the Community Strategy and the Health and Well Being Partnership. It promotes the economy through modal shift to non car transport modes, healthier and more active lifestyles through high levels of physical activity and also opens up sections of waterfront to walkers and cyclists. It contributes towards the Southampton Local Development Framework Core Strategy which requires modal shift to in order to deliver growth in the City. This will be adopted by the Council in January 2010.

7.0 **Government Policy Statements**

7.1 There are no relevant policy statements applicable to the Order.

8.0 **Special Considerations**

8.1 There are no ancient monuments or listed buildings with the Order Land. The order is not within a conservation area. There are no

issues concerning special category land, consecrated land, renewal area, etc.

9.0 Known Obstacles to the Development

9.1 There are no known obstacles to the proposal proceeding.

10.0 The Views of Government Departments

10.1 The proposal is not of a size to have consulted government departments and the construction of the cycleway is in accordance with the Local Plan and the Local Transport Plan and therefore no departure notification was necessary.

11.0 Relocation Proposals

11.1 There is no need to relocate any residents or businesses as the Order land is unoccupied and in unknown ownership.

11.2 Further information can be obtained from the council officer:
Dale Bostock, Highways Division, Tel 023 8083 2366 Email
dale.bostock@southampton.gov.uk

12.0 Related Applications, Orders etc

12.1 There are no related Orders

12.2 Planning permission for the construction of the cycleway has been granted as referred to above.

13.0 Documents, Maps or Plans for any Public Enquiry

13.1 A list of documents etc will be provided in due course and arrangements will be made for them to be available for public inspection.

.....January 2010