

# CABINET

**Tuesday, 16th October 2012  
at 5.00 pm**

## **Council Chamber**

This meeting is open to the public

### **Members**

Councillor Dr R Williams, Leader of the Council  
Councillor Stevens, Cabinet Member for Adult Services  
Councillor Bogle, Cabinet Member for Children's Services  
Councillor Rayment, Cabinet Member for Communities  
Councillor Noon, Cabinet Member for Efficiency and Improvement  
Councillor Thorpe, Cabinet Member for Environment and Transport  
Councillor Payne, Cabinet Member for Housing and Leisure Services  
Councillor Letts, Cabinet Member for Resources

(QUORUM – 3)

### **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](http://www.southampton.gov.uk)

### **The Forward Plan**

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

### **Key Decisions**

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

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

Decisions to be discussed or taken that are key

### **Implementation of Decisions**

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

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

- More jobs for local people
- More local people who are well educated and skilled
- A better and safer place in which to live and invest
- Better protection for children and young people
- Support for the most vulnerable people and families
- Reducing health inequalities
- Reshaping the Council for the future

### **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 (Tuesdays)**

<b>2012</b>	<b>2013</b>
19 June	29 January
17 July	19 February
21 August	19 March
18 September	16 April
16 October	
13 November	
18 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.

### **RULES OF PROCEDURE**

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

### **DISCLOSURE OF INTERESTS**

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

### **DISCLOSABLE PERSONAL INTERESTS**

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

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

(ii) Sponsorship:

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

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

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

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

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

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

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

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

## **Other Interests**

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

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

## **Principles of Decision Making**

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

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

In exercising discretion, the decision maker must:

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

## AGENDA

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

### **1 APOLOGIES**

To receive any apologies.

### **2 DISCLOSURE OF DISPOSABLE PECUNIARY, PERSONAL AND PECUNIARY INTERESTS**

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

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.

## **EXECUTIVE BUSINESS**

### **3 STATEMENT FROM THE LEADER**

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

Record of the decision making held on 11<sup>th</sup> and 18<sup>th</sup> September 2012 attached.

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

There are no matters referred for reconsideration.

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

There are no items for consideration

### **7 EXECUTIVE APPOINTMENTS**

To deal with any executive appointments, as required.

## **ITEMS FOR DECISION BY CABINET**

### **8 OAKLANDS SCHOOL CHANGE OF USE CONSENT**

Report of the Cabinet Member for Children's Services seeking approval to proceed with a formal change of use application to the Department for Education, attached.

### **9 PROPOSED EXPANSION OF SPRINGWELL SCHOOL**

Report of the Cabinet Member for Children's Services seeking approval to implement the proposal to expand the school, attached.

### **10 SOCIAL FUND TRANSITION: LOCAL SUPPORT TO REPLACE COMMUNITY CARE GRANTS AND CRISIS LOANS FOR LIVING EXPENSES**

Report of the Cabinet Member for Communities, seeking approval to accept the transfer of funding from central Government to Southampton City Council for local support to replace discretionary payments from the Social Fund, attached.

### **11 SOUTHAMPTON YOUTH OFFENDING SERVICE (YOS) ANNUAL YOUTH JUSTICE PLAN 2012/13**

Report of the Cabinet Member for Communities seeking approval of the Southampton Youth Offending Service (YOS) Annual Youth Justice Plan 2012/13, attached.

### **12 PHASE 2 ESTATE REGENERATION PROGRAMME**

Report of the Cabinet Member for Housing and Leisure Services providing an update on the Phase 2 Estate Regeneration schemes attached.

### **13 EUROPEAN COMMISSION COVENANT OF MAYORS ON CLIMATE CHANGE**

Report of the Leader of the Council seeking approval to sign up to the Covenant of Mayors, attached.

### **14 ROYAL PIER WATERFRONT - ARRANGEMENTS IN RESPECT OF MAYFLOWER PARK**

Report of the Leader of the Council recommending approval for the advertisement of the loss of open space and entering into new leasehold arrangements associated with an expanded Mayflower Park resulting in a net gain in open space, attached.

**15 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 report to the following Item.

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 as it contains confidential and commercially sensitive information relating to the property interests potentially involved in this matter.

**16 \*ROYAL PIER WATERFRONT - LAND OWNERSHIP STRATEGY**

Report of the Leader of the Council recommending approval of a land ownership strategy in respect of an area of Royal Pier Waterfront development, attached.

**17 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 the following Item.

Appendix 2 is not for publication by virtue of category 3 (financial and business affairs) of paragraph 10.4 of the Access to Information procedure Rules as contained in the Constitution. It is not in the public interest to disclose this information because it comprises financial information that if made public would prejudice the Council's ability to operate in a commercial environment.

**18 ACQUISITION OF LAND- PAN HANDLE CAR PARK, EASTERN DOCK SOUTHAMPTON**

Report of the Cabinet Member for Resources seeking approval for the acquisition of the Pan Handle Car Park Eastern Dock Southampton, attached.

**ITEMS FOR DECISION BY CABINET MEMBER**

**19 LOCAL AUTHORITY SIGN UP TO "EVERY DISABLED CHILD MATTERS" DISABLED CHILDREN'S CHARTER**

Report of the Head of Safeguarding Children seeking approval from the Cabinet Member for Children's Services to the commitments in the Disabled Children's Charter from the campaign group "Every Disabled Child Matters" attached.

**20 APPROPRIATION OF VOKES MEMORIAL GARDENS AND PART OF QUEEN'S PARK, TO ENABLE THE CONSTRUCTION OF THE PLATFORM ROAD SCHEME**

Report of the Senior Manager – Planning Sustainability and Transport seeking to consider and determine the representations received in relation to the proposed appropriation and subsequent development of Vokes Memorial Gardens and part of Queens Park attached.

Monday, 8 October 2012

Head of Legal, HR and Democratic Services



# Agenda Item 8

<b>DECISION-MAKER:</b>	CABINET
<b>SUBJECT:</b>	OAKLANDS SCHOOL CHANGE OF USE CONSENT
<b>DATE OF DECISION:</b>	16 OCTOBER 2012
<b>REPORT OF:</b>	CABINET MEMBER FOR CHILDREN'S SERVICES
<b>STATEMENT OF CONFIDENTIALITY:</b>	
None.	

## **BRIEF SUMMARY:**

Under the terms of the Short Term Lease, the Oasis Academy: Lord's Hill vacated the old Oaklands Community School site after completion of its new buildings. As the Council has determined that it intends to redevelop this site in the medium-term, this paper seeks Cabinet's consent to make a formal disposal application to the Department for Education (DfE).

This report also seeks approval for the transfer of the Children's Services land at Oaklands site to the Resources portfolio, on the basis that the future development of the site will be corporately determined.

## **RECOMMENDATIONS:**

- (i) To delegate authority to the Director of Children's Services and Learning to apply to the Department for Education for consent to dispose of the Oaklands site as no longer required for Educational purposes. Such an application would apply to all areas within the red line boundary, as marked on Appendix 1.
- (ii) To delegate authority to the Director of Children's Services and Learning to notify the Department for Education of the disposal of the hard play and outdoor social areas at the Oaklands site, under a General Consent granted to the Council in accordance with Section 77 of the School Standards and Framework Act 1998. Such an application would apply to the following areas marked on Appendix 2:
  - Play Ground 1 – 2,281m<sup>2</sup>
  - Play Ground 2 – 2,870m<sup>2</sup>
  - Social Area – 2,647m<sup>2</sup>
- (iii) Subject to obtaining consent from the Department for Education, to approve the transfer of 33,680m<sup>2</sup> of land at the Oaklands site from the Children's Services portfolio to the Resources portfolio, the land to be transferred is shown in Appendix 3.

## **REASONS FOR REPORT RECOMMENDATIONS:**

1. Once the school has become surplus and before the school can be considered for alternative uses, consent is required from the DfE to remove the school from Education use.
2. As the future development of the Oaklands site is to be a corporate decision and is unlikely to involve an educational use, it makes sense to transfer this land out of the Children's Services portfolio and into the central Resources portfolio.

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

3. Retaining the school for education use has been considered, although there is no identified need in this respect, largely due to the fact that a new building has been developed for the Oasis Academy: Lord's Hill, in close proximity to the Oaklands site.

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

4. The Oaklands site was returned to the management of the Council on 21 September 2012, as a function of the Oasis Academy: Lord's Hill occupying their new premises on the Lordshill Recreation Ground site.
5. The future of the whole Oaklands site is currently under consideration. Whilst options are still being explored, the current intention is that the site should be redeveloped as part of a wider regeneration scheme for the area.
6. In order to progress such a proposal, it is essential that an application for disposal of the site be logged with and approved by the DfE. In advance of such approval being granted, the land remains designated for the purposes of education and cannot be redeveloped for alternative purposes. In addition, the Council would need to notify the DfE of its intention to dispose of the external social/play space on the site, under a General Consent in accordance with Section 77 of the School Standards and Frameworks Act 1998. This report seeks approval to proceed with making such an application and notification.
7. Options for future management of the site, following receipt of the necessary consent for change of use, have been considered. In view of the fact that the site is intended for non-educational redevelopment, it is considered sensible to transfer the site from the Children's Services to the Resources portfolio. This report seeks approval to undertake this transfer, subject to the above consent from the DfE being forthcoming.

### **RESOURCE IMPLICATIONS:**

#### **Capital/Revenue:**

8. The costs of making the application will be met from existing budgets within the Children's Services portfolio.

#### **Property/Other:**

9. At present, funds need to be identified for vacant management of the site.

### **LEGAL IMPLICATIONS:**

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

10. Section 1 of the Localism Act 2011 empowers the Council to do anything a private individual could do (the general power of competence) subject to pre and post commencement limitations, none of which are deemed to apply in this matter.
11. Consent to dispose of the school buildings will be required under the Education Act 1996 and Schedule 1 of the Academies Act 2010. Furthermore, the Council will have to notify the DfE of its intention to dispose of the external social/play areas under a General Consent afforded the Council by Section 77 of the School Standards and Framework Act 1998.

**Other Legal Implications:**

12. None.

**POLICY FRAMEWORK IMPLICATIONS:**

13. None.

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**KEY DECISION?** Yes

<b>WARDS/COMMUNITIES AFFECTED:</b>	Redbridge and Coxford
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**SUPPORTING DOCUMENTATION**

**Appendices:**

1.	Plan of Total Disposal Site
2.	Plan of Section 77 Disposal Areas
3.	Plan of Land for Internal Portfolio Transfer

**Documents In Members' Rooms:**

1.	None
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**Integrated Impact Assessment**

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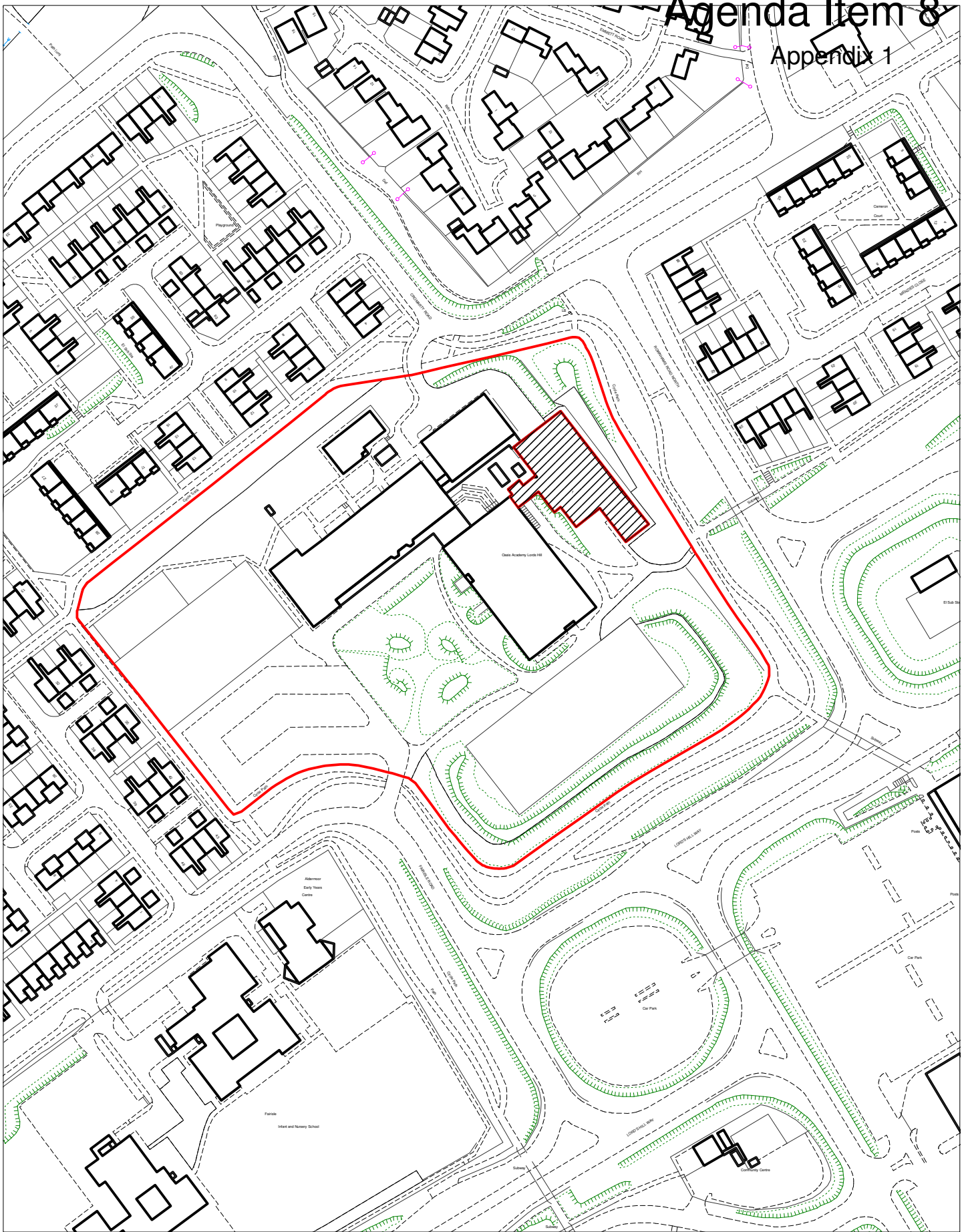
**Other Background Documents**

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



Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.	None	
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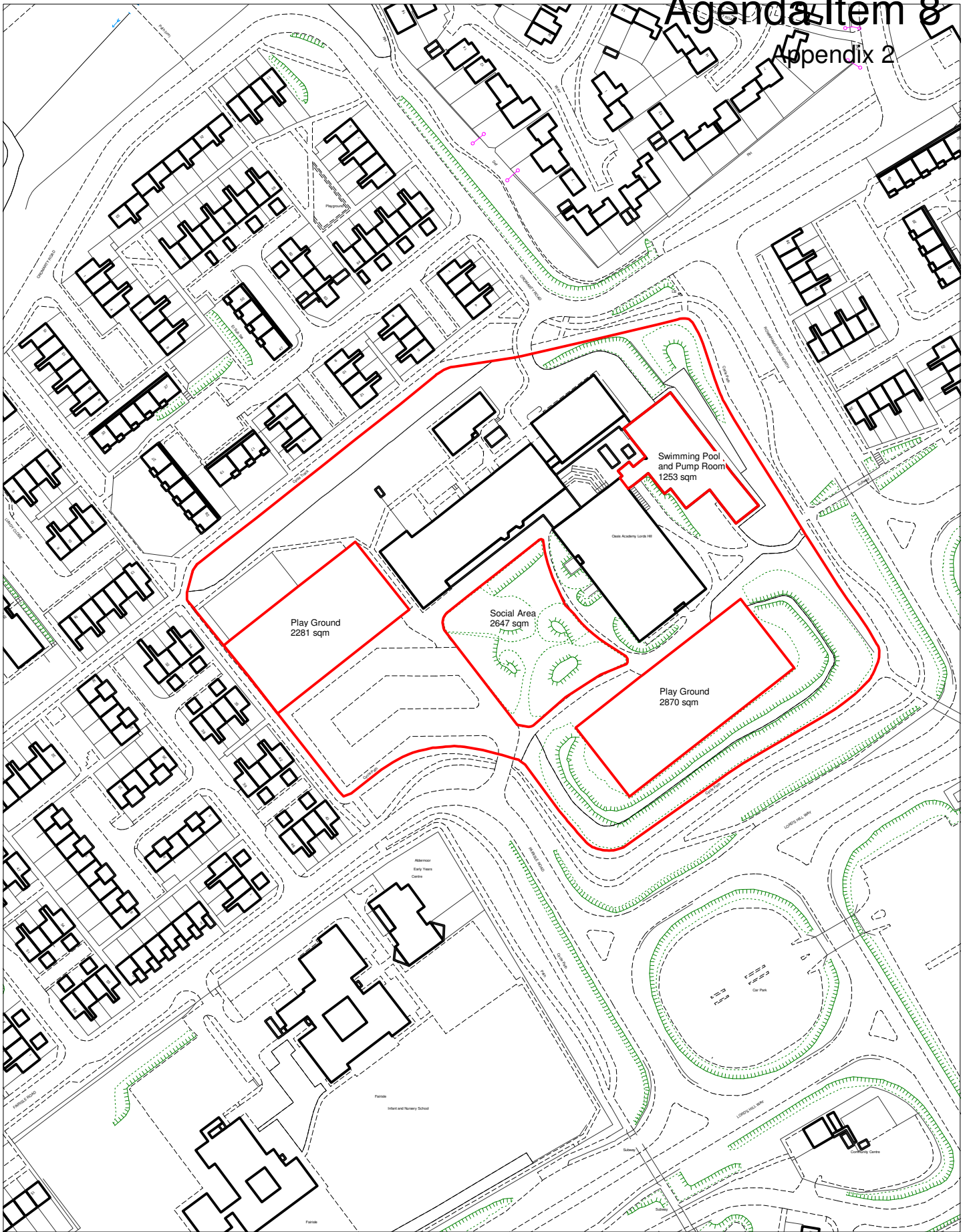
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 <p><b>SOUTHAMPTON CITY COUNCIL</b></p>	<p><b>PROPERTY SERVICES</b>                  SOUTHAMPTON CITY COUNCIL                  ONE GUILDHALL SQUARE, ABOVE BAR,                  SOUTHAMPTON, SO14 7FP.</p>	<p>SCALE (1): 2000</p>	<p>DATE 24/07/12</p>
	<p>PLAN NO</p>	<p>Lordshill Acedemy                  Red Area (Excluding Hatching) = 33,670 sqm                  Hatched Area (Pool and Plant Room) = 1,253 sqm</p>	

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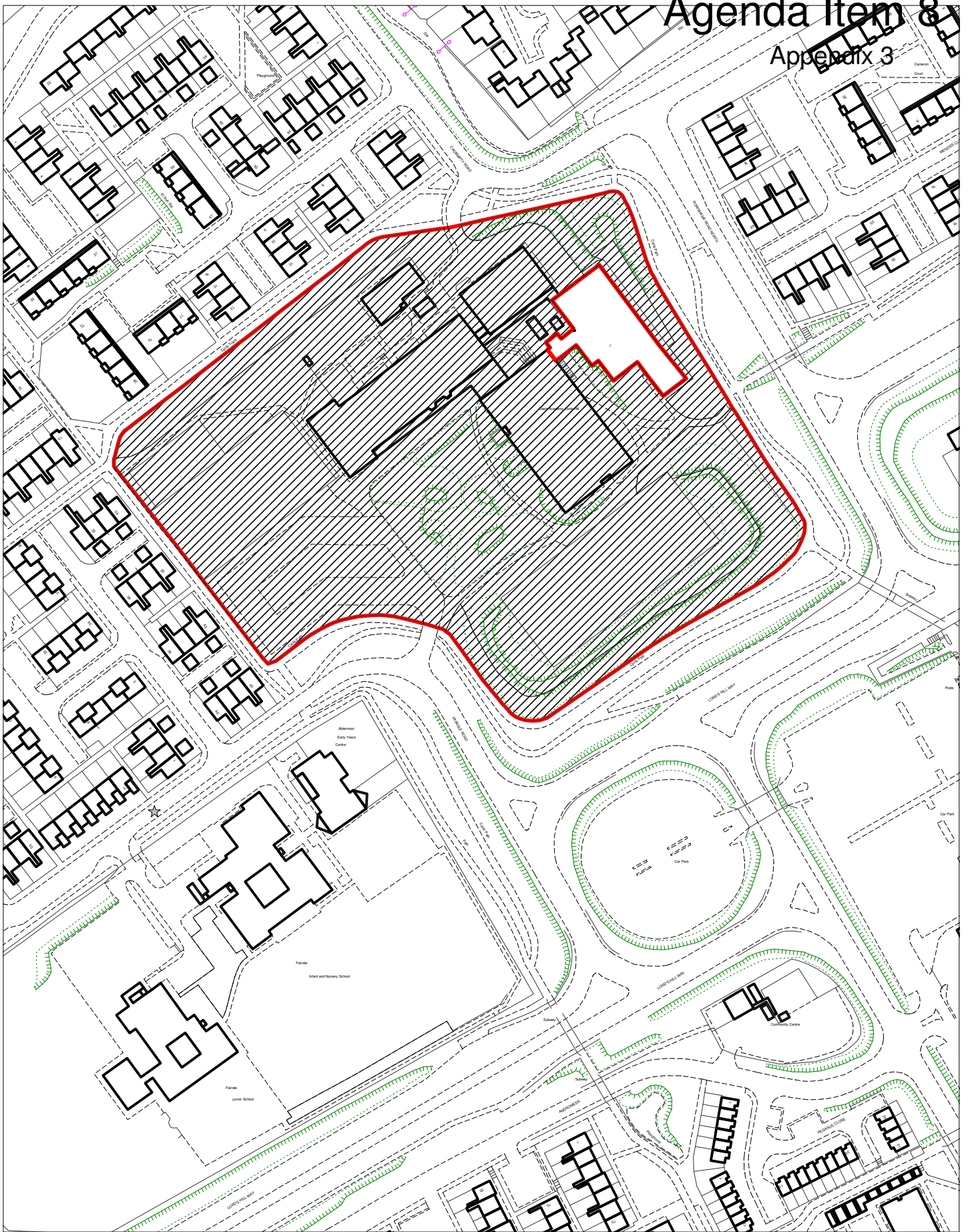


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 <p><b>SOUTHAMPTON CITY COUNCIL</b></p>	<p><b>PROPERTY SERVICES</b>                  SOUTHAMPTON CITY COUNCIL                  ONE GUILDHALL SQUARE, ABOVE BAR,                  SOUTHAMPTON, SO14 7FP.</p>		<p>SCALE (1): 2000</p>	<p>DATE 26/07/12</p>
	<p>PLAN NO</p>	<p>Lordshill Academy                  Total Area of Site = 34,923 sq m</p>		

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<b>PROPERTY SERVICES</b> SOUTHAMPTON CITY COUNCIL ONE GUILDHALL SQUARE, ABOVE BAR, SOUTHAMPTON, SO14 7FP.		SCALE (1):  2000	DATE  24/09/12
PLAN NO	TITLE Childrens Services and Learning Controlled Land Former Oasis Academy (Shown Hatched). Area = 33,680 sq m		

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# Agenda Item 9

<b>DECISION-MAKER:</b>	CABINET
<b>SUBJECT:</b>	PROPOSED EXPANSION OF SPRINGWELL SCHOOL
<b>DATE OF DECISION:</b>	16 OCTOBER 2012
<b>REPORT OF:</b>	CABINET MEMBER FOR CHILDREN'S SERVICES
<b>STATEMENT OF CONFIDENTIALITY:</b>	
NONE	

## **BRIEF SUMMARY:**

There has been a higher than expected number of children with complex special educational needs in the city that require a special school place for the 2012/2013 academic year. As a result it is proposed that Springwell School will admit an additional eight pupils from November 2012 (and in subsequent years if demand remains at a similarly high level).

## **RECOMMENDATIONS:**

- (i) To note the outcome of statutory consultation as set out in this report.
- (ii) To authorise the expansion of Springwell School from the 5 November 2012 by the addition of eight places (one class group) in year R and continuing incrementally in subsequent years (if there is sufficient demand for additional places in future years).
- (iii) To delegate authority to the Director of Children's Services and Learning, following consultation with the Cabinet Member for Children's Services, to do anything necessary to give effect to the recommendations in this report.
- (iv) To approve, in accordance with Financial Procedure Rules, capital expenditure of £399,000 from the Children's Services Capital Programme, for the expansion of Springwell School.

## **REASONS FOR REPORT RECOMMENDATIONS:**

1. There is currently a high demand for places at Springwell Special School. At the placement meeting on 17<sup>th</sup> May 2012, there were more children put forward for consideration for a place at Springwell than there were places available. As a result there are currently not enough special school places in the city to accommodate all those children with complex needs that require a place.
2. The additional children would need a place from November 2012 (given their ages, they are not required to start school in September) so it was essential that the consultation processes were completed over the summer months in order to ensure that a Cabinet decision could be made in October, thus allowing the pupils to start at the school in November.
3. The expansion proposal, if approved, would ensure that the Local Authority (LA) could meet its statutory duty to provide a school place (whether in SEN or mainstream) to all children in the city that require one. While demand is not expected to be as high next year as it was this year, this proposal would enable the school to admit an increased number in subsequent years if demand remains at a high level.

4. The expansion of the school by eight places (which is greater than 10% of the existing school capacity) triggered the requirement for statutory consultation to take place before the children could be admitted to the school. As such, we were required to conduct the consultation on the basis that the school would expand by eight additional places each academic year until all seven year groups had expanded. However, we only currently have funding for two classrooms and do not yet have pupil data to indicate that all year groups will need to be expanded. As a result, we will need to carry out further consultation if pupil demand and/or a lack of funding mean we will not expand the school beyond 2013.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:**

5. The Local Authority could decide not to increase the number of SEN (Special Educational Needs) placements available at Springwell. This would likely result in children and young people with statements not being able to be placed in the most appropriate school to meet their needs, which could negatively impact upon educational outcomes for those children. It could also lead to an increase in the number of SEN tribunals if parents are not happy with the provision that they are offered. In this instance most parents would be successful at a tribunal and we would likely have to offer the child a place at Springwell anyway. The expansion of the school, as per School Organisation legislation, would negate the time and financial costs of having to hold several tribunal hearings.
6. Springwell is the only school in the city that can cater for the specific needs of the additional pupils that have been assessed. No other school in the city (neither SEN nor mainstream) has the expertise, in terms of both staff and facilities, to accommodate the assessed needs of these children and as such, no other schools were considered for this expansion proposal.

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

7. Initial consultation was carried out with the Special School Headteachers in the city via the Special Heads Conference. All heads were made aware of the situation and agreed that the expansion of Springwell would present the most appropriate option for expansion.
8. Six weeks of pre-statutory consultation took place between 21 June and 2 August and a consultation meeting was held at the school on Tuesday 10 July 2012.
9. Six weeks of statutory consultation took place between 30 September and 11 October. Statutory notices were published at the school and in the Southern Daily Echo. Full statutory proposals were published on the SCC website and both the statutory notice and full proposals were sent to the DfE. All headteachers and other key stakeholders (local Councillors, Mencap, and Primary Care Trust) were informed of the consultation via email. A copy of the statutory notice and full proposals can be found in Appendices 1 and 2.
10. One response to the statutory consultation phase was received on 5 September 2012. Please below for details: "I applaud the decision to create more places at Springwell School, they are definitely needed. However, there is also a need for an increase in SEN funded places at SEN funded pre schools in the city. Would this also be able to be considered?"

11. An Equality Impact Assessment has been completed for this proposal (see Appendix 4). It is anticipated that the impact of this proposal would be hugely positive, as it would enable those children that have had their needs assessed to attend a school that is best placed to support their needs.

### **SEN Improvement Test**

12. When proposing any reorganisation of SEN provision, the Local Authority must demonstrate how the proposals are likely to lead to improvements in the standard, quality and/or range of educational provision for children with special educational needs. To this end, the LA provide the following information (which was included in the consultation documentation) to highlight details of the specific educational benefits that will flow from the proposals. These are in line with the eight criteria set out in the document, Planning and Developing Special Educational Provision. A Guide for Local Authorities and Other Proposers (see Appendix 3, pages 7-8):
  - a. The additional places will provide a greater number of children with access to the specialist education available at the school.
  - b. The additional places will provide a greater number of children with access to the specialist staff, both education and other professionals that work at the school.
  - c. Additional accommodation will be provided at the school, initially via a modular classroom.
  - d. This proposal would result in additional places being available in the city, thus meeting the demands of those children with Special Educational Needs.

Local Authorities are also required to provide the following:

- i. Headteachers from all the city's special schools were consulted at the Special Heads Conference and agree that this proposal is the most appropriate option for public consultation. All headteachers in the city were notified of the pre-statutory consultation process via email.
  - ii. The LA is committed to delivering a proposal to increase appropriate SEN provision in order to accommodate those children that require SEN support. These children have been assessed and it is clear that their needs can best be served at Springwell. The headteacher at Springwell has been heavily involved in the formation of this proposal and suggested herself that, subject to consultation, the pupils be admitted from November 2012 in order to allow for the relevant processes to be completed
  - iii. There will be transport implications as a result of this proposal and children requiring transport support will receive it as per SCC's school transport plan
  - iv. The funding arrangements for the proposal are set out below (see capital/revenue section)
13. For the 2012/2013 academic year demand has exceeded supply by eight places, which is highly unusual. As such, while the extra pupils being admitted in 2012/13 will remain at the school for the entirety of their primary education, further statutory proposals to remove places may be required in the future if demand is significantly lower than the number of places available. Pupil forecasting for SEN places is difficult due to the specific needs of SEN

children and Children's Services will continually monitor its data to ensure that there are neither extremes of surplus or deficit amounts of places in the future. It may be that the number of pupils that the school admits in the future is altered via the annual admissions consultation, thus ensuring that demand doesn't greatly, exceed or fall short of, supply.

## **RESOURCE IMPLICATIONS:**

### **Capital/Revenue:**

14. The revenue costs of all schools are met from the Individual Schools Budget, funded by the Dedicated Schools Grant. The amount of Dedicated Schools Grant that the authority receives each year is based on the number of children in the city. If the city's overall numbers grow, this will result in an increase in the amount of grant received which can be passed onto schools via budget shares calculated using Southampton's Fair Funding Formula.
15. The expansion of Springwell will be achieved initially via the rental of a modular building, which is planned to be on site for November 2012. Plans for this are already in place given that the additional places are required for the 2012/13 academic year. This will be treated as a revenue cost and funded from the Schools Intervention Fund.
16. It is proposed that a two classroom extension will be built at the school to make the expansion more permanent (at least in terms of admitting additional year R children). A high-level feasibility study has been undertaken and, on this basis, it is projected that £399,000 should be sufficient to cover the cost of delivering this project. An amount of £399,000 was added to the Children's Services Capital Programme by Cabinet for this purpose in August 2012. At present we only have enough funding to expand two classes at the school. We will need to consult again on reducing the number of pupils at the school if we do not have funding to expand the school further or if there is no increased demand for places at the school.

### **Property/Other:**

17. If the proposals were approved, a modular building would be required at the school by November 2012. Further accommodation would be required if/when all year groups were expanded. The further expansion of the school (in subsequent years) will be driven by the future demand for places and the number of pupils that the schools admits each year can be altered via the annual admissions consultation. Pupil data will be reviewed on a regular basis to ensure that supply matches, but does not greatly exceed or fall short of, demand.

## **LEGAL IMPLICATIONS:**

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

18. Local Authorities have a statutory duty under Section 14 of the Education Act 1996 to secure sufficient high quality places for children and young people with SEN. Local Authorities must also ensure that there are sufficient schools in their area and promote diversity and parental preference.
19. Alterations, changes, creation or removal of SEN provision across the city is subject to the statutory processes contained in the School Standards and

Framework Act 1998 as amended by the Education and Inspections Act 2006. Proposals for change are required to follow the processes set out in the School Organisation (Prescribed Alterations to Maintained Schools) Regulations 2007 as amended. Statutory Guidance on bringing forward proposals applies, which requires a period of statutory consultation which must take part predominantly within school term time to meet the requirements of full, open, fair and accessible consultation with those most likely to be affected (pupils, parents and staff often being on vacation or otherwise unavailable during school holiday periods) followed by considerations of representations by Cabinet.

**Other Legal Implications:**

20. In bringing forward School Organisation proposals the LA must have regard to the need to consult the community and users, the statutory duty to improve standards and access to educational opportunities and observe the rules of natural justice and the provisions of the Human Rights Act 1998, article 2 of the First Protocol (right to education) and the Equalities Act 2010.

**POLICY FRAMEWORK IMPLICATIONS:**

21. The policy proposals impact on the Children and Young Peoples Plan

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

**KEY DECISION** Yes

<b>WARDS/COMMUNITIES AFFECTED:</b>	All (particularly the Bitterne Ward)
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### **SUPPORTING DOCUMENTATION**

**Appendices:**

1.	Statutory Notice
2.	Full Statutory Proposals
3.	Planning and Developing Special Educational Provision. A Guide for Local Authorities and Other Proposers.
4.	Equality Impact Assessment

**Documents In Members' Rooms:**

1.	None
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**Integrated Impact Assessment**

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

**Integrated Impact Assessment and Other Background documents available for inspection at: Children's Services and Learning, Floor 4, One Guildhall Square.**

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.	None	
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### Appendix 1


Notice is given in accordance with section 19(1) of the Education and Inspections Act 2006 that Southampton City Council intends to make a prescribed alteration to Springwell Special School, Hinkler Road, Southampton, SO19 6DH (Community Special School) from 5 November 2012

It is proposed that the school will expand to admit an additional 8 pupils to Year R from 5 November 2012. Those pupils will continue through the school until they have completed their education at Springwell Special School (or transferred to alternative provision in accordance with normal admission arrangements)

This Notice is an extract from the complete proposal. Copies of the complete proposal can be obtained from: Springwell Expansion Consultation, Infrastructure, Children's Services and Learning (OGS), Southampton City Council, Civic Centre, Southampton, SO14 7LY or <http://www.southampton.gov.uk/learning/schools/consultations/springwell.aspx>

Within six weeks from the date of publication of this proposal, any person may object to or make comments on the proposal by sending them to Springwell Expansion Consultation, Infrastructure, Children's Services and Learning (OGS), Southampton City Council, Civic Centre, Southampton, SO14 7LY or [InfrastructureandCapital.Projects@southampton.gov.uk](mailto:InfrastructureandCapital.Projects@southampton.gov.uk)

Signed:

A handwritten signature in dark ink, appearing to be 'Clive Webster', written over a horizontal line.

Clive Webster, Executive Director of Children's Services & Learning

Publication Date: 30 August 2012

### Explanatory Notes

The number of pupils to be admitted to the school in future years will be determined on demand for special school places in future years. Pupil numbers and forecasts will be reviewed on a regular basis to ensure that supply does not greatly exceed or fall short of demand and having regard to the assessed needs of children having SEN within the Southampton area. Pupil numbers may therefore decrease or increase to accommodate need through the schools published admission arrangements

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## Appendix 2

### PROPOSALS FOR PRESCRIBED ALTERATIONS OTHER THAN FOUNDATION PROPOSALS: Information to be included in a complete proposal

#### **Extract of s.19(1) of the Education & Inspections Act 2006 and The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended):**

##### **In respect of a Governing Body Proposal: School and governing body's details**

1. The name, address and category of the school for which the governing body are publishing the proposals.

N/A

##### **In respect of an LEA Proposal: School and local education authority details**

1. The name, address and category of the school .

Springwell School (Community Special)  
Hinkler Road  
Southampton  
SO19 6DH

##### **Implementation and any proposed stages for implementation**

2. The date on which the proposals are planned to be implemented, and if they are to be implemented in stages, a description of what is planned for each stage, and the number of stages intended and the dates of each stage.

5 November 2012

##### **Objections and comments**

3. A statement explaining the procedure for making representations, including —
- (a) the date prescribed in accordance with paragraph 29 of Schedule 3 (GB proposals)/Schedule 5 (LA proposals) of The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended), by which objections or comments should be sent to the local education authority; and
  - (b) the address of the authority to which objections or comments should be sent.

a. Any objections or comments should be sent to the Local Authority by 11 October 2012  
b. Objections should be sent to Springwell Expansion Consultation, Infrastructure, Children's Services and Learning (OGS), Southampton City Council, Civic Centre,

## Appendix 2

Southampton, SO14 7LY or InfrastructureandCapital.Projects@southampton.gov.uk

### Alteration description

4. A description of the proposed alteration and in the case of special school proposals, a description of the current special needs provision.

The Local Authority are proposing that Springwell School would admit 8 additional pupils to year R from November 2012. If demand for places at the school remains at a similarly high level the expansion would be replicated in subsequent years.

Springwell school provides support for children with Learning Difficulties and Autism Spectrum Disorders. The type of provision at the school will not change as a result of this proposal.

### School capacity

5.—(1) Where the alteration is an alteration falling within any of paragraphs 1 to 4, 8, 9 and 12-14 of Schedule 2 (GB proposals)/paragraphs 1-4, 7, 8, 18, 19 and 21 of Schedule 4 (LA proposals) to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended), the proposals must also include —

- (a) details of the current capacity of the school and, where the proposals will alter the capacity of the school, the proposed capacity of the school after the alteration;

Springwell School currently has 64 places available for children aged 4-11. This proposal, if implemented, would see the school have a total of 72 places from 5 November 2012 and (if demand remains at a similarly high level) 8 additional places each year in subsequent years until all year groups are full.

- (b) details of the current number of pupils admitted to the school in each relevant age group, and where this number is to change, the proposed number of pupils to be admitted in each relevant age group in the first school year in which the proposals will have been implemented;

Springwell School Currently has a total of 64 places available. The number of pupils entering the school is dependent on the number of pupils that leave the school at the end of the previous academic year. As such, there is no fixed Published Admission Number. The school will admit 8 additional pupils to year R (if the proposal is approved) in November 2012.

- (c) where it is intended that proposals should be implemented in stages, the number of pupils to be admitted to the school in the first school year in which each stage will have been implemented;

The first stage would be for 8 additional year pupils to start at the school in November 2012. If demand for places at the school remains as high as it is for 2012/13, this proposal would provide the flexibility for the school admit additional pupils, year-on-year, if required.

- (d) where the number of pupils in any relevant age group is lower than the indicated admission number for that relevant age group a statement to this effect and details of the indicated admission number in question.

## Appendix 2

N/A

(2) Where the alteration is an alteration falling within any of paragraphs 1, 2, 9, 12 and 13 of Schedule 2 (GB proposals) /paragraphs 1, 2, 8, 18 and 19 of Schedule 4 (LA proposals) to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended), a statement of the number of pupils at the school at the time of the publication of the proposals.

As at August 2012, there were 62 pupils registered as on roll at Springwell School.

### Implementation

6. Where the proposals relate to a foundation or voluntary controlled school a statement as to whether the proposals are to be implemented by the local education authority or by the governing body, and, if the proposals are to be implemented by both, a statement as to the extent to which they are to be implemented by each body.

The proposals will be implemented by the Local Authority.

### Additional Site

7.—(1) A statement as to whether any new or additional site will be required if proposals are implemented and if so the location of the site if the school is to occupy a split site.

N/A

(2) Where proposals relate to a foundation or voluntary school a statement as to who will provide any additional site required, together with details of the tenure (freehold or leasehold) on which the site of the school will be held, and if the site is to be held on a lease, details of the proposed lease.

N/A

### Changes in boarding arrangements

8.—(1) Where the proposals are for the introduction or removal of boarding provision, or the alteration of existing boarding provision such as is mentioned in paragraph 8 or 21 of Schedule 2 (GB proposals)/7 or 14 of Schedule 4 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended) —

- (a) the number of pupils for whom it is intended that boarding provision will be made if the proposals are approved;

N/A

- (b) the arrangements for safeguarding the welfare of children at the school;

## Appendix 2

N/A

- (c) the current number of pupils for whom boarding provision can be made and a description of the boarding provision; and

N/A

- (d) except where the proposals are to introduce boarding provision, a description of the existing boarding provision.

N/A

(2) Where the proposals are for the removal of boarding provisions or an alteration to reduce boarding provision such as is mentioned in paragraph 8 or 21 of Schedule 2 (GB proposals)/7 or 14 of Schedule 4 (LA proposals) to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended) —

- (a) the number of pupils for whom boarding provision will be removed if the proposals are approved; and

N/A

- (b) a statement as to the use to which the former boarding accommodation will be put if the proposals are approved.

N/A

### Transfer to new site

9. Where the proposals are to transfer a school to a new site the following information—

- (a) the location of the proposed site (including details of whether the school is to occupy a single or split site), and including where appropriate the postal address;

N/A

- (b) the distance between the proposed and current site;

N/A

- (c) the reason for the choice of proposed site;

N/A

## Appendix 2

(d) the accessibility of the proposed site or sites;

N/A

(e) the proposed arrangements for transport of pupils to the school on its new site; and

N/A

(f) a statement about other sustainable transport alternatives where pupils are not using transport provided, and how car use in the school area will be discouraged.

N/A

### Objectives

10. The objectives of the proposals.

The main objective of the proposal is to ensure that the LA can meet its statutory duty (as set out in the Education Act 1996) to ensure that special educational provision is made available to children with special educational needs. If Springwell were not to expand, the LA wouldn't be able to support the needs of those children that have had their needs assessed. If these pupils were not offered a place at Springwell they would have the option of taking this to an SEN tribunal who would likely rule that the child should be placed at Springwell. This proposal would negate the time and financial costs of the tribunal process.

### Consultation

11. Evidence of the consultation before the proposals were published including—

- (a) a list of persons who were consulted;
- (b) minutes of all public consultation meetings;
- (c) the views of the persons consulted;
- (d) a statement to the effect that all applicable statutory requirements in relation to the proposals to consult were complied with; and
- (e) copies of all consultation documents and a statement on how these documents were made available.

- a. All special school headteachers, all mainstream headteachers, JIGSAW (Southampton's local service for children and young people with severe and complex disabilities), Mencap, Local MP's, Hampshire County Council, Portsmouth City Council, local Councillors, local trade union representatives, Children's Services & Learning and Southampton City Council Staff
- b. N/A
- c. See Appendix 1.
- d. The Local Authority can confirm that all the statutory requirements in relation to the proposals to consult were complied with, including consulting all interested parties, and

## Appendix 2

that the requirements of the SEN Improvement Test, as set out in Planning and Developing Special Educational Provision, were considered and included as part of the consultation.

- e. See Appendix 2. An email was sent to all the stakeholders above notifying them of the consultation and providing a link to the consultation website, which contained all consultation details and documentation. Copies were also available at the school and by request from the LA.

### Project costs

**12.** A statement of the estimated total capital cost of the proposals and the breakdown of the costs that are to be met by the governing body, the local education authority, and any other party.

A modular building will be procured for the 2012/13 academic year at a cost of approximately £50,000. It is expected that this will be required for 1 year only.

Longer term, the current intention is to build a permanent 2 classroom block at a cost of approximately £399,000. Please note that this is a high level estimate.

The costs of the project will entirely be met by the Local Authority.

**13.** A copy of confirmation from the Secretary of State, local education authority and the Learning and Skills Council for England (as the case may be) that funds will be made available (including costs to cover any necessary site purchase).

N/A

### Age range

**14.** Where the proposals relate to a change in age range, the current age range for the school.

N/A

### Early years provision

**15.** Where the proposals are to alter the lower age limit of a mainstream school so that it provides for pupils aged between 2 and 5—

- (a) details of the early years provision, including the number of full-time and part-time pupils, the number and length of sessions in each week, and the services for disabled children that will be offered;

N/A

- (b) how the school will integrate the early years provision with childcare services and how the proposals are consistent with the integration of early years provision for childcare;



## Appendix 2

N/A

(c) evidence of parental demand for additional provision of early years provision;

N/A

(d) assessment of capacity, quality and sustainability of provision in schools and in establishments other than schools who deliver the Early Years Foundation Stage within 3 miles of the school; and

N/A

(e) reasons why such schools and establishments who have spare capacity cannot make provision for any forecast increase in the number of such provision.

N/A

### Changes to sixth form provision

**16.** (a) Where the proposals are to alter the upper age limit of the school so that the school provides sixth form education or additional sixth form education, a statement of how the proposals will—

- (i) improve the educational or training achievements;
- (ii) increase participation in education or training; and
- (iii) expand the range of educational or training opportunities for 16-19 year olds in the area;

N/A

(b) A statement as to how the new places will fit within the 16-19 organisation in an area;

N/A

(c) Evidence —

- (i) of the local collaboration in drawing up the proposals; and
- (ii) that the proposals are likely to lead to higher standards and better progression at the school;

N/A

(d) The proposed number of sixth form places to be provided.

N/A

## Appendix 2

17. Where the proposals are to alter the upper age limit of the school so that the school ceases to provide sixth form education, a statement of the effect on the supply of 16-19 places in the area.

N/A

### Special educational needs

18. Where the proposals are to establish or change provision for special educational needs—

- (a) a description of the proposed types of learning difficulties in respect of which education will be provided and, where provision for special educational needs already exists, the current type of provision;

Springwell School currently provides support for children with Learning Difficulties and Autism Spectrum Disorders, aged 4-11. There are no plans to change the type of provision or the age range of the school.

- (b) any additional specialist features will be provided;

Associated specialist toilets.

- (c) the proposed numbers of pupils for which the provision is to be made;

It is proposed that the school will admit an additional 8 pupils to year R from September 2012.

- (d) details of how the provision will be funded;

The provision (i.e. the additional classroom) will be funded by the LA

- (e) a statement as to whether the education will be provided for children with special educational needs who are not registered pupils at the school to which the proposals relate;

The provision at Springwell will be for those children that are registered at the school only.

- (f) a statement as to whether the expenses of the provision will be met from the school's delegated budget;

The expenses of the provision will be met by the Local Authority.

## Appendix 2

- (g) the location of the provision if it is not to be established on the existing site of the school;

N/A

- (h) where the provision will replace existing educational provision for children with special educational needs, a statement as to how the local education authority believes that the new provision is likely to lead to improvement in the standard, quality and range of the educational provision for such children; and

N/A

- (i) the number of places reserved for children with special educational needs, and where this number is to change, the proposed number of such places.

The school currently has a total of 64 places available and the number of children it admits to year R is dependent on the number of children that have left the school the previous year. From 5 November 2012 there would be a total of 72 places available at the school, if the proposal is approved.

### 19. Where the proposals are to discontinue provision for special educational needs—

- (a) details of alternative provision for pupils for whom the provision is currently made;

N/A

- (b) details of the number of pupils for whom provision is made that is recognised by the local education authority as reserved for children with special educational needs during each of the 4 school years preceding the current school year;

N/A

- (c) details of provision made outside the area of the local education authority for pupils whose needs will not be able to be met in the area of the authority as a result of the discontinuance of the provision; and

N/A

- (d) a statement as to how the proposer believes that the proposals are likely to lead to improvement in the standard, quality and range of the educational provision for such children.

N/A

## Appendix 2

**20.** Where the proposals will lead to alternative provision for children with special educational needs, as a result of the establishment, alteration or discontinuance of existing provision, the specific educational benefits that will flow from the proposals in terms of—

- (a) improved access to education and associated services including the curriculum, wider school activities, facilities and equipment with reference to the local education authority's Accessibility Strategy;
- (b) improved access to specialist staff, both educational and other professionals, including any external support and outreach services;
- (c) improved access to suitable accommodation; and
- (d) improved supply of suitable places.

a. The additional places will provide a greater number of children with access to the specialist education available at the school
b. The additional places will provide a greater number of children with access to the specialist staff, both education and other professionals, that work at the school
c. Additional accommodation will be provided at the school, initially via a modular classroom so pupils will be taught in a suitable environment.
d. This proposal would result in additional places being available in the City, thus meeting the demands of those children with Special Educational Needs.

### Sex of pupils

**21.** Where the proposals are to make an alteration to provide that a school which was an establishment which admitted pupils of one sex only becomes an establishment which admits pupils of both sexes—

- (a) details of the likely effect which the alteration will have on the balance of the provision of single sex-education in the area;

N/A
-----

- (b) evidence of local demand for single-sex education; and

N/A
-----

- (c) details of any transitional period which the body making the proposals wishes specified in a transitional exemption order (within the meaning of section 27 of the Sex Discrimination Act 1975).

N/A
-----

**22.** Where the proposals are to make an alteration to a school to provide that a school which was an establishment which admitted pupils of both sexes becomes an establishment which admits pupils of one sex only—

- (a) details of the likely effect which the alteration will have on the balance of the provision of single-sex education in the area; and

## Appendix 2

N/A

- (b) evidence of local demand for single-sex education.

N/A

### Extended services

**23.** If the proposed alterations affect the provision of the school's extended services, details of the current extended services the school is offering and details of any proposed change as a result of the alterations.

N/A

### Need or demand for additional places

**24.** If the proposals involve adding places—

- (a) a statement and supporting evidence of the need or demand for the particular places in the area;

Southampton is facing a huge increase in the number of children in the city so there is pressure on the demand for mainstream and SEN school places. When reviewing the details of children that may require an SEN placement it became apparent that more children need a place at an SEN school than there were places available. This is clear evidence that there is sufficient demand for additional special school places in the city.

- (b) where the school has a religious character, a statement and supporting evidence of the demand in the area for education in accordance with the tenets of the religion or religious denomination;

N/A

- (c) where the school adheres to a particular philosophy, evidence of the demand for education in accordance with the philosophy in question and any associated change to the admission arrangements for the school.

N/A

**25.** If the proposals involve removing places—

- (a) a statement and supporting evidence of the reasons for the removal, including an assessment of the impact on parental choice; and

N/A

## Appendix 2

(b) a statement on the local capacity to accommodate displaced pupils.

N/A

### Expansion of successful and popular schools

**25A.** (1) Proposals must include a statement of whether the proposer considers that the presumption for the expansion of successful and popular schools should apply, and where the governing body consider the presumption applies, evidence to support this.

(2) Sub-paragraph (1) applies to expansion proposals in respect of primary and secondary schools, (except for grammar schools), i.e. falling within:

(a) (for proposals published by the governing body) paragraph 1 of Part 1 to Schedule 2 or paragraph 12 of Part 2 to Schedule 2;

(b) (for proposals published by the LA) paragraph 1 of Part 1 to Schedule 4 or 18 of Part 4 to Schedule 4

of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended).

N/A

# Planning and Developing Special Educational Provision

## A Guide for Local Authorities and Other Proposers

For further information:

SEN and Disability Division  
Department for Education  
Caxton House  
6 - 12 Tothill Street  
London  
SW1H 9NA

Tel: 0207 273 4914

Website:

<http://www.education.gov.uk/schools/leadership/schoolorganisation>

# PLANNING AND DEVELOPING SPECIAL EDUCATIONAL PROVISION

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## INTRODUCTION

1. This guidance is intended primarily for local authorities (LAs) and other proposers of new special educational provision and all those responsible for making decisions about the organisation of special educational provision. But it will also be relevant to schools and early years settings, health trusts, and private and voluntary sector partners working in this area, and should be used by the Office of the Schools Adjudicator when considering proposals to reorganise SEN provision. This guidance should be read in conjunction with the Decision Makers' Handbooks.

(<http://www.education.gov.uk/schools/leadership/schoolorganisation>)

2. Local Authorities and other providers should make the best possible provision for children with special educational needs and disabilities by using this guidance as a positive check on proposed developments.

3. It relates to local authorities' statutory responsibilities in the Education Act 1996 and the Special Educational Needs (SEN) Code of Practice (2001), the Disability Discrimination Act 1995, the Childcare Act 2006 and the Education and Inspections Act 2006:

- Section 14 of the Education Act 1996 places a general duty on LAs to secure that there are sufficient schools for providing primary and secondary school education and requires them in particular to have



regard to the need to secure that special educational provision is made for pupils with special educational needs; section 315 requires LAs to keep their arrangements for SEN provision under review.

- Section 9 of the Education Act 1996 places a general duty on local authorities and funding authorities to have regard to the general principle that children are educated in accordance with their parents' wishes, so far as that is compatible with the provision of efficient education and training and the avoidance of unreasonable public expenditure.
- The Education and Inspections Act 2006 gives local authorities the responsibility for determining school reorganisation proposals in the first instance as from summer 2007. The Act provides that where there is concern about an LA's decision the governing bodies and trustees of foundation special schools, and local strategic education partners (those previously represented on the School Organisation Committee), will be able to refer the proposals to the independent Schools Adjudicator who will consider them afresh.
- The Education and Inspections Act 2006 requires LAs to consider and respond to parental representations when carrying out their planning duty to make sure that there is sufficient primary and secondary provision and suitable SEN provision in their area.
- Many children with special educational needs (SEN) will also be disabled, and some disabled children, though they may not have special educational needs, may have particular access requirements. LAs are under a statutory duty under the Disability Discrimination Act 1995 to increase the accessibility of schools for disabled pupils and to prepare accessibility strategies showing how they plan to:
  - increase the extent to which disabled pupils can participate in the school curriculum
  - improve the physical school environment
  - improve the delivery to disabled pupils of information normally provided to non-disabled pupils in writing in different formats
- The Disability Discrimination Act 1995 requires local authorities and schools to promote equality of opportunity for disabled people (children, staff and members of the public using their services) and produce disability equality schemes showing how they will do this. The duty to have a disability equality scheme applies to secondary schools from December 2006 and primary schools, special schools and Pupil Referral Units from December 2007.
- Within their overall planning LAs **must**<sup>1</sup> carry out an assessment of the provision of childcare within their area, taking into account the views of

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<sup>1</sup> Under sections 6 – 10 and 13 of the Childcare Act 2006

parents, and secure sufficient childcare for children up to 14 to meet the needs of working parents and provision for disabled children up to 18. However this guidance is only relevant to the early years provision of the governing body of a maintained school. LAs should also bear in mind that the free entitlement to early education for 3 and 4 years olds is frequently provided through schools and therefore a proposal to close a school could adversely affect this entitlement

- Every local authority is required by the Children Act 2004 to record in a single Children and Young People's Plan (CYPP) how services will be provided locally according to need including services for children with SEN and those who are disabled.

4. This guidance requires that when proposals are developed for reorganising or altering SEN provision LAs and/or other proposers will need to show how they will improve on current arrangements. Paragraphs 21 and 22 set out a number of factors that local authorities and other decision makers should consider when determining statutory proposals to reorganise SEN provision. It encourages LAs to develop a range of provision to meet the range of children's SEN, recognising that this may include provision in mainstream schools or special schools or, in specialist resourced provision within a school or in a specialist unit attached to, or co-located with a school, in mainstream early years and childcare settings, or through federations, collaborations and partnerships. The key features of any form of SEN provision should be its flexibility and capacity to meet the individual needs of the children through access to appropriate specialist support and advice, however that is provided, and its effectiveness in improving progress and raising achievements

5. Within the context of any review or reorganisation of SEN provision LAs should be endeavouring to ensure equity and fairness across the authority. LAs and other decision makers need to appreciate that making changes to historic patterns of provision can be difficult to achieve as they may lead to a perceived reduction in the range of type of provision in one school or locality whilst ideally contributing to a greater and more appropriate range of provision across the authority or region. It should also be recognised that maintaining unnecessary provision may lead to unreasonable public expenditure which does not represent value for money. Reorganisation can, of course, release funding which can be used to invest in more effective provision.

6. When planning any changes to SEN provision, including closing special schools, opening new special schools, or adding, changing or removing SEN provision in mainstream or special schools, the local authority should consider whether statutory proposals are required. Where proposals are required they will need to follow the statutory process for new schools, school closures and for changes to SEN provision in mainstream schools as set out in the Decision Makers Guidance.

7. This guidance does not provide a definitive interpretation of the law; that is a matter for the courts alone.

## **Planning and Commissioning**

8. LAs may develop SEN provision themselves or commission from other statutory, private and voluntary providers, including independent and non-maintained special schools and specialist support and outreach services. It is not necessary for all types of provision to be located within a local authority area, but a local authority should know where to access appropriate provision that is required for an individual child with SEN where that is not provided locally.

9. LAs and the local Learning and Skills Councils (LSC) have key roles in planning and commissioning post 16 provision and also have increasing joint involvement in provision for young people 14 – 19. It is therefore critical to ensure collaboration between local authorities and the LSC when planning provision for secondary age pupils.

10. All schools will have some children on roll who have special educational needs (SEN), so there will be SEN considerations implicit in every school reorganisation. School reorganisation provides opportunities for LAs to consider the most effective ways of ensuring that appropriate SEN provision is delivered to pupils wherever it is needed.

11. The patterns of provision in each local authority area should be informed by local needs and circumstances, careful consultation and a widely shared local understanding of the role of specialist provision in meeting children's SEN and providing access to education for disabled pupils.

12. Reviewing provision, making a plan, commissioning and responding to parental representations can only be carried out successfully after an audit and analysis of local needs, including the needs of children and young people with SEN and/or disabilities and their families. LAs should, when reviewing SEN provision, consider and take full account of the impact of current provision and services on the outcomes for children and young people before planning any strategic reorganisation of provision. Any needs analysis undertaken should be a shared process, including where appropriate, the local LSC and all other local partners including the voluntary sector.

13. The analysis should lead to integrated commissioning arrangements for services, through the mechanism of local children's trust or other arrangements, and these arrangements should always link to local Primary Care Trusts for health provision and services and, where appropriate, to local providers within the private and voluntary sectors. Local authorities can also work together in regional or sub-regional groups to plan and commission services and provision. Local partners should consider putting in place pooled budgets, using flexibilities granted under Section 31 of the Health Act (1999) or Section 10 of the Children Act (2004), to underpin the delivery of specialist support for individual children.

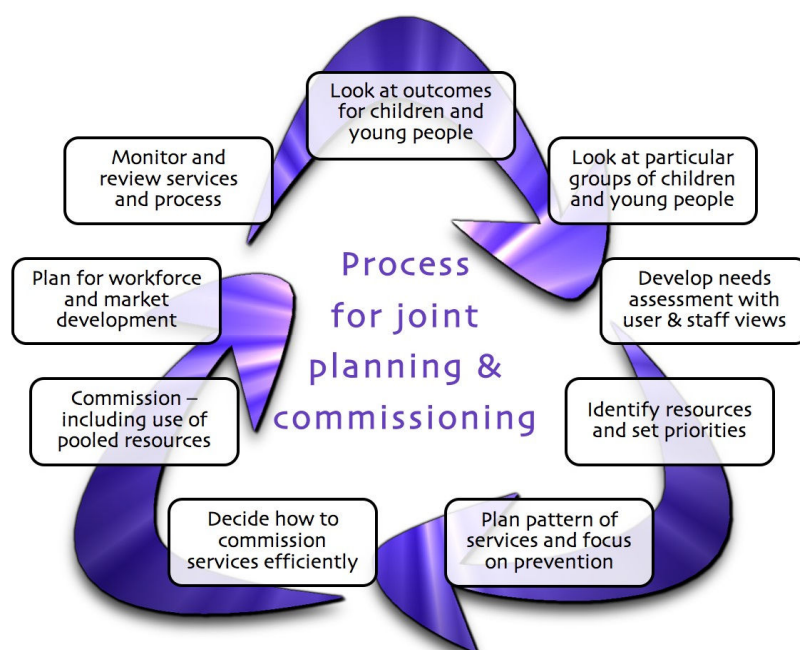
14. All local partners should be involved in local strategic planning

arrangements, including how services will be commissioned, in order to improve outcomes for all children and young people in their area in line with the Every Child Matters framework so that services are working towards helping every child to:

- be healthy
- stay safe
- enjoy and achieve
- make a positive contribution
- achieve economic well being

15. Local partners should use the DfE-DH Joint planning and commissioning framework for children and maternity services for the delivery of all children's services including SEN provision. The joint planning and commissioning cycle is set out below:

## 16. The Joint Planning and Commissioning Cycle



### Initial Considerations

17. When reviewing SEN provision, planning or commissioning alternative types of SEN provision or considering proposals for change LAs should aim for a flexible range of provision and support that can respond to the special educational needs of individual pupils and parental preferences, rather than necessarily establishing broad categories of provision according to special educational need or disability. There are a number of initial considerations for LAs to take account of in relation to proposals for change. They should ensure that local proposals:

- i. take account of parental preferences for particular styles of provision or

education settings

- ii. offer a range of provision to respond to the needs of individual children and young people, taking account of collaborative arrangements (including between special and mainstream), extended school and Children's Centre provision; regional centres (of expertise ) and regional and sub-regional provision; out of local authority day and residential special provision
- iii. are consistent with the LA's Children and Young People's Plan
- iv. take full account of educational considerations, in particular the need to ensure a broad and balanced curriculum<sup>2</sup>, including the National Curriculum, within a learning environment in which children can be healthy and stay safe
- v. support the LA's strategy for making schools and settings more accessible to disabled children and young people and their scheme for promoting equality of opportunity for disabled people
- vi. provide access to appropriately trained staff and access to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning and participate in their school and community.
- vii. ensure appropriate provision for 14-19 year-olds, taking account of the role of local LSC funded institutions and their admissions policies;
- viii. ensure that appropriate full-time education will be available to all displaced pupils. Their statements of special educational needs will require amendment and all parental rights must be ensured. Other interested partners, such as the Health Authority should be involved

18. Taking account of the considerations, as set out above, will provide assurance to local communities, children and parents that any reorganisation of SEN provision in their area is designed to improve on existing arrangements and enable all children to achieve the five Every Child Matters outcomes.

### **Increasing Diversity – new schools**

19. It has always been possible for any organisation, association or individual to publish proposals to set up a new maintained mainstream school. This route is now open in respect of special schools. A wide range of promoters with a contribution to make to educational standards and diversity are entitled to publish proposals to establish a new maintained special school. This includes parent and community groups, charitable companies, voluntary groups including church and faith communities, those offering distinctive

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<sup>2</sup> The requirements of a broad and balanced curriculum are set out in sections 78 to 96 of the Education Act 2002.

educational philosophies, existing schools or consortia of schools. Any proposals need to be embedded in a local coordinated approach within an assessment of local need. Before publishing proposals, the proposers need to seek the Secretary of State's consent to publish under Section 10 of the Education and Inspections Act 2006.

20. The non-maintained sector currently contributes locally and nationally to expertise in SEN, and is involved in developing and providing outreach services through partnerships with local authorities and maintained schools. Non-maintained special schools may apply to join the maintained sector and are not required to enter a competition.

### **The SEN Improvement Test**

21. When proposing any reorganisation of SEN provision, including that which might lead to some children being displaced through closures or alterations, LAs, and all other proposers for new schools or new provision, will need to demonstrate to parents, the local community and decision makers how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for children with special educational needs. All consultation documents and reorganisation plans that LAs publish and all relevant documentation LAs and other proposers submit to decision makers should show how the key factors set out in the paragraphs below have been taken into account. Proposals which do not credibly meet these requirements should not be approved and decision makers should take proper account of parental or independent representations which question the LA's own assessment in this regard.<sup>3</sup>

### **Key factors**

22. When LAs are planning changes to their existing SEN provision, and in order to meet the requirement to demonstrate likely improvements in provision, they should:

- identify the details of the specific educational benefits that will flow from the proposals in terms of:
  - a) improved access to education and associated services including the curriculum, wider school activities, facilities and equipment, with reference to the LA's Accessibility Strategy
  - b) improved access to specialist staff, both education and other professionals, including any external support and/or outreach services
  - c) improved access to suitable accommodation
  - d) improved supply of suitable places
- LAs should also:
  - i. obtain a written statement that offers the opportunity for all providers of

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<sup>3</sup> Decision Makers Guidance

- existing and proposed provision to set out their views on the changing pattern of provision seeking agreement where possible
- ii. clearly state arrangements for alternative provision. A 'hope' or 'intention' to find places elsewhere is not acceptable. Wherever possible, the host or alternative schools should confirm in writing that they are willing to receive pupils, and have or will have all the facilities necessary to provide an appropriate curriculum.
  - iii. specify the transport arrangements that will support appropriate access to the premises by reference to the LA's transport policy for SEN and disabled children
  - iv. specify how the proposals will be funded and the planned staffing arrangements that will be put in place.

23. It is to be noted that any pupils displaced as a result of the closure of a BESD school (difficulties with behavioural, emotional and social development) should not be placed long-term or permanently in a Pupil Referral Unit (PRU) if a special school place is what they need. PRUs are intended primarily for pupils who have been excluded, although LAs can and do use PRU provision for pupils out of school for other reasons such as illness and teenage pregnancies. There may of course be pupils who have statements identifying that they have BESD who have been placed appropriately in a PRU because they have been excluded; in such cases the statement **must** be amended to name the PRU, but PRUs should not be seen as an alternative long-term provision to special schools.

24. The requirement to demonstrate improvements and identify the specific educational benefits that flow from proposals for new or altered provision as set out in the key factors are for all those who bring forward proposals for new special schools or for special provision in mainstream schools including governors of foundation schools and foundation special schools. The proposer needs to consider all the factors listed above.

25. Decision makers will need to be satisfied that the evidence with which they are provided shows that LAs and/or other proposers have taken account of the initial considerations and all the key factors in their planning and commissioning in order to meet the requirement to demonstrate that the reorganisation or new provision is likely to result in improvements to SEN provision.

### **Desired outcomes**

26. Any proposals for SEN reorganisation should fit within the clear strategic framework set by the local authority for meeting the full range of special educational needs. The pattern of mainstream and specialist provision that results, and the way schools and settings operate, should be based on the special educational needs of children within the local area as identified within the CYPP.

27. From the perspective of a child and their family special educational provision in any given LA area should be geared to achieving the following:

*According to their individual needs, children should be able to:*

- attend schools and settings with skilled staff able to provide high quality teaching, and a personalised curriculum differentiated according to their needs which enables them to progress with their learning
- have access to specialist help, support and guidance – in the first instance from a skilled member of staff in their school or setting but from an external specialist where appropriate
- benefit from integrated family support services and interventions where there are underlying difficulties related to home circumstances impacting on their learning
- have access to health related support and interventions where they have medical needs
- have access to an Early Years Foundation Stage curriculum that addresses their learning needs
- have access to a 14-19 programme that addresses their learning needs and which provides, where appropriate, access to the new vocational diploma courses

*Parents and families should be provided with:*

- good information as and when they need it on the range of SEN provision in the area through local Parent Partnership Services and other routes
- good information about the progress of their children and the plans and interventions used to address their learning and other difficulties

*and*

- always be involved when decisions about specialist provision or a change of placement are being considered with support from local Parent Partnership Services where appropriate.

### **Developing a range of provision**

28. All maintained mainstream schools and early years settings must make provision for children on their roll who have SEN and make reasonable adjustments for disabled children. Special schools play an important role in meeting children's needs directly and in providing outreach to other schools. In addition some mainstream schools may be designated as having a specific role in making provision for children within the local area or region who have a particular type or types of SEN.<sup>4</sup>

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<sup>4</sup> The four areas of SEN are set out at 7:52 of the SEN Code of Practice (2001)



29. In developing a range of provision local authorities should consider carefully the types of provision they need to meet the needs of children in their localities and how such provision might best be made.

### **Access to specialist support**

30. In any proposals for change LAs will need to ensure access to appropriate specialist support from a range of people including educational psychologists, curriculum and behaviour support professionals, specialist and advisory teachers.

31. SEN support and outreach services can be provided in a number of ways - centrally by the LA, commissioned and delivered from special schools or resourced provision or units in the mainstream, from the independent and voluntary sectors or other LAs and through collaborations, federations and partnerships. In providing such services LAs should take into account the following objectives:

- extending SEN advice and support to early years settings
- offering advice and support on a preventative basis to boost earlier intervention
- supporting the development of inclusive practice in all schools and early years settings
- making the best use of existing specialist provision

32. Children with SEN and disabilities may require access to a range of services including speech and language therapy, physiotherapy and occupational therapy. LAs have a duty under the Children Act 2004 to cooperate with other local partners, including Strategic Health Authorities and Primary Care Trusts, to improve children's well-being. Sound cooperative arrangements will need to be in place locally to ensure that children affected by changes to SEN provision have access to appropriate services. In planning changes to SEN provision LAs will wish to consider bringing together a range of specialist services in Children's Centres or full service extended schools.

### **Types of provision**

33. Though terminology may vary from authority to authority, specialist provision may take a variety of forms:

- Mainstream schools - where children with SEN are supported at School Action and School Action Plus or through statements
- Specialist mainstream schools - which have a particular SEN specialism and provide outreach to other schools

- Resourced Provision – where places are reserved at a mainstream school for statemented pupils with specific types of special educational needs who are taught mainly within mainstream classes but also require a base and some specialist facilities around the school
- Designated Unit – are special provisions within a mainstream school, where statemented pupils with specific types of special educational needs are taught wholly or mainly in separate classes
- Special school – organised specifically to cater for statemented children who have particular types of SEN
- Specialist special schools - which have a particular SEN or curricular specialism and provide outreach to other schools
- Co-location – statemented children are educated in separate special school facilities with separate staff but on site with a mainstream school or vice versa. There should be some interchange of pupils, resources, staff and dual use of facilities
- Co-location – statemented children educated in a separate special school but on site with a provider other than a mainstream school
- Resourced Provision or Designated Units - as part of the arrangements within a special school where a particular type of SEN may be a subset of the area of SEN for which the school normally provides (e.g. provision for children with autistic spectrum disorders within a school for children with moderate learning difficulties)

34. Any proposals for the location of special educational needs provision within a mainstream setting or on a mainstream site should be specific about the arrangements intended in each case. LAs should consider carefully their development of mainstream provision where this is linked to the reorganisation of special school provision to ensure access to appropriate specialist support. In particular, LAs may need to consider the role of Local Authority specialist support services, e.g. visual impairment, hearing impairment and behavioural support services, in providing support to mainstream schools and nursing/medical requirements, access to therapists and other professionals. The LA may propose that some specialist services are provided as an outreach service from a special school or commissioned from the private or voluntary sector, another LA or regionally.

35. According to an Ofsted survey pupils with SEN are as likely to make good progress with their academic, personal and social development in primary, secondary or special schools so long as there are high quality specialist teachers and a commitment by leaders to create opportunities to include all pupils. When planning or commissioning provision LAs may wish to consider Ofsted's suggested success criteria.<sup>5</sup>

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<sup>5</sup> **Inclusion: does it matter where pupils are taught?** Ofsted 2006

## **Developing regional and sub-regional provision for low incidence needs**

36. It is not always possible for local authorities to establish their own schools for children with low incidence very severe and complex special educational needs such as multi-sensory impairments; severe visual impairment; severe/profound hearing impairment; profound and multiple learning difficulties; severe autistic spectrum disorders and/or severe behavioural, emotional and social difficulties. LAs should consider what cooperative arrangements across local boundaries could be put in place to meet the needs of these children. They should also consider whether and how particular expertise of non-maintained and independent schools could contribute to local, regional and sub-regional and national provision.

37 The Department carried out a national audit of provision for low incidence needs and sought views on the case for Regional Centres of Expertise as proposed in the Government's SEN strategy *Removing Barriers to Achievement*. The audit concluded that:

- RCEs should strengthen and reinforce, but importantly not replace, existing expertise at the local level
- “virtual” support arrangements, as distinct from, say, a specific physical centre, designed to promote local knowledge and expertise may be appropriate but also some support for more direct provision in areas of particular difficulty, notably behavioural, emotional and social difficulties
- Arrangements should be flexible enough to reflect local priorities and needs and should strengthen links between regional and sub-regional planning.

38. The Regional Partnerships were established following the Green Paper *Excellence for All Children* to promote inter-authority collaboration. Working in conjunction with the Partnerships, the Department is supporting regional innovation projects geared to local needs but with a particular focus on low incidence needs. All Regional Partnerships have received grant support for innovation projects and activity to a total value of £1.8m is being supported in 2007-08 (building on earlier support in 2006-07). In planning SEN provision for low incidence needs, authorities will wish to take account of this work in their region, and indeed beyond it, where appropriate.

## **Early Years Provision**

39. The requirement to demonstrate that proposals lead to improvements in SEN provision applies also to early years provision made in mainstream and special schools admitting children below compulsory school age.

## **14-19 provision**

40. The Learning and Skills Council has legal responsibilities in respect of the planning and funding for post-16 education and training. In October 2006 the LSC published its national strategy for LSC-funded provision for learners

with learning difficulties and/or disabilities across the FE system, *Learning and Living at Work*. Local authorities when planning and commissioning secondary SEN provision should make sure that they work with their local LSC and FE partners. There needs to be effective planning between the partners to ensure coherence of educational transition opportunities.

41. As part of 14-19 partnership arrangements, LAs should consider local curriculum needs in the short and longer term, taking into account the national entitlement and timetable for the introduction of the 14 new Diploma lines. In agreeing a 14-19 local prospectus for the area they should also consider what each school and college in the area can offer young people with SEN and disabilities. Diplomas will be available at levels 1, 2 and 3 and, together with the new foundation learning tier, LAs should offer the full range of provision for all 14-19 year olds.

42. LAs and other proposers should consider the potentially critical impact any proposed age range changes could have on FE providers and planning. Any plans that would impact on FE should be discussed at an early stage through the local 14 – 19 partnership and with the local Learning and Skills Council.

### **Residential provision**

43. LAs should keep under review their general policies for placing in residential schools including the independent and non-maintained sectors. Education staff should work with social care colleagues and consider placement policies that are consistent across the authority. Such policies, where it is relevant, should also be agreed with health colleagues. In all individual cases a multi-agency plan should be put in place to ensure that the all child's needs are met holistically; and the effectiveness and appropriateness of the placement is regularly reviewed. In general Children's Services should, so far as reasonably practicable and consistent with the child's welfare, seek to secure that residential placements are near the child's home.

44. LAs can plan, provide or commission residential specialist provision for particular groups of children as well as making individual placements according to particular circumstances and needs. Some LAs have also developed collaborative arrangements with the independent and non-maintained sector to provide particular specialist expertise to maintained schools in their area. LAs should also consider working together to plan, or commission regional or sub-regional provision to meet identified groups of children with particular needs where numbers do not merit provision in each local area.

### **School partnerships**

45. Schools working in partnership are seen increasingly as one of the most effective ways to raise standards, develop the curriculum, extend provision, including specialist provision, support and outreach for children with

SEN, and link with other services to focus on enabling children to achieve the the Every Child Matters outcomes. A wide range of partnership structures exist from formal federations, where a set number of schools agree to share governance arrangements, to Education Improvement Partnerships.

46. LAs should work with schools to develop partnerships that meet the particular needs of those schools and the local community. They can bring a strategic focus to the development of partnerships and might, in some cases, initiate the conversation with schools to develop partnership working. In particular, LAs should continue to maintain a strategic focus on improving behaviour and tackling persistent absence, providing direction and support for the partnerships that are developing to meet these issues

47. School behaviour partnerships have a key role to play in improving the way in which pupils with SEN-related behavioural difficulties are catered for at a local level. All secondary schools should be working in partnerships to improve behaviour and tackle persistent absence. These arrangements will benefit SEN pupils who require specialist behavioural support; in particular tackling the disproportionate rates of exclusion of SEN and some groups of minority ethnic pupils. School behaviour partnerships need to involve and include special schools and Pupil Referral Units as both have expertise in managing the behaviour of the pupils they provide for. Additionally, advice from special schools and PRUs can, at the right time, help mainstream schools prevent the behaviour of some young children escalating to the point where exclusion is a possibility. For further information and guidance see: <http://webarchive.nationalarchives.gov.uk/20110202105545/http://www.teachernet.gov.uk/wholeschool/behaviour/collaboration/>

### **Hospital schools**

48. Historically hospital schools have been set up as special schools, although more recently education provision within a hospital is more often provided by a PRU. It is a matter for the LA to plan and commission education provision in such a way as seems reasonable and practicable in their particular circumstances. Such provision can only be planned in close collaboration with health colleagues and should aim to meet the special educational needs of children who may receive education there.

49. Hospital schools, although designated special schools and maintained by the LA, are very different from stand alone special schools catering for children with statements of SEN.

50. Hospital schools differ widely; some are in general or district hospitals with a rapid turnover of patients; other are located in specialist hospitals and may serve chronically ill or long-stay patients. The law of education reflects this variability and the special circumstances surrounding hospital education by providing in several areas of legislation more flexible arrangements than those which apply to other maintained special schools.

## Building Schools for the Future

51. When planning new building under the Building Schools for the Future (BSF) programme, LAs should also consider the SEN and Disability criteria against which proposals will be assessed. The criteria are:

- The extent to which all learners have access to a broad and balanced curriculum, including the National Curriculum within a learning environment in which they can be healthy and stay safe.
- How the LA improves the accessibility of all educational environments for all learners must be a key feature, especially to ensure compliance with the Disability Discrimination Act to improve access and promote equality of opportunity for disabled children.
- How the LA, in collaboration with its statutory and voluntary partners, collects and uses data to inform current and projected learner needs and plans. Also, how it works with them to make the appropriate provision over a 5-10 year future period – we would expect this planning to be included in the Children and Young People Services Plan.
- To what extent the LA proposals require re-organisation of SEN provision and how has the LA ensured that there is general agreement between local partners on the type of provision envisaged, to ensure good community based provision (with a view to reducing out-county placements) that is:
  - Local including both mainstream and special schools
  - Inclusive – catering for a full range of needs
  - High quality
  - Provides access to services (all support services across all agencies)
  - Operates within an Extended School service
- To what extent LA reorganisation proposals take account of:
  - Co-location
  - Outreach and support
  - Special resourced provision in mainstream
  - Special units in mainstream
  - Out of authority provision
  - Working with other partners, including the FE and voluntary sectors
  - Regional and sub-regional organisation
- Whether the LA has considered the impact of its proposals on school transport policies and provision?
- How the LA will ensure the delivery of its plans and services through such mechanisms as Children’s Services and Children’s Trusts and through its

commissioning role?

52. LAs should take account of any Building Bulletins and accommodation guidance issued by the Department from time to time.

53. LAs should consider whether changes to local special educational provision will boost standards and opportunities for children and young people, whilst matching school place supply as closely as possible to pupils and parents' needs and wishes. However it is also important that there are no blanket assumptions that schools are the only type of SEN provision that is required or appropriate in all circumstances. All proposals should be considered on their individual merits.

## REFERENCES

<b>Section of Education &amp; Inspections Act 2006</b>	<b>Regulations</b>
Part 2, sections 7 - 10	The School Organisation (Establishment and Discontinuance of Maintained Schools)(England) Regulations 2007
Part 2, sections 18 – 21	The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007
Consequential	The School Organisation (Transitional Provisions) (England) Regulations 2007
25 -27	The School Organisation (Removal of Foundation and Reduction in Number of Foundation Governors) (England) Regulations 2007
33	The School Organisation (Requirements as to Foundations) (England) Regulations 2007
34	The School Governance (Parent Councils) (England) Regulations 2007
Consequential	The School Governance (New Schools) (England) Regulations 2007
Consequential	The School Governance (Federations) (England) Regulations 2007
Part 9, section 166	The Education (Collaboration Arrangements: Maintained Schools and Further Education Bodies) (England) Regulations 2007
Sch 22	The School Organisation (Ability of Foundation to Pay Debts) (England) Regulations 2007
Consequential	School Governance (Constitution) (England) Regulations 2007"
Consequential	School Governance (Procedures) (Amendment) (England) Regulations 2007
Section 21 (9) of the SSFA	The Education (Foundation Special Schools) (Application of Provisions Relating to Foundations) (England) Regulations 2007

## Guidance


School Organisation – Decision Makers Guidance	Maintained School Closures - Guidance for Decision Makers  Establishing New Maintained Schools - Guidance for Decision Makers  Maintained School Expansions and Adding a Sixth Form - Guidance for Decision Makers  Making Changes to maintained Schools - Guidance for Decision Makers
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## Equality Impact Assessment

<b>Name or Brief Description of Proposal</b>	Springwell School Expansion This proposal is to expand Springwell Special School by 8 places per year group from November 2012.
<b>Brief Service Profile</b>	Children's Services & Learning CYP, Strategy, Commissioning Senior Manager– Alison Alexander Infrastructure Senior Manager – Karl Limbert Provision of support to children and young people, including the provision of mainstream and SEN school places.
<b>Summary of Impact and Issues</b>	If approved, this proposal would expand the number of places at Springwell special school, thus enabling the LA to meet its statutory duty to provide a suitable school place to all those children that require one. If this proposal did not go ahead we wouldn't be able to offer an SEN place to all those children that need one.
<b>Potential Positive Impacts</b>	More children will be able to access the excellent SEN provision available at Springwell.
<b>Responsible Service Manager</b>	Alison Alexander / Karl Limbert
<b>Date</b>	01/08/2012

<b>Approved by Senior Manager</b>	Karl Limbert Head of Infrastructure
<b>Signature</b>	
<b>Date</b>	01/08/2012

## Potential Negative Impacts

Impact Assessment	Details of Impact	Possible Solutions
<b>Age</b>	The school only accommodate 4-11 year olds so extra secondary school places will be needed as the extra children work their way through year groups.	Great Oaks Special (secondary) School has the potential if the demand for places stays at this level. This would likely not be required until 2019.
<b>Disability</b>	The provision available to existing students may be affected if there are additional students at the school.	Extra teaching space is being provided as part of the expansion
<b>Gender Reassignment</b>	N/A	N/A
<b>Marriage and Civil Partnership</b>	N/A	N/A
<b>Pregnancy and Maternity</b>	N/A	N/A
<b>Race</b>	N/A	N/A
<b>Religion or Belief</b>	N/A	N/A
<b>Sex</b>	N/A	N/A
<b>Sexual Orientation</b>	N/A	N/A
<b>Community Safety</b>	N/A	N/A
<b>Poverty</b>	N/A	N/A
<b>Other Significant</b>	N/A	N/A

# Agenda Item 10

<b>DECISION-MAKER:</b>	CABINET
<b>SUBJECT:</b>	SOCIAL FUND TRANSITION: LOCAL SUPPORT TO REPLACE COMMUNITY CARE GRANTS AND CRISIS LOANS FOR LIVING EXPENSES
<b>DATE OF DECISION:</b>	16 OCTOBER 2012
<b>REPORT OF:</b>	CABINET MEMBER FOR COMMUNITIES
<b>STATEMENT OF CONFIDENTIALITY:</b>	
None.	

## **BRIEF SUMMARY:**

The Welfare Reform Act (2012) abolishes the discretionary elements of the Social Fund from April 2013 and therefore, Crisis Loans and Community Care Grants will no longer be available. In future the Government will be referring people who need emergency financial assistance to local authorities. The Government has decided that it would not be appropriate to place a new duty on local authorities in respect of new emergency provision so that there is flexibility to creatively re-design emergency provision to meet local needs. Although the financial settlement for councils in 2013/14 will include an element for emergency provision, the Government has decided not to ring fence this funding. There is also no guarantee of this funding beyond 2014/15.

As the guidance from the Government on 'successor models' is limited, this report requests delegated authority to the Director of Environment and Economy to develop a sustainable local response to enable people to become more self reliant in the future. The local response will take into consideration the work of the Scrutiny Inquiry on Welfare Reforms and assessment of agencies on the impact of Welfare Reforms locally.

## **RECOMMENDATIONS:**

- (i) To note the letter from the Department of Work and Pensions (DWP) about the abolition of the Social Fund attached at Appendix 1 and that the Council's financial settlement will include an un-ringfenced element for local welfare provision which is not guaranteed after 2014/15.
- (ii) To consider the work of the Scrutiny Inquiry on Welfare Reforms and multiagency local assessment on the impact of the Welfare Reforms on local residents and services in developing a way forward.
- (iii) To delegate authority to the Director for Environment and Economy, following consultation with Cabinet Member for Communities and Cabinet Member for Resources, to develop and implement a sustainable and holistic way forward that enables vulnerable residents to become more self reliant in the future.

## **REASONS FOR REPORT RECOMMENDATIONS:**

1. The Government has abolished the discretionary elements of the Social Fund and in future will be referring people who need emergency financial assistance to Local Authorities. The Government has decided that it would not be appropriate to place a new duty on local authorities in respect of new emergency provision so that there is flexibility to creatively re-design emergency provision to meet local needs.

2. The current scheme will no longer be available from April 2013 and therefore, the Council has to decide on the way forward to help local people become more self reliant when facing financial crises. As the funding is not guaranteed after 2014/15, it will be important to develop a holistic and sustainable way forward, bearing in mind the potential impacts of Welfare Reforms and reduction in public services. This is better done following full consideration of local assessments of the cumulative impact of the Welfare Reforms locally and the planned Scrutiny Inquiry work, to enable the development of an effective, co-ordinated and sustainable response and hence the recommendation is to request delegated authority to the Director for Environment and Economy to develop the way forward.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:**

3. To not undertake work on developing a local response would reduce effectiveness and capacity in the City to coordinate support to people in crisis and help them to become more self reliant.

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

4. The Government has abolished the discretionary elements of the Social Fund and in future, will be referring people who need emergency financial assistance to Local Authorities. The Government has decided that it would not be appropriate to place a new duty on local authorities in respect of new emergency provision so that there is flexibility to creatively re-design emergency provision to meet local needs. The current scheme will no longer be available from April 2013.
5. The letter received from the Government is attached at Appendix 1 and details the main changes and the Government's intentions. The Cabinet is recommended to note the letter from the Department of Work and Pensions about the abolition of the Social Fund attached at Appendix 1 and that the Council's financial settlement will include an un-ringfenced element for local welfare provision which is not guaranteed after 2014/15.
6. From April 2013, Crisis Loans and Community Care Grants will no longer be available. Crisis Loans and Community Care Grants were designed to provide essential support for people on low incomes to enable them to manage one-off items of expenditure and provide emergency financial support. The Government's intention is that these elements will be replaced with a combination of locally-based provision alongside a new nationally administered scheme that will provide an advance of benefit facility (i.e. for the existing Crisis Loans alignment payments, interim payments of benefit as well as Budgeting Loans).
7. Local authorities are being given flexibility in how they redesign emergency provision and this represents both a challenge and an opportunity. While on one hand it enables the development of a more responsive and locally integrated service, this has to be developed in a sustainable way as the funding is not guaranteed beyond 2014/15. In addition, the notional figure included for Southampton is less than the total allocation in previous years.

8. Any local response therefore has to consider the following:
  - (i) How to enable people to become more self reliant at dealing with emergency situations
  - (ii) How to maximise existing funding streams to develop holistic solutions
  - (iii) How can the local response be embedded in the wider response to the Welfare Reforms and their impact
9. Crisis Loans and Community Care Grants have historically provided vulnerable residents access to get timely support to prevent or deal with crisis, thus reducing the need for more costly crisis intervention by the Council. The Government's notional allocation to councils has been made on the basis of expenditure in 2009/10.
10. Community Care Grants are non-repayable grants, primarily intended to support vulnerable people to return to, or remain in the community, or to ease exceptional pressures on families (including avoiding violence, help after leaving care or leaving prison). In 2009/10, over 950 awards were made in Southampton and the average amount was £360. Eligibility is conditional on receipt (or imminent receipt) of an income related benefit and covers costs such as: furniture, cookers, beds, bedding and household equipment, floor covering, curtains and heaters; moving expenses, including removal costs, fares and storage charges; clothing and footwear; items needs because of disability (including wheelchairs, stair-lifts, special clothing, an orthopaedic mattress or an upright chair).
11. Crisis Loans are interest free and available to anyone who cannot meet their immediate short-term need in an emergency or as a consequence of a disaster; for example:- providing daily living expenses, rent in advance, board and lodgings, pre-paid meter fuel debts, and furniture and clothing in a disaster. Re-payments are recovered directly from benefits where possible and arrangements are made for repayment from those not on benefits. In 2009/10, over 7,500 awards were made in Southampton. The average amount was £52.
12. Nationally, demand for support via discretionary payments from the Social Fund has increased substantially since 2006/7. The cumulative impact of the Welfare Reforms and the ongoing economic situation could potentially create an increase in need and demand for crisis/emergency financial support locally. This change comes in at the same time as the Localisation of Council Tax Benefit and the Benefit Cap (April 2013). In this context it is even more important to take the opportunity to consider a longer term response which is not built on the current practice so that people can be supported to become more self-reliant.
13. Guidance for local authorities on 'successor models' is limited and they are being given the flexibility to creatively re-design the emergency provision to meet severe hardship for vulnerable groups according to local circumstances. There is no expectation or desire from central government that the new local services will mirror the current Social Fund schemes.

14. The DWP has held workshops to consider how to support local authorities in the developing successor models. They have identified four main design options that most councils are considering:
  - Create a new service
  - Align and combine the funding to existing services and duties
  - Contract with new or existing external partners
  - A mixture of the above
  
15. The Council's response to abolition of Social Fund needs to be set within the broader agenda of the Welfare Reforms. This needs to consider the following:
  - a. Initial discussions have taken place on the impact of the abolition of Social Fund has been undertaken via the Southampton Anti-Poverty Network and with organisations who work with the most vulnerable groups, identified as current users.
  - b. A cross Council Working Group has also been established to identify demand and future need for emergency financial help and to research options.
  - c. The Jobcentre Plus-led Southampton Connect project: Gateway to a Better Future (which aims to communicate the impact of welfare benefit changes in relation to vulnerable residents so that informed choices can be made about their lives)
  - d. A Welfare Reforms Scrutiny Inquiry which aims to:
    - understand the current and future cumulative impact of the reforms and consider residents experiences.
    - identify any gaps in knowledge and understanding of the local impacts on residents.
    - clarify the role of Council and key partners in communicating the changes to residents.
    - clarify the Council's and key partners current and future role in mitigating negative impacts of the reforms.
  
16. As it is important for the Council's response to be informed by the work describe above, it is recommended to:
  - consider the work of the Scrutiny Inquiry on Welfare Reforms and multiagency local assessment on the impact of the Welfare Reforms on local residents and services in developing a way forward
  - delegate authority to the Director for Environment and Economy, following consultation with Cabinet Member for Communities and Cabinet Member for Resources, to develop and implement a sustainable and holistic way forward that enables vulnerable residents to become more self reliant in the future

#### **RESOURCE IMPLICATIONS:**

17. The Council's allocation will be received in the form of a ring-fenced grant to cover set-up costs in (2012/13) and programme funding and administration for 2013/14 and 2014/15. Government's intension is that the funding is to

be used to provide new provision. However, the details of the way forward will need to be agreed before the financial implications can be determined, especially as the grant is non-ring fenced. It will also be prudent to be cautious in ensuring the Council does not raise expectations as this funding will not be available beyond 2014/15 and the way forward must be based on future sustainability and affordability.

**Capital/Revenue:** None.

**Property/Other:** None.

**LEGAL IMPLICATIONS:**

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

18. Welfare Reform Act (2012) abolishes the current Community Care Grant and Crisis Loan schemes.

**Other Legal Implications:**

19. Statutory duties include:
- The public sector Equality Duty (The Equality Act 2010)
  - The duty to mitigate the effects of child poverty (The Child Poverty Act 2010);
  - The duty to prevent homelessness (The Housing Act 1996).

**POLICY FRAMEWORK IMPLICATIONS:**

20. Economic Development

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**KEY DECISION?** Yes

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

**Appendices:**

1.	Settlement Letter (DWP)
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**Documents In Members' Rooms:**

	None
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**Integrated Impact Assessment**

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

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

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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6 August 2012

Dear Chief Executive

**Abolition of the discretionary Social Fund and transfer of funding for a new provision**

I am writing in respect of earlier correspondence on the provisions in the Welfare Reform Act that abolish the current Community Care Grant and Crisis Loan schemes. As you know these schemes will be abolished in April 2013 and in order to avoid a gap in support for vulnerable people new arrangements will need to be in place from April 2013.

I know from discussions your officials have had with my Department that your planning for a new provision is well under way. This letter is to inform you of the indicative amount of programme funding you will receive for your new provision and the amount of set up and administration funding to enable you to do that. Programme funding is indicative because the final figure will be based on discretionary Social Fund spend in your area for the 2012 – 2013 year.

The programme funding has been calculated by looking at the legitimate demand, for those aspects of the discretionary Social Fund being abolished, for your area. We then applied that as a percentage of the Department's allocated £178.2 million to arrive at your figure. For administration funding we are transferring the amount the Department for Work and Pensions spends on administering them. This works out at approximately twenty per cent of the transferred programme spend. For start up funding, we listened to what authorities have told us. The amount to be transferred therefore allows a degree of flexibility according to your intentions, and is in line with expectations that the programme funding will be, in most cases, aligned with existing provisions.

Community Care Grants were awarded for a range of expenses, including household equipment, and were intended to support vulnerable people to return to or remain in the community or to ease exceptional pressure on families. They were also intended to assist with certain travel expenses. Crisis Loans were made to meet immediate short-term needs in an emergency or as a consequence of a disaster when a person had insufficient resources to prevent a serious risk to the health and safety of themselves or their family.

Although you are not expected to replicate the previous Community Care Grant and Crisis Loan schemes, I attach for information a brief reminder of their purposes at Annex A.

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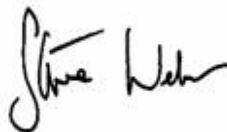
As you are aware, the Government has decided that it would not be appropriate to place a new duty on local authorities/devolved administrations in respect of the new provision you are planning. You need to be able to flex the provision in a way that is suitable and appropriate to meet the needs of your local communities.

However, whilst we do not want or expect you to replicate the current scheme in either whole or part, it is incumbent upon me to say that it is the intention of the Government that the funding is to be used to provide the new provision. Whilst the Government recognises the difficulties relating to the boundary between providing financial support and social services, we expect the funding to be concentrated on those facing greatest difficulty in managing their income, and to enable a more flexible response to unavoidable need, perhaps through a mix of cash or goods and aligning with the wider range of local support local authorities/devolved administrations already offer. In short, the funding is to allow you to give flexible help to those in genuine need.

I would add that spending decisions are, and will continue to be, a matter for local authorities and the Government does not intend to start placing restrictions on any future decisions they may make on funding.

Funding transfer details.

Southampton	
<b>Local Authority:</b>	Southampton
<b>2012/13</b>	
Set-up funding	£5,401
<b>2013/14</b>	
Programme funding	£540,104
Administrative funding	£114,128
<b>2014/15</b>	
Programme funding	£540,104
Administrative funding	£104,611



**STEVE WEBB MP  
MINISTER OF STATE FOR PENSIONS**

## **Annex A - Former Purpose of Community Care Grants and Crisis Loans**

**Community Care Grants** were primarily intended to help vulnerable people live as independent a life as possible in the community. They were awarded to households receiving means-tested benefits such as Jobseekers Allowance. The prime objectives were to:

- help people to establish themselves in the community following a stay in institutional or residential care;
- help people remain in the community rather than enter institutional or residential care;
- help with the care of a prisoner or young offender on release on temporary licence;
- ease exceptional pressures on families e.g. the breakdown of a relationship (especially if involving domestic violence) or onset of a disability, or a calamity such as fire or flooding;
- help people setting up home as a part of a resettlement programme following e.g. time in a homeless hostel or temporary accommodation; or
- assist with certain travelling expenses e.g. for funerals of a family member or hospital visiting.

**Crisis Loans** were intended for applicants who are unable to meet their immediate short term needs in an emergency or as a consequence of a disaster. They were awarded for immediate living expenses in order to avoid serious damage or risk to the health or safety of the applicant or a member of the family.

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# Agenda Item 11

<b>DECISION-MAKER:</b>	CABINET COUNCIL
<b>SUBJECT:</b>	SOUTHAMPTON YOUTH OFFENDING SERVICE YOUTH (YOS) ANNUAL YOUTH JUSTICE PLAN 2012/13
<b>DATE OF DECISION:</b>	16 OCTOBER 2012 14 NOVEMBER 2012
<b>REPORT OF:</b>	CABINET MEMBER FOR COMMUNITIES
<b>STATEMENT OF CONFIDENTIALITY:</b>	
Not applicable.	

## **BRIEF SUMMARY:**

This is the first Southampton Youth Offending Service (YOS) Youth Justice Strategic Plan following disaggregation of Wessex Youth Offending Team (YOT), from 1 April 2012. The full report is attached to this paper.

The YOS is a multi professional service hosted by the City Council but consisting of staff and resources from Children Services, Police, Probation, and Health, and supported by volunteers.

The YOS Manager reports to a Management Board with representatives from all the partners and supported by the Youth Justice Board.

The Plan is required by the Ministry of Justice to be produced on an annual basis, and to be submitted to the Youth Justice Board.

The YOS Youth Justice Strategic Plan is on the Forward Plan to go through Cabinet on 16 October 2012 and then full Council in 14 November 2012. Prior to this it will be widely consulted upon with partners within the Management Board.

The Plan contains:

- A resume of the work to date, undertaken as part of Wessex Youth Offending Team.
- Performance data, including comparisons with our statistical neighbours.
- Priorities, agreed by partner agencies, for 2012/13,
- Future challenges for the coming year.

## **RECOMMENDATIONS:**

### **CABINET:**

- (i) To endorse the Southampton Youth Offending Service Annual Youth Justice Plan 2012/13 and to recommend its approval to Council on 14<sup>th</sup> November, 2012, as set out in Appendix 1.

### **COUNCIL:**

- (i) To approve the Southampton Youth Offending Service Annual Youth Justice Plan 2012/13, as set out in Appendix 1.

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

1. The Youth Offending Service is required to publish a Youth Justice Strategic Plan in line with the Crime and Disorder Act, 1998, Part iii, Section. 40.

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

2. The Southampton Youth Offending Service Plan is the first of its kind following on from last year's Wessex YOT plan. The Plan sets out the local and national context and also an agreed set of priorities based on previous performance, partners' priorities, and a series of recommendations from the outcome of the 2011 inspection of Wessex YOT.
3. The Plan has been subject to extensive preliminary consultation including:
  - Partner agencies – priorities agreed.
  - Lead Member for Communities.
  - Youth Justice Board Local Partnership Delivery Lead.
4. Youth Justice Board Guidance prescribes that Youth Justice Strategic Plans include and consider:
  - Structure and governance.
  - Resources.
  - Partnership arrangements.
  - Risks to future delivery.
5. This Plan meets those requirements identified by the Youth Justice Board. For 2012 to 2013, six strategic priorities have been identified.
6. **Priority one**

Strive to improve outcomes for young people against the three national indicators for Youth Offending Teams, which are; reducing reoffending rates, reducing custodial sentencing and reducing the number of first time entrants to the youth justice system.

Southampton YOS will:

  - Provide services that continue the downward re-offending trend for Southampton young people through the delivery of effective offending behaviour interventions.
  - Work with the Courts and others to improve sentencing outcomes for young people by promoting the effective use of our offending behaviour programme as an alternative to custody.
  - Work in partnership with Hampshire Constabulary and other stakeholders to prepare for the newly elected Police and Crime Commissioner (November 2012) to ensure that YOS crime prevention work with young people is properly resourced and maintained and funding streams identified.
7. **Priority two**

Implement the changes necessary to ensure an effective service response to the Legal Aid, Sentencing and Punishment of Offenders Act.

Southampton YOS will:

- Increase its focus on restorative justice through staff and volunteer recruitment, training and development.
- Prepare for the delegation, from the Youth Justice Board to Southampton, of the cost of placing young people in the secure estate through the implementation of the youth remand order.
- Continue to work with partners to promote, deliver and monitor effective community resolutions.

8. **Priority three**

Support consistent effective practice with a strong focus on the views of young people and their families.

Southampton YOS will:

- Continue work to embed a focus upon the perspectives of young people and their parents or carers into offending behavior assessments and interventions.
- Build upon local quality assurance and 'best practice' frame works and participate in the YJB Effective Practice forum to ensure professional development across the service.

9. **Priority four**

Protect future service delivery by working with local and national partners in respect of youth justice funding provision; ensuring that the service is effective in delivering its core objectives and represents 'value for money'.

Southampton YOS will:

- Work with statutory local partners and the Youth Justice Board to identify the service budget for 2013/14.
- Develop systems to analyse the cost effectiveness of YOS interventions and to monitor patterns of offending to ensure the most effective distribution of resources.
- Explore avenues of income generation by identifying alternative sources of funding provision.

10. **Priority five**

Work with partners to contribute to the implementation of the 'Families Matter' programme in Southampton. Within Southampton, the national government Troubled Families Programme is known as Families Matter

Southampton YOS will:

- Ensure that Southampton YOS priorities in respect of reducing in re-offending; increasing education access and engagement and providing effective parenting interventions align with the Southampton 'Families Matter' implementation strategy.

11. **Priority six**

Continue to work to improve outcomes for young people receiving custodial sentences.

Southampton YOS will:

- Continue to contribute to the Wessex Resettlement Consortium, working with regional and national partners as part of that forum.
- Continue to strengthen links with the secure estate to ensure a seamless transition from custody to community for Southampton young people.
- Work with the local service provider to ensure that Southampton young people get maximum benefit from the 'Next Steps' resettlement project.
- Work with Southampton Children's Services Safeguarding Division to ensure that local authority responsibilities in respect of the Visits to Former Looked After Children in Detention (England) Regulations 2010 are met.

**RESOURCE IMPLICATIONS:**

**Capital/Revenue:**

12. The YOS core budget has been agreed for 2012/13 and is summarised in the Plan. There are no further financial implications regarding the endorsement of the Plan.

**Property/Other:**

13. In April 2012, the YOS co-located with Pathways Care Leavers Service. Property costs are addressed within the YOS budget. There are no further financial/asset implications regarding the endorsement of the Plan.

**LEGAL IMPLICATIONS:**

**Statutory power to undertake**

14. All Youth Offending Services are required to submit a Youth Justice Strategic Plan to the Youth Justice Board and Ministry of Justice, and the Plan needs to be endorsed by full Council (Crime and Disorder Act, 1998, Part iii, Section 40).

**Other Legal Implications:**

15. In September 2011 the Government passed the Police Reform and Social Responsibility Act. This Act included legislation that replaces Police Authorities with directly elected Police and Crime Commissioners (PCCs). On 15 November 2012, the people of Hampshire, Southampton, Portsmouth and the Isle of Wight will go to the polls to vote for one person to oversee policing, a Police and Crime Commissioner for Hampshire. The PCC will take office on 22 November 2012. Preparation for this change is a YOS priority detailed in the Plan (Strategic Priority One).



16. The Legal Aid, Sentencing and Punishment of Offenders Bill is due to be enacted in winter 2012. A function of this Act will be to devolve budgetary responsibility for secure juvenile remands from the Youth Justice Board to local authorities. Preparation for this change is a YOS priority detailed in the Plan. The YOS Manager is liaising with the YJB regarding a briefing for Southampton Children's Services management (Strategic Priority Two).

**POLICY FRAMEWORK IMPLICATIONS:**

17. The SYOS Plan links with a range of other partner plans including:
- Health and wellbeing strategy, including teenage pregnancy, sexually transmitted diseases, substance misuse.
  - Integrated Offender Management involves Probation, Police, other Hampshire LAs, Community Safety Partnerships, Prison Service, Local Criminal Justice Boards.
  - Safe City Partnership Plan.
  - Southampton Prevention Strategy.

<b>AUTHOR:</b>	Name:	Lesley Hobbs	Tel:	023 8083 4120
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**KEY DECISION?** No

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

**Appendices:**

1.	Southampton Youth Offending Service Youth Justice Strategic Plan 2012/13
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**Documents In Members' Rooms:**

1.	None
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**Integrated Impact Assessment**

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

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

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.	None	
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## **Youth Justice Strategic Plan 2012–13**

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Section 6: Structure and governance	17
Section 7: Contribution to Partner's Strategies	19
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## FOREWORD

We are really pleased to be able to present you with the first Youth Justice Strategic Plan for Southampton Youth Offending Service. The City welcomes the Youth Offending Service into the heart of our services for children, young people and their families. The service is an excellent example of how partners from a range of agencies and the voluntary sector commit to a common goal of diverting young people who find themselves caught up in offending behaviour, to be successful members of their communities.

The plan details the priorities that partners have agreed to work on together to reduce the number of young people who commit crimes, and when this has already happened make sure that they do not go on to become serial offenders.

The Youth Offending Service works with some of our most challenging and disaffected youngsters, and prevention work with young people is a particular area of success within the city. Southampton Youth Offending Service is well placed to influence the development of strategy for prevention and to have the benefit of a range of targeted services to support reducing youth crime.

Co-location with Pathways, the City's leaving care service, presents clear opportunities for building upon local strengths and to look at essential service developments.

The OFSTED inspection of Southampton's Safeguarding and Looked After Children services in May 2012 noted that:

*Multi-agency actions to prevent young people looked after offending and reoffending are improving and the youth offending service was recently co-located with the prevention and inclusion services. Restorative justice approaches are used extensively by the youth offending service with cross agency commitment to early detection of risk and preventative approaches which include the police, education, social care, youth intervention and the voluntary sector. Young people are no longer prosecuted for minor offences in children's homes or whilst in foster care. Diversionary activities are increasingly used by the youth intervention and youth justice services to divert young people from criminal activities. The percentage of children and young people looked after cautioned or convicted has reduced steadily over the last three years, but continue to be higher than in similar areas.*

The Service will experience a range of challenges this year, including The Legal Aid, Sentencing and Punishment of Offenders Act due in the autumn and the new Police Crime Commissioner due to be elected in November. The team has shown itself more than capable of managing change whilst continuing to improve performance.

We would particularly like to thank Sue Morse, the Youth Offending Service Manager who has led the team through the period of disaggregation but is now unfortunately unwell. Our thoughts are with her.

On behalf of the Management Board we are pleased to endorse the Southampton Youth Justice Strategic Plan for 2012 – 13 and look forward to another exciting and successful year.

**Lesley Hobbs**  
Chair, Southampton YOS Management Board

**Councillor Jacqui Rayment**  
Cabinet Member for Communities

# 1. SETTING THE SCENE: NATIONAL AND LOCAL CONTEXTS

## National context

1.1 Throughout 2011-12 there were significant structural changes at a national level including debate about the existence and the role of the Youth Justice Board (YJB). The Ministry of Justice continues to sponsor the YJB, which maintains a discreet focus on youth justice and continues to provide national support and overall performance monitoring against the three national indicators.

1.2 In March 2011 the previous six youth justice national indicators (NI) came to an end. The Government's response to the Green Paper 'Breaking the Cycle' signals a move towards a risk-based monitoring programme, centred on three key outcome measures:

- Reducing the number of first time entrants (FTE) to the youth justice system: these are classified as young people living in England and Wales who receive their first reprimand, final warning or conviction based on data gathered by the Police.
- Reducing reoffending: again this measure is derived from the Police and determines the frequency of offending for young people.
- Reducing custody numbers: this explains the rate of custodial disposals per 1000.

These indicators are applied to all Youth Offending Teams within the country and are nationally determined.

## Local context

1.3 Southampton – key facts:

- Southampton is the second largest city in the South East with a population of 239,700 of whom there are 38,300 children under 16 and there are 170,200 16 - 64 year olds - 71% of total population.
- There are 15,000 residents living in the City's top 5 priority neighbourhoods (Local Super Output Areas).
- The number of residents with an ethnic origin other than White British is 27,600.
- Southampton has two universities serving a student population of 43,400.

Southampton is a diverse City; in 2007 it was estimated that 17.3% of residents were of an ethnic group other than White British compared to 16.4% nationally. This is a higher proportion than in most of the cities considered 'most similar' to Southampton. The annual school census in the City in 2010 revealed that 26.4% of pupils were from an ethnic group other than White British compared to a national average of 22.4%.

The number of pupils whose first language is not English has risen from 8.4% in 2007 to 12.7% in 2010 with 54 languages other than English spoken in city schools. In 2007 there were 427 pupils whose first language was Polish by 2010 this had risen to 902.

The age profile of the city is that 22.1% of the population is under 19 years old. See Table 1.

Age	Number	Percentage
Total	239,700	100%
Aged 16 - 64	170,600	71.2%
Aged under 1 year	3,200	1.3%
Aged 1 - 4 years	11,300	4.7%
Aged 5 - 9 years	10,800	4.5%
Aged 10 - 14 years	10,600	4.4%
Aged 15 - 19 years	17,300	7.2%

Source: ONS Mid Year Estimates 2010.

## Education

In Southampton there are 81 schools, three colleges and two universities. Since 2006, all four key educational outcomes have improved.

**Early Years Foundation Stage** provisional data shows that in Southampton there has been a 0.7% increase in the number of pupils who achieved 78 points across the foundation stage including 6+ in PSE and CLL (a good level of development) from 55.6% in 2011 to 56.3% in 2012. Provisional data indicates a challenge remains for Southampton as nationally there has been a 5% improvement from 59% in 2011 to 64% in 2012.

**Key Stage 1 (7 year olds)** data shows an increase of 1.8% in Reading (2011 85.6% - 2012 87.4%), 0.1% in Writing (2011 83.2% - 2012 83.3%) and 0.1% (2011 91.1% - 2012 91.2%) in Maths provisionally this year. National performance (Reading 87%, Writing 83%, Maths 91%) has drawn level with Southampton achievements in 2012.

**Key Stage 2 (11 year olds)** provisional data (after provisional amendments for discounted pupils or appeals have taken place) shows that the pupils achieving L4+ in English and Maths increased by 5.0% from 72.4% in 2011 to 77.4% in 2012. Provisional data indicates a challenge remains for Southampton as nationally there has been a 6% improvement from 74% in 2011 to 80% in 201

**Key Stage 4 (16 year olds)** the percentage of children achieving 5 or more A\*- C grades in GCSE including English and Maths has improved between 2005 (34.6%) and 2011 (51.7%) has been 2.9% faster than the national rate of improvement from 2005 (44.7%) to 2011 (58.9%). In the City, 68% of schools had increases in the percentage of pupils achieving the expected Level 4+ in English and Maths. In 2012 provisional data indicates a 2.5% increase from 51.7% in 2011 to 54.2 in 2012. Currently National data is not available for comparison

**Key Stage 5 (18 year olds)** provisional data indicates that 98% of Level 3 entries (A\* to E at A-Level or equivalent) within Southampton passed. This result is in line with National data that indicates 98% of A-level entries achieved a grade A\* to E.

## Crime

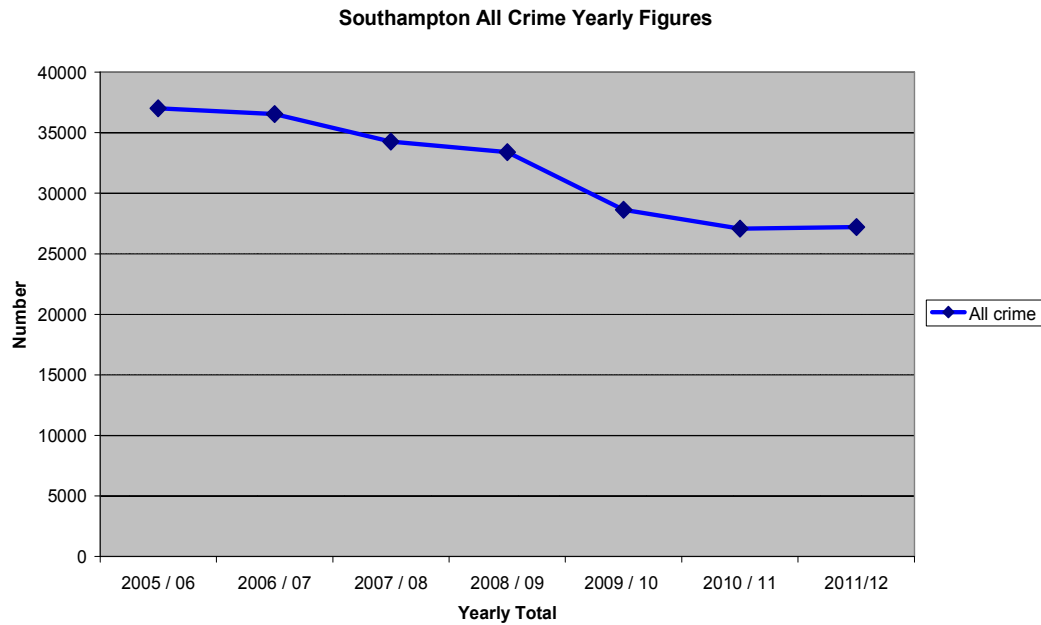
In 2011 there continued to be a positive downward trend for most crime types including reductions in repeat incidents of domestic violence, night-time economy violent crime and youth offending.

The five year trend of year-on-year reductions in All Crime (the total level of crime recorded in the City) plateaued in 2011 with an increase of 0.5%. This means crime did not significantly increase over the last year but over a five year period crime in Southampton has dramatically decreased. In the context of a five year pattern there were 37,004 crimes reported in Southampton in 2006 and 27, 214 crimes reported in

2011. The fall in crime over the last five years and the recent plateau of crime levels locally seems to reflect a national position.

A rise of 7.2% in reported incidents of anti-social behaviour in Southampton appears to be inconsistent with national and county trends. This is attributed to a small number of perpetrators who are well known to agencies rather than evidence of a substantive adverse change at this stage. Nevertheless this remains a priority area for the Safe City Partnership of which the YOS is a contributor.

The overall crime figures for the City is set out in Table 2, which illustrates an overall reduction in crime from 2005 to 2011.





## 2. SOUTHAMPTON YOUTH OFFENDING SERVICE PRIORITIES 2012 – 13

- 2.1 Wessex Youth Offending Team formally disaggregated in April 2012. As a standalone service, Southampton Youth Offending Service was co-located with the city's care leaver's service, Pathways, in a city centre base. SYOS continues to work collaboratively with its Hampshire counterparts in a number of areas; notably providing a service for West Hampshire Magistrates and Southampton Crown Courts and participating in the Wessex Resettlement Consortium. This has the aim of improving outcomes for young people leaving custody (although Southampton now has its own resettlement service).

Southampton Youth Offending Service sits within Children's Services and Learning but works with a wide range of partners. There is representation on the Management Board from all local statutory partners. In July 2012, the Management Board signed off the completion of the Southampton Improvement Plan, after the inspection of Wessex Youth Offending Team in May 2011. Looking forward, disaggregation provides clear opportunities for the service to contribute distinctly and effectively to the city's wider corporate strategy. Consequently, the strategic priorities for 2012 - 13 will align with the multi-agency implementation plan in respect of the 685 families in the City that meet the criteria for the Families Matter Programme<sup>1</sup>.

- 2.2 The Youth Offending Service has six priorities for 2012 – 13

### Priority one

*Strive to improve outcomes for young people against the three national indicators for Youth Offending Teams, which are; reducing reoffending rates, reducing custodial sentencing and reducing the number of first time entrants to the youth justice system.*

Southampton Youth Offending Service will:

- Provide services that continue the downward re-offending trend for Southampton young people through the delivery of effective offending behaviour interventions.
- Work with the Courts and others to improve sentencing outcomes for young people by promoting the effective use of our offending behaviour programme as an alternative to custody.
- Work in partnership with Hampshire Constabulary and other stakeholders to prepare for the newly elected Police and Crime Commissioner (November 2012) to ensure that YOS crime prevention work with young people is properly resourced and maintained and funding streams identified.

### Priority two

*Implement the changes necessary to ensure an effective service response to the Legal Aid, Sentencing and Punishment of Offenders Act.*

Southampton Youth Offending Service will:

- Increase its focus on restorative justice through staff and volunteer recruitment, training and development.
- Prepare for the delegation, from the Youth Justice Board to Southampton, of the cost of placing young people in the secure estate through the implementation of the youth remand order.

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<sup>1</sup> Within Southampton, the national government Troubled Families Programme is known as Families Matter.

- Continue to work with partners to promote, deliver and monitor effective community resolutions.

### **Priority three**

*Support consistent effective practice with a strong focus on the views of young people and their families.*

Southampton Youth Offending Service will:

- Continue work to embed a focus upon the perspectives of young people and their parents or carers into offending behaviour assessments and interventions.
- Build upon local quality assurance and 'best practice' frame works and participate in the YJB Effective Practice forum to ensure professional development across the service.

### **Priority four**

*Protect future service delivery by working with local and national partners in respect of youth justice funding provision; ensuring that the service is effective in delivering its core objectives and represents 'value for money'.*

Southampton Youth Offending Service will:

- Work with statutory local partners and the Youth Justice Board to identify the service budget for 2013/14.
- Develop systems to analyse the cost effectiveness of YOS interventions and to monitor patterns of offending to ensure the most effective distribution of resources.
- Explore avenues of income generation by identifying alternative sources of funding provision.

### **Priority five**

*Work with partners to contribute to the implementation of the 'Families Matter'<sup>2</sup> programme in Southampton.*

Southampton Youth Offending Service will:

- Ensure that Southampton YOS priorities in respect of reducing in re-offending; increasing education access and engagement and providing effective parenting interventions align with the Southampton 'Families Matter' implementation strategy.

### **Priority six**

*Continue to work to improve outcomes for young people receiving custodial sentences.*

Southampton YOS will:

- Continue to contribute to the Wessex Resettlement Consortium, working with regional and national partners as part of that forum.

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<sup>2</sup> Within Southampton, the national government Troubled Families Programme is known as Families Matter.

- Continue to strengthen links with the secure estate to ensure a seamless transition from custody to community for Southampton young people.
- Work with the local service provider to ensure that Southampton young people get maximum benefit from the 'Next Steps' resettlement project.
- Work with Southampton Children's Services Safeguarding Division to ensure that local authority responsibilities in respect of the Visits to Former Looked After Children in Detention (England) Regulations 2010 are met.

### 3. PERFORMANCE

3.1 Southampton Youth Offending Service is working hard to improve the outcomes for children and young people in the city, thereby contributing to making Southampton a safer place. Over the past three years significant progress has been made against the national indicators:

- Re-offending by young people in Southampton has reduced by 2.5%.
- The number of first time entrants has reduced significantly by 41% endorsing the prevention work of the service.
- Although custodial sentences rose slightly in the last year, at 2.72 per 1000 10 – 17 population the figure remained within the target set by the Management Board.

3.2 This has been achieved through:

- Offering interventions to all young people receiving 147 Youth Restorative Disposals.
- Participating in the Hampshire Constabulary Scrutiny Panel which monitors the effectiveness of community resolutions, as noted in the *Swift and Sure Justice* white paper published in July 2012.
- Offering interventions to 59 parents; including 22 statutory Parenting Orders (doubling the figure from the preceding reporting year).
- Developing the risk taking behaviour and victim awareness components of its offending behaviour programme to better meet the needs of children at risk of higher level offending.
- Developing its practitioner forum for discussing sentencing recommendations in order to develop practice across the team.
- Introducing compliance meetings to increase the number of young people successfully completing statutory orders.
- Restructuring the offending behaviour programme to include a wider level of content; clearly defined learning outcomes for every component and a process for evaluating young people's learning.
- Beginning to participate in the Youth Justice Board's education and effective practice forums.
- Forging links with the local business community to run sessions around the impact of offending against corporate victims with young people.

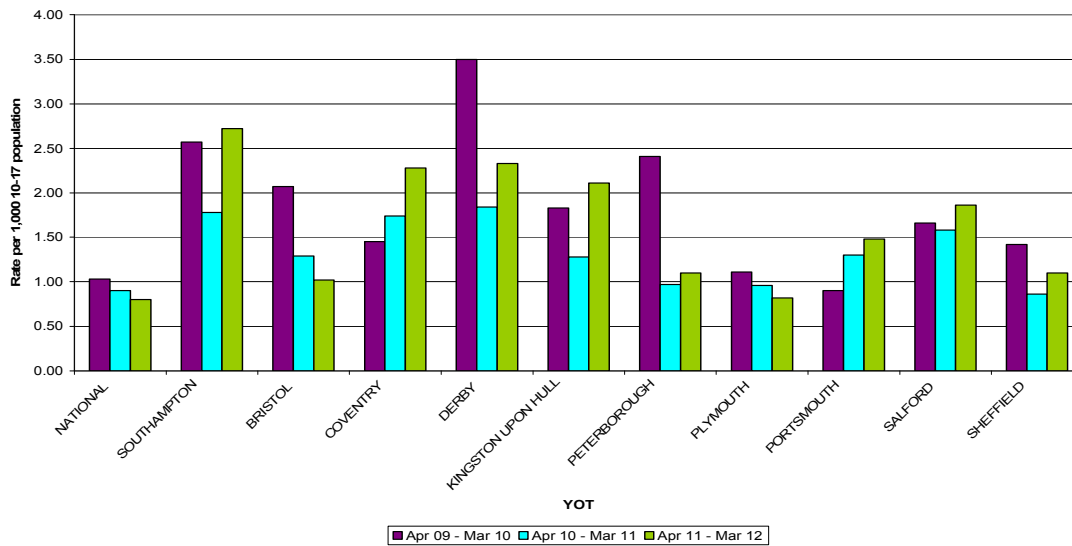
The performance of the service is compared with statistical neighbour Youth Offending Teams and the Core Cities in the following tables.

#### **Reducing custody**

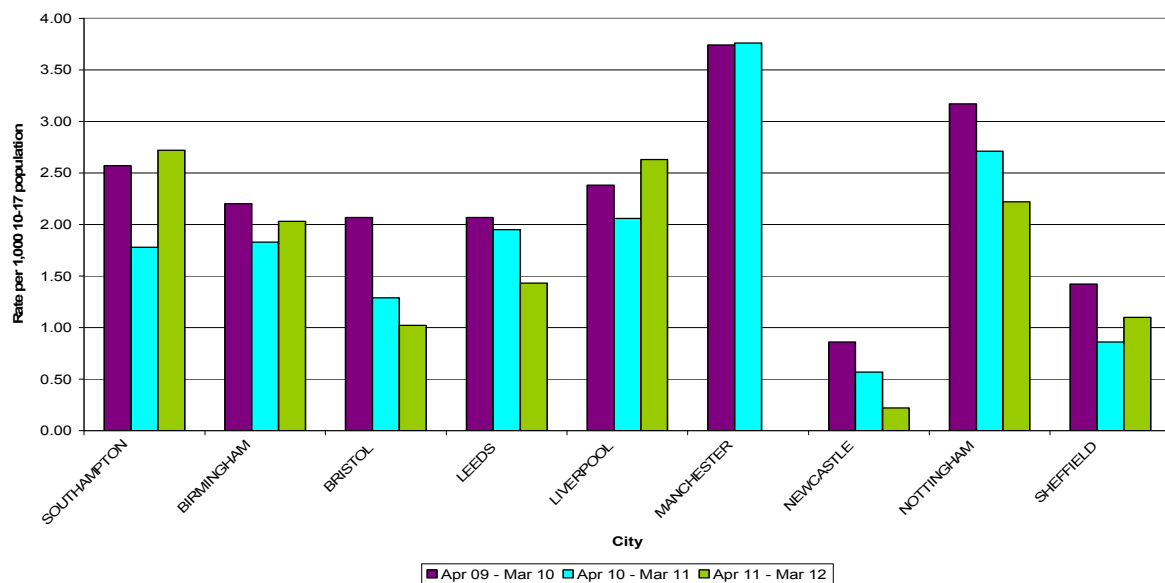
Reducing custody for young offenders is one of the remaining national performance indicators. Reducing custody is measured per 1000 young people, 10 – 17 population. The data below shows custody performance over the last three year period between April and March.

The Youth Offending Service works to promote community sentences whenever possible and in 2010 / 11 achieved some success, with the local custody rate falling from 2.57 to 1.78 per 1000 young people aged 10 – 17. In the last year the rate rose, principally due to a number of young people being jointly sentenced to custody in respect of serious matters. Southampton’s custody rate April 2011 – March 2012 was 2.72 per 1000 young people aged 10 – 17, in comparison with a national figure of 0.80 for that period. Seven of Southampton’s comparator YOTs also saw an increase in the use of custody during this period; in comparison with the previous year.

### Southampton and comparator YOTs



### Southampton and Core Cities



## Areas for development 2012 – 13

Southampton Youth Offending Service will:

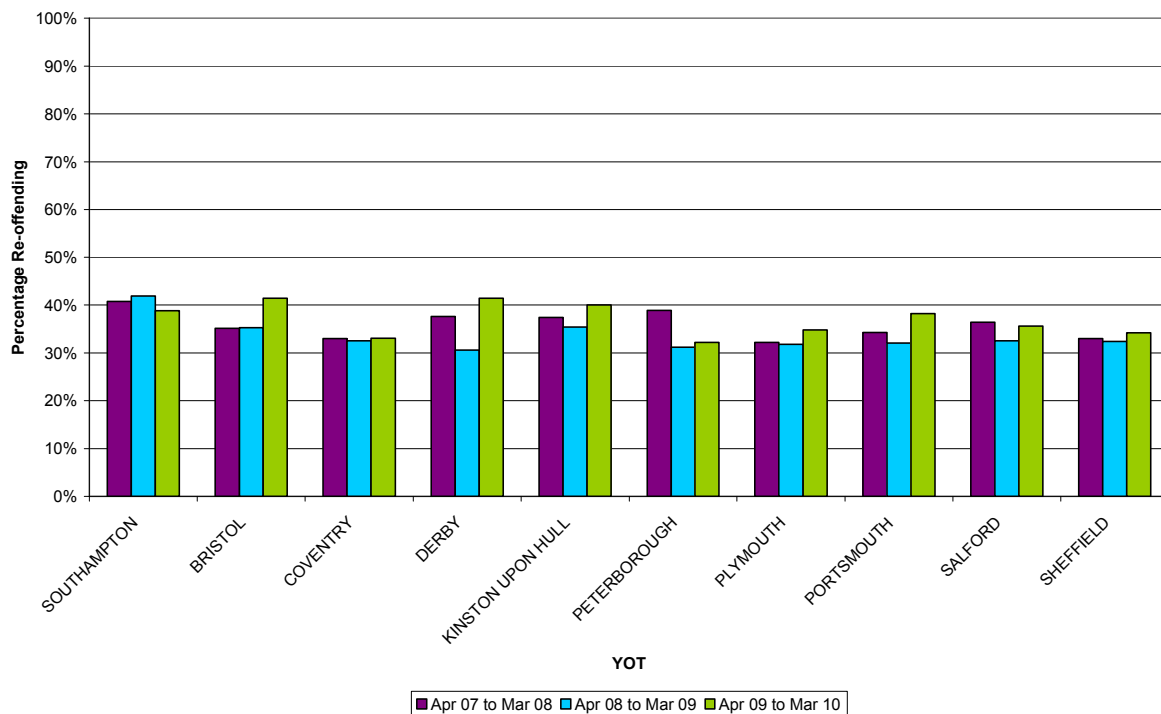
- Develop quality assurance systems for evaluating the effectiveness of pre-sentence reports and looking at 'lessons learnt'.
- Develop preventative strategy by analysing offending behaviour trends and responding to areas of need through the development of its offending behaviour programme.
- Review restorative justice systems and developing more effective processes in the community and in custody.

### Reducing re-offending

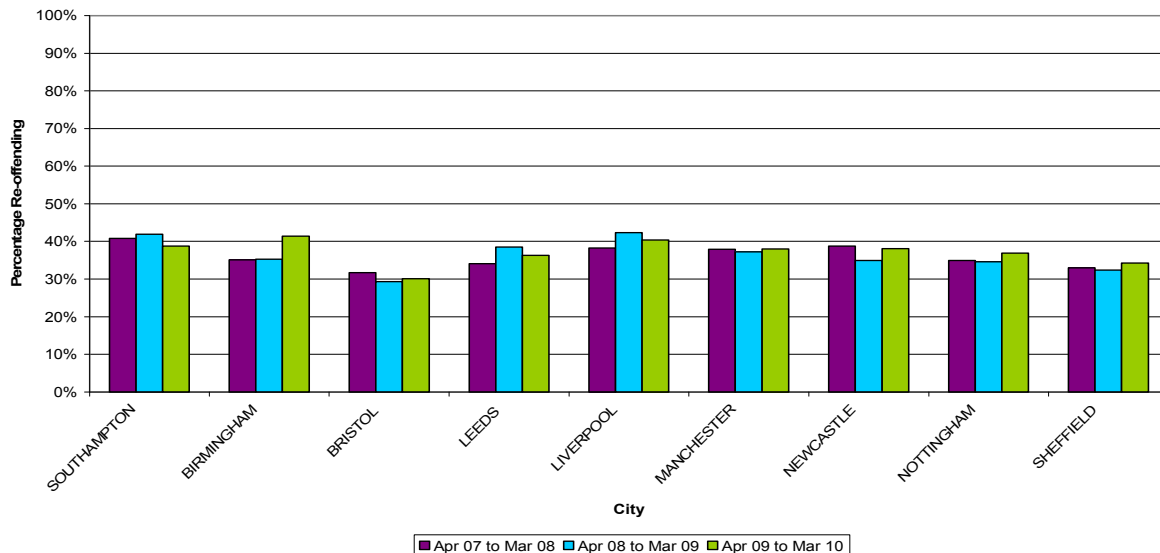
This is the second of the national performance indicators. Re-offending data is drawn from the Police National Computer (PNC). A 12 month rolling cohort, starting every quarter, measures the number of re-offenders that re-offend and the number of re-offences they commit, over the following 12 month period. The methodology is identical to that used for adult offenders and relates all young people in the cohort who have received a substantive pre-court or court disposal.

The data below covers the three year period: 2007 – 2010 (April to March). For the final year, April 2009 – March 2010, the national figure for re-offending was 34.1%. Southampton's re-offending rate for this period was 40.4%. This is higher than six of its comparator YOTs and four core cities. However, eight of the cities below experienced an upward re-offending trend. Conversely, and positively, Southampton's re-offending rate reduced by 2.5%.

### Southampton and comparator YOTs



## Southampton and Core Cities



## Areas for development 2012 – 13

Southampton Youth Offending Service will:

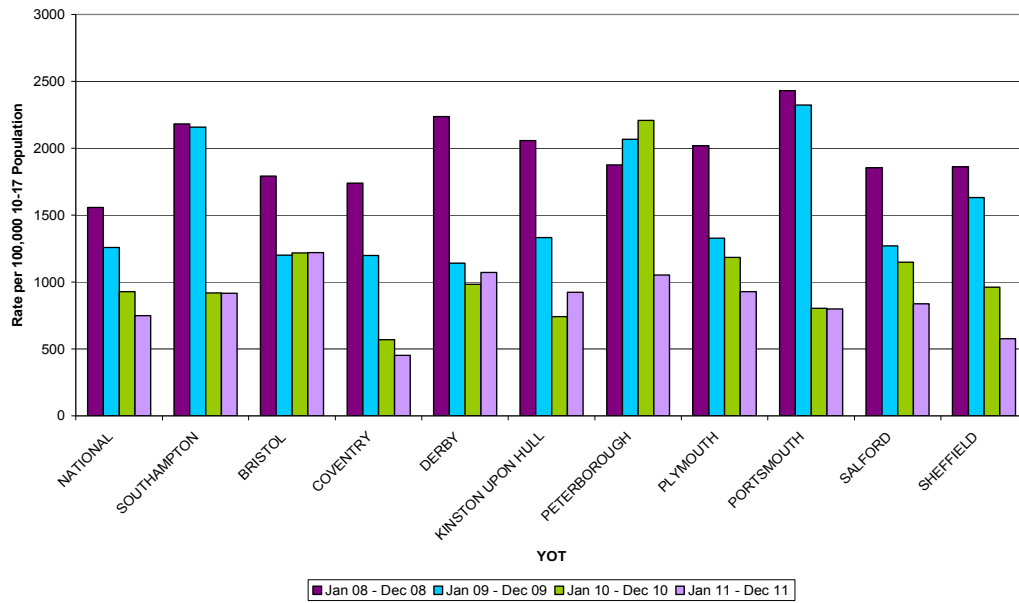
- Undertake further analysis of offending risk/needs to better target resources and develop interventions.
- Develop a system of multi-agency, enhanced planning meetings to co-ordinate approaches in respect of young people posing the highest risk of re-offending.
- Develop links with the Victim Support service in order to better address victim needs and enhance consideration of victims in YOS Risk Assessments and Plans.

## Reducing first time entrants

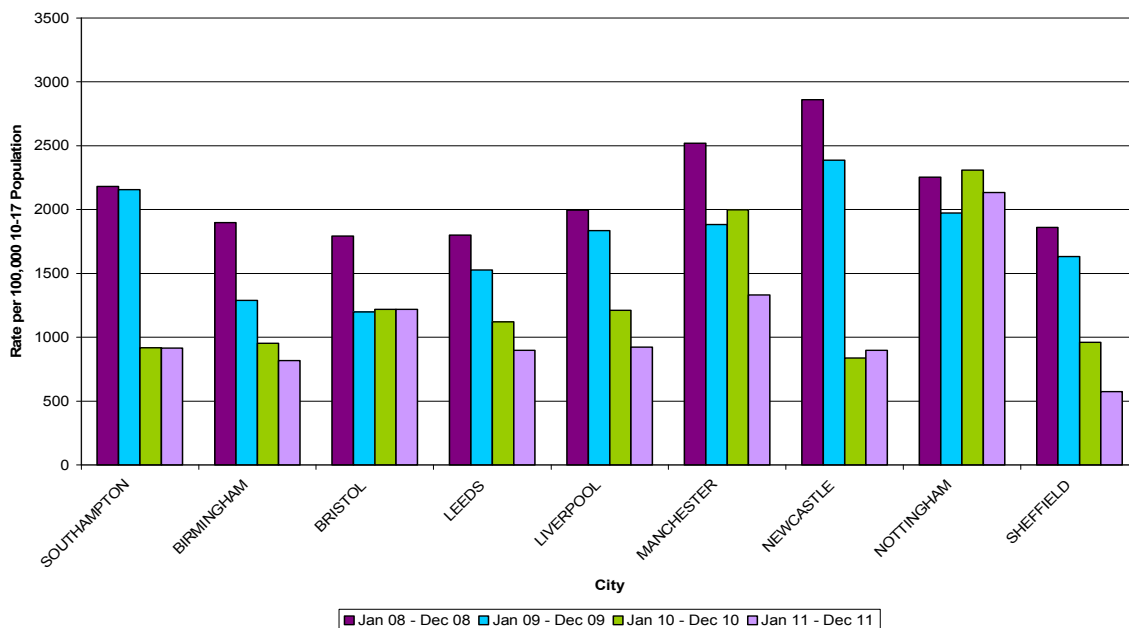
This is the third national performance indicator. First Time Entrants (FTE) data is again drawn from the Police National Computer – the graph displays the number of FTEs as a rate per 100,000 young people (10 to 17 years). It uses population data taken from the Office of National Statistics mid year estimates. The data set covers January – December for a three year period. The cohort represents young people who have received a first ‘substantive outcome’ in the period i.e. Reprimand, Final Warning or court outcome.

In 2009, Southampton received Youth Crime Action Plan Funding to address first time entrants to the Youth Justice System. The successful delivery and completion of Youth Restorative Disposals in Southampton significantly impacted upon the rate of first time entrants in the city in 2010, in comparison with the previous year. As systems have become embedded, the figures for Southampton in 2011 indicate a much less pronounced trend, but the rate has reduced further, nevertheless.

## Southampton and comparator YOTs



## Southampton and Core Cities



## Areas for development 2012 – 13

Southampton Youth Offending Service will:

- Increase the remit of restorative justice work to ensure that more young people who receive YRDs engage in meaningful reparative activity.
- Develop an enhanced engagement strategy to make sure that the maximum number of young people work with the service at prevention stage.
- Performance monitor prevention exit-planning to ensure a consistent approach that includes, where appropriate, referral into the team around the child process.



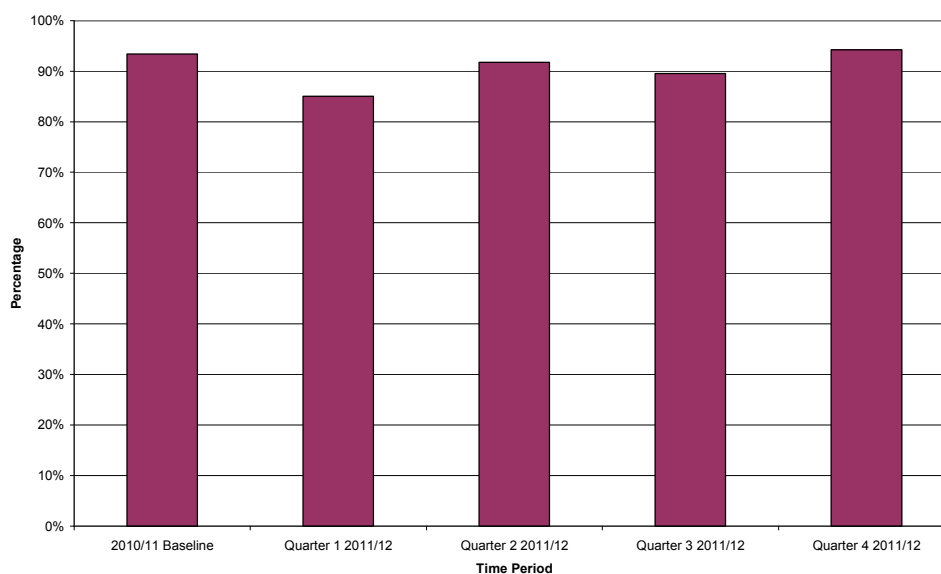
3.3 To maximise the opportunities for children and young people in Southampton, performance indicators of accommodation suitability and access to education provision were retained locally and performance is reported to the Management Board.

In 2012 – 13 Southampton Youth Offending Service will aim to achieve:

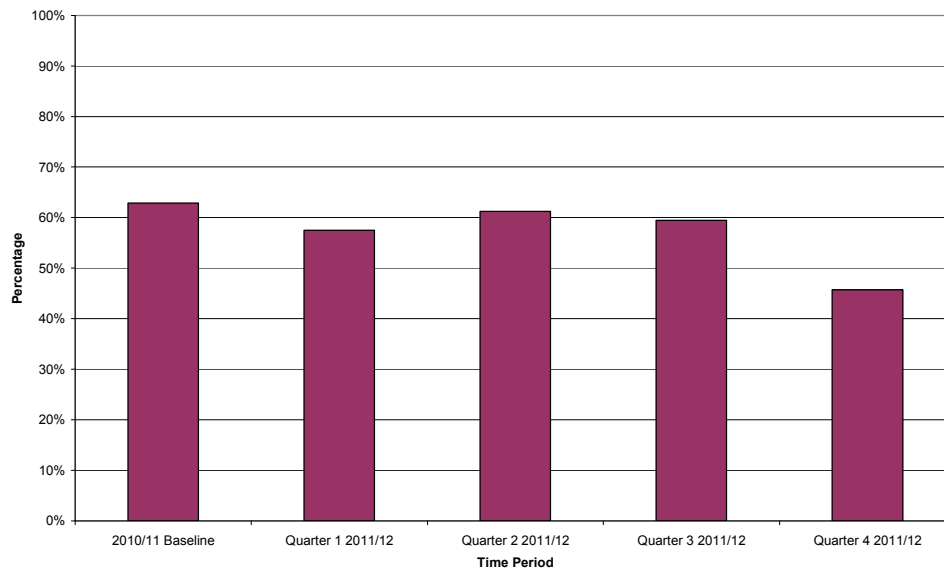
- 95% of young offenders in suitable accommodation.
- 75% of young offenders in full time education, training or employment. To achieve this, the Youth Offending Service will:
  - Build upon links with Southampton Prevention and Inclusion Services to develop an effective forum to discuss young people not in education, training or employment.
  - Work with partners within the remit of the Next Steps resettlement programme, with particular emphasis upon increasing education and employment opportunities, in order to respond to the needs of young people leaving custody.

Service performance against these local indicators in 2011 – 12 is shown below. In 2012 – 13, further performance indicators will be developed to monitor: the level of educational attainment for school age children subject to Youth Offending Service interventions; re-offending rates in respect of children looked after; the cost effectiveness of Youth Offending Service interventions.

#### Accommodation Suitability 2011 – 12



## Education, Training Order Employment 2011 – 12



## 4. RESOURCING

### Funding contributions

Partner Contributions	Contribution to YOS Budget
Southampton City Council	£616,900
PCT	£57,000
Probation	£81,000
Police	£68,800
Police Authority	£16,200
Youth Justice Board	£295,300
Total	£1,135,200

### Southampton Youth Offending Service Disposals 2011 – 12

Formal interventions	No.	% of Total	Young People
Prevention (Youth Restorative Disposals)	147	24	144
Final Warning Interventions	68	10	67
1 <sup>st</sup> Tier sentences (Referral and Reparation Orders)	143	22	135
Community Sentences (All other Community Sentences)	228	36	132
Custodial sentences	49	8	39
Total	635	100	517

Post disaggregation from Wessex Youth Offending Team, the 2012 - 13 reporting period represents the first year in which there is a distinct Southampton Youth Offending Service budget. As a result of disaggregation, the service has been restructured to meet the needs of Southampton and the team has been relocated to a city centre site. The budget has been constructed in line with these developments.

Prevention work has positively impacted upon first time entrants statistics in Southampton and the number of final warnings in the next tier has also reduced in comparison with 2011 - 12 indicating the importance of early intervention work in Southampton. First Tier work has reduced slightly in comparison with the previous year. The number of community orders reduced in 2011 - 12 although, conversely, custodial sentences increased.

It has been possible to identify the level of required contact for the first three months of Youth Offending Service supervision in respect of 95 Referral Orders and 138 Youth Rehabilitation Orders imposed in 2012 – 13. The level of contact is prescribed by the Youth Justice Board and determined through the assessment of a young person's risk of re-offending and harm; with the young people that pose the most risk receiving a higher level of intervention.

Levels of standard and enhanced contact for the young people subject to Referral Orders are comparable, indicating the degree of intervention that some Referral Orders can require. The requirement for enhanced contact clearly increases within the Youth Rehabilitation Order cohort, with 21 cases requiring a contact level of 12 contacts per month or higher.

<b>Order</b>	<b>Standard (2 x per month)</b>	<b>Enhanced (4 x per month)</b>	<b>Intensive (12 x per month)</b>	<b>Daily</b>	<b>Total</b>
Referral Order	49	46	-	-	95
Youth Rehabilitation Order	10	107	17	4	138

The Youth Offending Service is involved with the Youth Justice Board National Standards pilot. This will assess the impact of a less prescriptive, risk based approach to case management. Caseloads in Southampton have increased in the past 12 months and, consequently, the pilot is likely to have practical implications in respect of how the Youth Offending Service targets its resources.

## 5. RISKS TO FUTURE DELIVERY

- 5.1 The principal risk to future service delivery is a decrease in funding, given the likelihood of further public sector funding reductions impacting upon the youth justice sector. Furthermore, the revised Youth Justice Board grant formula; from which Southampton Youth Offending Service may have benefitted; will not be used in respect of the 2013 - 14 grant.

The devolution of remand budgets to local authorities, as a result of the impending Legal Aid, Sentencing and Punishment of Offenders Act, will also require pro-active management; as will the bid for consideration by the newly elected Police and Crime Commissioner in respect of supporting early intervention work in Southampton. The Youth Offending Service strategic priorities for the coming year serve to address these potential risks.

Rationalisation in the face of budget reductions is also a key consideration from a local authority perspective. Within Southampton City Council, the Change Programme aims to:

- Reduce costs significantly.
- Transform working practices.
- Tackle inefficiency, waste, unproductive processes and bureaucracy.
- Improve the tools that allow work to be done well.
- Be focused on customers.
- Be focused on outcomes.
- Be deliverable.
- Be planned and allow the Council to know it is succeeding in its goals.
- Join up with other projects wherever possible.

In 2012 – 13 Southampton Youth Offending Service will develop its local performance indicators to ensure that the cost effectiveness of the service is being robustly reviewed.

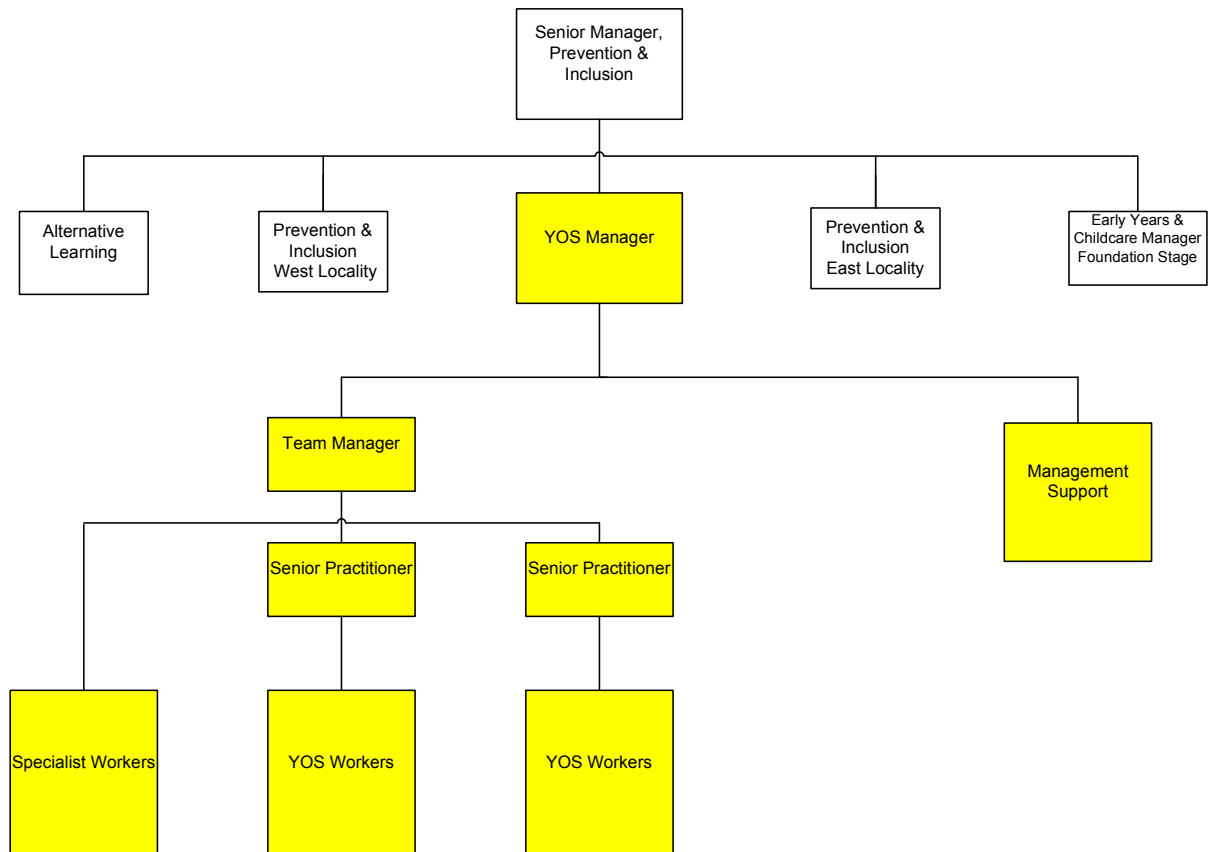
Regarding wider risk factors, the unexpected illness of the Youth Offending Service Manager is being carefully managed by the Youth Offending Management Board; with the head of the board offering an enhanced level of support to the team manager who is covering the service manager role on a temporary basis.

Regarding service performance, the risk that custodial sentences may further increase is reflected in the strategic priorities and addressed through an operational focus on ensuring that more robust community alternatives are available and more widely utilised in the city.

The National Standards pilot is likely to impact upon service delivery and will therefore be managed carefully with the development of a system of management oversight and review; in order to support staff and to monitor practice. The wider implications of Legal Aid, Sentencing and Punishment of Offenders Act in respect of changes to out of court disposals is also acknowledged by the service and is reflected in its training plan for the coming year.

## 6. STRUCTURE AND GOVERNANCE

6.1 The Youth Offending Service sits within the prevention and inclusion strand of Southampton City Council Children's Services. However, the team is multi-disciplinary with each statutory partner contributing staff. There are 21 full time and 6 part time members of staff within the team. Youth Offending Service Officers are seconded from Southampton City Council and Hampshire Probation Trust. Specialist workers included a seconded police officer, education, health and substance misuse workers. The position of Southampton Youth Offending Service within Children's Services supports its early intervention work and maximises the opportunities for improving outcomes for children and young people through wider service access.



6.2 The Management Board is chaired by the Southampton Senior Manager for Prevention and Inclusion. Statutory Partners are represented by senior officers of Southampton Children's Services and Learning, Southampton Primary Care Trust, Hampshire Constabulary and Hampshire Probation Trust.

In addition, the Management Board includes representation from Housing, Community Safety and the Courts on an ad-hoc or permanent basis as mutually agreed. The Management Board will be linked to the relevant local authorities including Children's Trust arrangements, Local Safeguarding Children's Board, Local Criminal Justice Board and Safe City Partnership.

Further sub-groups of the Management Board may be set up from time to time and will report to the Management Board. The Board convenes on a quarterly basis.

The Management Board will oversee and contribute towards the Youth Offending Service's statutory aim of reducing re-offending. It will fulfil the requirements of the Crime and Disorder Act 1998 and YJB guidance. It will:

- Provide strategic direction and support to the YOS Manager.
- Ensure that planning is undertaken to deliver effective youth justice services that:
  - Reduce re-offending.
  - Safeguard children and young people.
  - Are informed by an analysis from various data sources that identifies the type and level of risks of children and young people who offend in their area.
- Ensure that Southampton Youth Offending Service has sufficient resources and infrastructure to deliver youth justice services in its area in line with the requirements of the *National Standards for Youth Justice Services*. In doing this, the Board will review the funding plan and the legal funding agreement on an annual basis.
- Ensure that relevant staff are seconded to the Youth Offending Service in line with the requirements of the Crime and Disorder Act 1998.
- Ensure that the Youth Offending Service has sufficient access to mainstream services provided by partners and other key agencies and, where appropriate, secure representation at the YOS Management Board to achieve this in line with S17 of the Crime and Disorder Act 1998.
- In exceptional circumstances, where consideration is being given to derogating from a particular National Standard, the relevant YJB Head of Business Area is informed of the decision, rationale and the action plan and timelines to reinstate compliance.
- The action plan must be monitored by the Youth Offending Service Management Board on a regular basis and progress reported to the YJB Head of Region or Head of YJB for Wales and YJB Head of Performance on a regular basis.
- The Management Board will agree the funding arrangement and ensure that arrangements are in place for a pooled budget.
- The Management Board will ensure that Information is exchanged between partner agencies in line with relevant legislation and in particular the Crime and Disorder Act 1998.
- The Management Board will receive quarterly performance reports and work with the Youth Offending Service Manager to improve and sustain performance and quality standards.
- The Management Board will receive reviews of serious incidents (as defined by the YJB).

## 7. CONTRIBUTION TO PARTNERS' STRATEGIES

### 7.1 Health and Wellbeing strategy

The purpose of the Joint Strategic Needs Assessment (JSNA) is to help professionals, services and communities to improve the health and wellbeing of Southampton's population through clearly identifying local needs. "Gaining Healthier Lives in a Healthier City" is Southampton's second Joint Strategic Needs Assessment (JSNA) and covers 2011 - 14.

Particular priorities have been identified in respect of:

- Tackling teenage pregnancies.
- Reducing sexually transmitted disease.
- Increasing numbers accessing substance misuse treatment.

Southampton Youth Offending Service contributes by:

- Identifying and raising awareness of health problems/risk behaviours within its service group.
- Promoting positive health choices through its sexual health and relationships, emotional first aid and smoking cessation work.
- Delivering brief interventions for lower level needs and delivering substance and alcohol misuse, intervention at tier two and three level.
- Referring to services where specialist assessment and treatment is required.

### 7.2 Integrated Offender Management

Integrated Offender Management (IOM) is an initiative to reduce crime and reduce reoffending by a more intensive case management approach to certain individuals. It will also provide support for those with drug and alcohol dependency linked to their offending behaviour. It aims to provide the right interventions to the right individuals at the right time through breaking the cycle of their offending behaviour. The services to address individual need include health, education, employment opportunities, housing, drug, alcohol and parenting skills programmes.

IOM involves close working between Hampshire Probation Trust, Hampshire Constabulary, Hampshire County Council, the unitary authorities of Portsmouth, Southampton and the Isle of Wight local health authorities, Community Safety Partnerships, Prison Service, Youth Offending Teams (YOT), and providers who manage outreach, engagement and specialist substance misuse advice and support.

Information sharing and communication is key to the success of IOM, with partnership working being the driving force behind the schemes across Hampshire and the Isle of Wight. Co-ordination pan-Hampshire has been led by the Local Criminal Justice Board.

IOM will focus on those repeat offenders who meet a specific criteria or pattern of behaviour and will also include designated drug and alcohol related offending. Within IOM, individuals will be offered the opportunity to receive advice and assistance to help them change their life; the aim is to stop their offending behaviour, therefore reduce crime in order to benefit the individual and our communities.

With the introduction of IOM in Hampshire and the Isle of Wight, the following offenders will be brought into the scheme: those who are arrested on four or more occasions in a three month period; those who are assessed as at risk of not complying with a Court



Order; identified Persistent and Priority Offenders (PPOs). It will also give priority to those offenders receiving a prison sentence of less than a year, who are not already under Probation supervision, with a focus particularly on high risk groups such as women, and males from a black or ethnic minority background. It will also work with the Youth Offending Teams to continue interventions for some young people whose high level of offending requires their consideration within the IOM initiative.

Southampton Youth Offending Service contributes by:

- Working with Hampshire Probation Service to ensure effective transitions for young people moving from youth to adult supervision at 18 years of age.
- Working with Hampshire Constabulary regarding the development of the seconded police officer role; in order to maximise the opportunities afforded in respect of a partnership approach to integrated offender management around monitoring, intelligence gathering and enforcement.

### 7.3 Southampton City Council Prevention Strategy

Southampton City Council's Prevention Strategy is based on four key themes and three delivery principles:

Themes:

- Entitlement of all children and young people to good quality universal services and facilitating access.
- Statutory provision.
- Early intervention.
- Transition across services

Delivery principles:

- Common Assessment Framework.
- Collective ownership.
- Workforce development.

Southampton Youth Offending Service contributes by:

- Effective preventative work is undertaken by monitoring and reviewing levels of engagement and exit strategy planning in respect of young people subject to Youth Restorative Disposals.
- Ensuring that Youth Offending Service prevention staff have completed Common Assessment Framework (CAF) training and that they participate in local 'Team around the Child' arrangements for relevant cases.
- Youth Offending Service management participation in further developing the Southampton CAF.

#### 7.4 Integration with Southampton Safe City Partnership Plan

The primary aim and core business of the Safe City Partnership is to prevent and reduce crime, anti-social behaviour, fires and road collisions across Southampton. The partnership also aims to help tackle the root causes of crime.

The Safer City Partnership priorities for 2012 – 15 are:

- Reducing crime, anti-social behaviour, fires and road collisions in strategic localities across the city.
- Reducing the harm caused by drugs and alcohol.
- Reducing repeat victimisation with a focus on vulnerable victims and targeted communities.

Southampton Youth Offending Service contributes by:

- Ensuring that 100% of young people who score 2 or more for substance and alcohol use; in offending behaviour assessments undertaken using the Asset tool; are referred to the Youth Offending Service Substance misuse worker for further assessment and intervention.
- Aiming to ensure 50% of young people subject to Youth Restorative Disposals, who have been referred for intervention by the Police, undertake meaningful reparation taking into account victim wishes.
- Participating in multi-agency Community Tasking and Co-ordination meetings to address anti-social behaviour in communities.
- Working with partners within the local authority and wider community to respond to the anti-social behaviour of individuals.
- Ensuring that individual and group offending behaviour interventions reflect local priorities.

#### 7.5 Integration with Southampton Safeguarding Strategy

The Youth Offending Service, alongside its wider statutory partners, have a mutual duty to make effective local arrangements to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children known to the youth justice system. Diversion from offending and anti-social behaviour is one of the 10 priorities within the Southampton Children and Young People's Plan 2009 – 12. However, YOS participation in respect of local Safeguarding Children's Board arrangements and the agreement of the Youth Offending – Safeguarding Protocol in 2011 ensure that the service is strategically and operationally aligned with the City's wider safeguarding priorities.

Southampton Youth Offending Service contributes by:

- Ensuring that there is Youth Offending Service participation in key areas so that the youth justice perspective in the development of local safeguarding strategy is maintained.
- Monitoring and reviewing its work in line with the Southampton Youth Offending Service – Safeguarding Protocol to ensure that vulnerable children are kept safe; with particular emphasis on children looked after, care leavers and children in custody.

## 8. IMPROVEMENT PLAN FOLLOWING THE INSPECTION OF WESSEX YOUTH OFFENDING TEAM IN 2011

The Inspection recommended that:	Southampton Youth Offending Service has:	Progress
Asset assessments should be timely and of good quality providing a robust analysis of the current needs of the case that is not obscured by previous information except where it is relevant.	<ul style="list-style-type: none"> <li>• Developed a quality audit tool which addresses the issues identified in the inspection toolkit in order to facilitate improvement.</li> <li>• Integrated file checks into supervision arrangements.</li> <li>• Started a rolling QA programme in which all case holders participate.</li> <li>• Ensured that all staff have completed APIS training.</li> </ul>	Completed
There should be a timely and good quality assessment of the individual's vulnerability and risk of harm to others is completed at the start in appropriate cases Vulnerability management plans should be completed on time and are of good quality and clearly link with care plans when available. They clarify the roles and responsibilities of staff and include planned responses to changes in the child or young person's own vulnerability.	<ul style="list-style-type: none"> <li>• Ensured that staff have completed training to support their assessments of risk of harm and vulnerability, including liaison with other agencies.</li> <li>• Introduced a feedback form for staff attending training, identifying how practice will change as a result of training.</li> <li>• Embedded direct observations of practice into supervision and appraisal arrangements.</li> </ul>	Completed
Children and young people, and their parents/carers are actively and meaningfully involved in assessment and planning, including the timely use of self assessments and the assessment of learning styles	<ul style="list-style-type: none"> <li>• Included the completion of learning styles questionnaires and 'What do you Think?' Forms as common appraisal targets for practitioners across the team. Developed quality assurance monitoring systems to check that the tools are being used consistently.</li> <li>• Used local effective practice forums to discuss parental involvement in case reviews.</li> <li>• Ensured greater alignment between interventions in respect of young people and their parents.</li> </ul>	Completed
For both custodial and community cases, the plan of work should be regularly reviewed and correctly recorded in Asset with a frequency consistent with national standards for youth justice. Work not undertaken in custody must be demonstrated in the community part of the plan.	<ul style="list-style-type: none"> <li>• Ensured that cases are reviewed in supervision with line management to enable a seamless transition from custody to community and that plans are updated to incorporate work which has not been completed in custody.</li> </ul>	Completed

<p>There should be regular and effective oversight by management, especially of screening decisions, ensuring planned actions are delivered. Management comments should be recorded within the case record as appropriate to the case</p>	<ul style="list-style-type: none"> <li>• Ensured that frontline managers have completed post-inspection training. Reviews of assessments and intervention plans in supervision sessions are now promptly recorded on case files by line managers. Managers continue to have oversight of Risk of Serious Harm assessments and risk and vulnerability management plans.</li> </ul>	<p>Completed</p>
<p>The case record should at all times contain accurate, sufficient and up to date information, in order to support the continuity of services to children and young people. This should include sufficient information on interventions delivered by others.</p>	<ul style="list-style-type: none"> <li>• Developed effective practice workshops which have focused on accurate recording.</li> <li>• Developed a more robust framework for monitoring recording and multi-agency plans.</li> </ul>	<p>Completed</p>
<p>The intervention plan should be specific about what will be done, by whom and when in order to safeguard the child or young person from harm, to reduce the likelihood of reoffending and reduce Risk of Harm to others. In particular the plan of work should set appropriate goals, be clearly sequenced and outcome focussed. ROSH assessments must draw adequately on all appropriate information including MAPPA.</p>	<ul style="list-style-type: none"> <li>• Ensured that all staff have completed review safeguarding training.</li> <li>• Used local effective practice forums to ensure that the safety of any other young person associated with the case has been considered and acted upon when required.</li> <li>• Reviewed recording practices to ensure that, following MAPP meetings, all supervision plans to be updated to incorporate MAPPA actions.</li> <li>• Started monthly management reviews of MAPPA cases.</li> <li>• Used local effective practice forums to discuss the victim's safety being assessed and included within any supervision plan/licence conditions.</li> </ul>	<p>Completed</p>

<b>DECISION-MAKER:</b>	CABINET
<b>SUBJECT:</b>	PHASE 2 ESTATE REGENERATION PROGRAMME
<b>DATE OF DECISION:</b>	16 OCTOBER 2012
<b>REPORT OF:</b>	CABINET MEMBER FOR HOUSING AND LEISURE

## **STATEMENT OF CONFIDENTIALITY**

None

## **BRIEF SUMMARY:**

This Report provides Cabinet with an update of the Phase 2 Estate Regeneration Programme comprising of:-

- Exford Avenue Shopping Parade
- 5 – 92 Laxton Close
- 222 -252 Meggeson Avenue
- Cumbrian Way Shopping Parade

This Report also sets out the details of the requirement for scheme approval for the approved highways and sewers work required for the timely delivery of the regeneration of Cumbrian Way Shopping Parade.

## **RECOMMENDATIONS:**

- (i) To note the update on Phase 2 Estate Regeneration Programme sites.
- (ii) To approve, in accordance with Financial Procedure Rules, capital expenditure of £347,000, phased £284,000 in 2012/13 and £63,000 in 2013/14, for highway and sewer diversion works associated with the Cumbrian Way Shopping Parade redevelopment, provision for which exists within the Housing and Leisure Services Portfolio General Fund Capital Programme.

## **REASONS FOR REPORT RECOMMENDATIONS:**

1. To provide Members with an update on the progress on the Phase 2 Estate Regeneration Programme sites since the Cabinet Report on 4th July 2011 – Estate Regeneration Programme – Next Phase.
2. To grant scheme approval for the agreed highway and sewer diversion works to be undertaken at Helvellyn Road and the service road for the redevelopment of Cumbrian Way Shopping Parade.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

3. The approval for the Council to undertake the highways and sewer diversion works has been granted and therefore, alternative options have not been considered. As part of the Phase 2 Estate Regeneration funding is being transferred to the General Fund for another purpose i.e. highways and sewer works; further scheme approval is required in accordance with the Finance Procedure Rules.

## DETAIL (including consultation carried out)

### Background

#### **Phase 2 Estate Regeneration Programme Update**

4. Further to the update on Phase 2 Estate Regeneration Programme to Cabinet on 4<sup>th</sup> July 2011 - "Estate Regeneration Programme – Next Phase"; resolution to grant planning permission for the regeneration of:-
  - Exford Avenue Shopping Parade;
  - 222 -252 Meggeson Avenue; and
  - 5 – 92 Laxton Closewas granted on 22<sup>nd</sup> November 2011 to Lovell Partnerships Limited.
5. During the planning process, the original scheme designs have been amended from the bid submission proposals to adhere to planning officers requirements for access for refuse lorries, fine tuning the design and landscaping etc.
6. As part of this process, the scheme mix for Meggeson Avenue and Laxton Close has altered with an increase of one unit for Laxton Close and two units at Meggeson Avenue. The scheme mix is now:-

#### **5 – 92 Laxton Close (total 63 units – formerly 62)**

##### Private Homes (35 – formerly 31)

3 x 1 bed Flats (*formerly 0*)  
18 x 2 bed flats  
14 x 3 bed houses (*formerly 9*)  
(*withdrawn 4 x 4 bed houses*)

##### Affordable Rent Homes (19)

1 x 1 bed flats (*formerly 3*)  
2 x 2 bed flats (*formerly 1*)  
15 x 3 bed houses (*formerly 17*)  
1 x 4 bed house (*formerly 0*)

##### Shared Ownership Homes (9)

2 x 1 Bed Flats  
7 x 2 Bed Flats

#### **222 – 252 Meggeson Avenue (33 units – formerly 31 units)**

##### Private Homes (12)

1 x 1 bed flats (*formerly 4*)  
5 x 2 bed flats (*formerly 6*)  
6 x 3 bed houses

##### Affordable Homes (10)

6 x 2 bed flats (*formerly 1*)  
4 x 3 bed houses

##### Shared Ownership (11)

2 x 1 Bed Flats (*formerly 1*)  
9 x 2 Bed Flats

7. Public exhibition was held between 6<sup>th</sup> and 13<sup>th</sup> August 2011 for the public to comment on the planning applications for the Lovell schemes prior to their submission.
8. The site at Cumbrian Way was originally tendered with other Phase 2 Estate Regeneration sites. None of the bids met the Council or community's aspirations and it was recommended not to award a development agreement as a result of that tender process. Cabinet approved this recommendation on 22<sup>nd</sup> November 2010. Alternative procurement options were to be investigated by officers to enable this site to be redeveloped within a timely manner. Following the outcome of those considerations, it was agreed to proceed separately from other Phase 2 sites with a disposal of the site to Radian Group (a Housing Association) on 11<sup>th</sup> April 2011.
9. Resolution to grant planning permission for the Cumbrian Way Shopping Parade was granted on 17<sup>th</sup> April 2012 to Radian Group. The development comprises of:-
 

<u>Private Homes (16)</u> 16 x 2 Bed Flats	<u>Affordable Rent Homes (22)</u> 10 x 2 Bed Flats 12 x 3 Bed House
<u>Shared Ownership Homes (12)</u> 12 x 2 Bed Flats	<u>Retail</u> 1 food store (to include post office if possible) 1 shop unit
10. Public exhibition was held on 11<sup>th</sup> October 2011 for the public to comment on the planning application for the Radian scheme at Cumbrian Way prior to its submission. The land disposal of Cumbrian Way Shopping Parade is progressing well with all parties seeking to exchange contracts by the end of October 2012.
11. Vacant possession has been obtained on all the Phase 2 sites. 222-252 Meggeson Avenue and Cumbrian Way Shopping Parade have now been demolished. Temporary Stopping Up Orders have been granted at Exford Avenue and Laxton Close to facilitate demolition of these blocks shortly. Conditional Planning Approval was granted for 222 -252 Meggeson Avenue on 8<sup>th</sup> August 2012 and start on site has commenced, completion is estimated in November 2013. Conditional Planning Approval for Exford and Laxton is expected shortly, these schemes are expected to start on site in November 2012 and completion for Laxton in October 2014 and Exford Phase 1 in March 2015 and Phase 2 in September 2016.
12. The Council is keen to minimise the time that HRA properties are void between final decant and works commencing on estate regeneration sites. To this end the Council is investigating the use of piloting fixed term tenancies on vacant properties which could be used to meet a range of housing needs. The re-use of properties would be invaluable to provide much needed homes whilst keeping the properties occupied and secure and enable income to be derived from Council rents.

## **Scheme Approval for Highway and Sewer Diversion Works at Cumbrian Way Shopping Parade**

13. At Cabinet Members Briefing 27th September 2011, it was agreed in principle that the Council would meet the costs of the highways work to Helvellyn Road and the service road. The costs were estimated as the highway was in the process of being designed in partnership with Planning, and full and complete costings were not available at this stage. The estimated indicative highway costs of £272,000 (provided by Balfour Beatty) was an indication of costs not a quotation to assist with budget provision and further investigations and surveys were required. The estimated costs were agreed in principle at Cabinet Member Briefing on 20<sup>th</sup> December 2011 and the budget was amended. It was agreed that the savings identified from the Phase 2 Estate Regeneration Programme could be utilised to fund these works if transferred to the Housing General Fund Capital Programme.
14. On 6<sup>th</sup> February 2012 at Cabinet and 15<sup>th</sup> February 2012 at Council, the reduction of the Phase 2 Estate Regeneration overall budget provision within the HRA Capital Programme by £272,000 to reflect the transfer of spending and resources to the Housing General Fund capital programme in relation to the redevelopment of Cumbrian Way was approved.

### **Latest Position**

15. To facilitate the new development at Cumbrian Way, the sewers need to be diverted under the new highway. To ensure timely completion and avoid possible complications, it has been agreed that the Council will undertake the sewer diversion works as part of the highway works. The additional costs were estimated due to the need to undertake further investigations to determine existing levels and additional design support an indicative figure of £52,000 was provided by Balfour Beatty for this additional work. Therefore the total estimated costs for the highways work and sewer diversion were estimated in February 2012 at £324,000.
16. Housing Capital and Project Board on 24<sup>th</sup> February 2012 agreed that in principle, the additional funds (£52,000) would be funded by the Phase 2 Estate Regeneration, overall budget provisions being reduced by a further £52,000 to reflect the transfer of spending and resources to the Housing General Fund Capital Programme in relation to the Cumbrian Way redevelopment. Later estimates, available during the process of updating the capital programme, indicated that the additional costs could be as high as £151,000.
17. On 12th Sept 2012 at Council, a reduction of the Phase 2 Estate Regeneration overall budget provision within the HRA Capital Programme by £151,000 was approved. This was to reflect a further transfer of spending and resources to the Housing General Fund capital programme and in increase in the provision for the redevelopment of Cumbrian Way from £272,000 to £423,000 to provide for this 'worst case scenario'.
18. The full design detail of the highway and sewer diversion has now been provided and agreed, and a works programme completed including obtaining temporary road diversion and Stopping Up Orders. This work



enabled the project to be precisely costed and the final scheme costs confirmed. It is recognised that these costs show an increase from the original estimated indicative costs provided by Balfour Beatty. The full cost of the project has been provided as a fixed fee costing and is set at £347,000. As the cost is fixed, a transfer of risk fee has been included in the sum of £7,700 to cover incidents such as delays due to bad weather, fluctuation in costs of materials, theft etc. However, the Council now has certainty that the costs will not increase over the £347,000. Therefore, the General Fund capital programme provision for Cumbrian Way can be reduced by £76,000, when it is next updated, and the funding can be made available to support the overall Phase 2 Estate Regeneration budget provision within the HRA capital programme.

### **Scheme Approval**

19. Although the overall Phase 2 Estate Regeneration budget has scheme approval (Cabinet: 28<sup>th</sup> September 2009) as part of the funding is being transferred to the General Fund for another purpose, further scheme approval is required in accordance with the Finance Procedure Rules
20. Cabinet is therefore requested to approve, in accordance with Finance Procedure Rules, capital spending of £347,000 from the General Fund Capital Programme on the redevelopment of Cumbrian Way.

### **RESOURCE IMPLICATIONS:**

#### **Capital/Revenue:**

21. Under the terms of the Funding Agreement with the Homes and Communities Agency, funding can be used for Qualifying Expenditure which has been or will be reasonably and properly incurred by the Applicant on the 'Project.'
22. The highways form part of the site and are necessary to enable the development of the affordable homes on this site. Therefore the works relate to the Project and are a qualifying expenditure which the Council can make a claim for costs.
23. The Homes and Communities Agency (HCA) have confirmed their agreement to this approach as long as the original total Council Qualifying Expenditure costs remain as stated in the Funding Agreement. (Currently £6,610,000.00).  

NOTE: Qualifying Expenditure set at £6,610,000 to facilitate option for Council to develop. Once land disposal is formalised this will reduce to £6,443,000.00.)
24. The costs of highways works associated with private housing and affordable housing provided through a Housing Association should be met from the General Fund (GF). The Funding Agreement with the HCA does not distinguish between costs in the HRA or GF so it is possible to allocate HCA funding to meet the cost of a scheme in the GF.

25. It is therefore proposed to approve the expenditure of £347,000 on the Cumbrian Way Redevelopment scheme as part of the Housing GF capital programme and fund this from HCA grant.
26. The budget for Phase 2 schemes in the HRA was reduced as part of the September 2012 capital update. This enabled HCA funding to be transferred to the General Fund without it impacting on the funding of the HRA Capital Programme.

**LEGAL IMPLICATIONS:**

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

27. The Council has powers under the Housing Acts, Landlord and Tenant Acts and the Town and Country Planning Act 1990 to undertake the estate regeneration proposals. A power of general competence is also available under Part 1, Chapter 1 of the Localism Act 2011, the exercise of which is subject to any pre-commencement prohibitions or restrictions that may exist.
28. The Localism Act gives the statutory basis for the HRA self-financing arrangements under Part 7, Chapter 3.
29. There are no specific legal implications arising from the budget proposals contained in this report.

**Other Legal Implications:**

30. None.

**POLICY FRAMEWORK IMPLICATIONS:**

31. The updated Housing Strategy 2011-15 and Housing Revenue Account Business Plan 2011-2041 approved by Cabinet on 4<sup>th</sup> July 2011 (and Council on 13<sup>th</sup> July 2011) confirm estate regeneration as a key priority for the Council. The proposals in this report will contribute towards the achievement of these objectives.
32. The HRA form part of the Council's budget and are therefore key elements of the Council's overall budget and policy framework

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**KEY DECISION?** Yes

<b>WARDS/COMMUNITIES AFFECTED:</b>	Harefield, Sholing, Millbrook, Bitterne Park
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**SUPPORTING DOCUMENTATION**

**Appendices: None**

**Documents In Members' Rooms:**

1.	None
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**Integrated Impact Assessment**

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

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

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.	None.	
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<b>DECISION-MAKER:</b>	CABINET
<b>SUBJECT:</b>	EUROPEAN COMMISSION COVENANT OF MAYORS ON CLIMATE CHANGE
<b>DATE OF DECISION:</b>	16 OCTOBER 2012
<b>REPORT OF:</b>	LEADER OF THE COUNCIL
<b>STATEMENT OF CONFIDENTIALITY</b>	
Not applicable	

## **BRIEF SUMMARY**

The Covenant of Mayors is a voluntary initiative involving local authorities from across Europe to formally commit to reduce their CO<sub>2</sub> emissions beyond EU 20% targets. The initiative has now been signed by over 4000 cities throughout Europe. This report presents an outline of the commitments within the Covenant against Southampton's current and planned activity and seeks approval to sign up to the Covenant of Mayors and its commitment to meet and exceed the EU 20% CO<sub>2</sub> reduction objective through increased energy efficiency and development of renewable energy sources.

## **RECOMMENDATIONS:**

- (i) To approve the signing of the Covenant of Mayors adherence form, as set out in Appendix 2, for submission to the European Commission, as a commitment to meeting and exceeding the EU 20% CO<sub>2</sub> reduction target.

## **REASONS FOR REPORT RECOMMENDATIONS**

1. Participating in the Covenant of Mayors initiative would allow Southampton the opportunity to exchange information with key European cities and further highlight the City's commitment to tackling climate change on the international stage.
2. Through participation in the Leadership in Energy Action and Planning (LEAP) project, the development of a Sustainable Energy Action Plan for Southampton is well underway, making it an appropriate time to join the Covenant of Mayors.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

3. To proceed without the development of a Sustainable Energy Action Plan and without signing-up to the Covenant of Mayors. This would result in a missed opportunity to improve performance through access to a network of signatory cities and no clear route-map supplementing the clear targets and established management framework already in place through the Low Carbon City Strategy.

## **DETAIL**

### **Introduction**

4. The Covenant of Mayors is a formal commitment by European cities to reduce their CO<sub>2</sub> emissions beyond existing EU 20% targets and has now been signed by over 4000 cities throughout Europe. Southampton City Council has expressed an interest but has not yet formally signed the Covenant.

5. Participating in the Covenant of Mayors initiative would allow Southampton the opportunity to exchange information with key European cities and further highlight the City's commitment to tackling climate change on the international stage. Southampton is well placed to deliver the requirements of the Covenant through the work already being undertaken to achieve the targets set out in the Low Carbon City Strategy.

## **Background**

6. Southampton City Council has been at the forefront of developing and implementing low carbon energy initiatives for many years and has established a clear policy direction for consistent monitoring and reporting of climate change related actions. In 2004, the Council formally adopted its first Climate Change Strategy. The strategy set out a 5 year plan spanning up to 2009/2010 and identified key actions to address both air quality and greenhouse gas emissions issues in the City. In July 2011, this strategy was superseded by the adoption of the Low Carbon City Strategy which established the Council's commitment to reduce City-wide CO<sub>2</sub> emissions by at least 34 percent by 2020 against a 1990 baseline and to reduce the Council's CO<sub>2</sub> emissions by 40% from a 2010/2011 baseline.
7. The Low Carbon City Strategy also provides a clear vision and management framework to ensure climate change action delivers economic advantage by positioning Southampton as an investment location of choice. Cities and regions that have a commitment to a low carbon economy will have a major influence in the future investment decisions of occupiers, businesses and financial investors. This means harnessing the City's strengths to promote a positive investment environment alongside new programmes to deliver the infrastructure and services that will underpin a low carbon economy. Southampton needs to continue to demonstrate its existing low carbon credentials and seize the initiative to establish a competitive advantage for existing businesses and new investors to the City.
8. The aims of the Covenant of Mayors are consistent with those stated by the Council in the Low Carbon City Strategy. In Southampton, climate change action should be grounded in the values and objectives established in the Low Carbon City Strategy, and address climate change in pursuit of the goal of a safer, more prosperous and healthier City. Taking action on climate change will help to tackle those issues which affect the City's most deprived residents and those on lower incomes. Fuel poverty and access to local services and employment through sustainable transport infrastructure and well-designed neighbourhoods will help to address the inequalities that currently exist in parts of the City. Appendix 1 summarises the main commitments within the Covenant and Southampton's current and planned activity in each of those areas.

## **Implications**

9. In order to join the Covenant of Mayors, the Council must pass a resolution that commits the Council, amongst other things, to submit a Sustainable Energy Action Plan including a baseline emission inventory which outlines how the objectives will be reached, within one year of formally signing the Covenant. When the Council passes the resolution, the Leader of the

Council must then sign the adhesion form (Appendix 2), which will be forwarded for confirmation to the Covenant of Mayors office in Brussels.

10. Over the past 3 years the City Council has been working with the University of Southampton to develop a Carbon Emissions Inventory to make sure we can measure the progress that's being made towards delivering the City's CO<sub>2</sub> reduction targets. This inventory details energy use across the entire City to aid the preparation of a Sustainable Energy Action Plan (SEAP).
11. The formal commitment of Southampton City Council signing up to the Covenant of Mayors protocol is translated into concrete measures and projects through the development of a Sustainable Energy Action Plan (SEAP). Supported by the EU Intelligent Energy Europe (IEE) funded LEAP project Southampton's first SEAP is currently being prepared. The purpose of the SEAP is to detail the strategic City-wide energy initiatives concerning both the private and public sector operating within the geographical area of the plan to achieve the carbon reduction targets established in the Low Carbon City Strategy. Full consultation on the draft document will commence in the Autumn.
12. Signatory cities are requested to report on the progress that is made in implementing their SEAP. Signatories are also committed to allocate sufficient human resources to the implementation of their SEAP.

## **RESOURCE IMPLICATIONS**

### **Capital/Revenue**

13. As set out in Appendix 1 below, the commitments within the Covenant of Mayors do not represent either an increased target or resource burden.
14. There is a commitment to attend and contribute to the annual EU Conference of Mayors for a Sustainable Energy Europe. This event takes place over the course of two days and will require both a member representative and officer representative for the duration of the event plus travel and expenses.

### **Property/Other**

15. There are no direct resource implications.

## **LEGAL IMPLICATIONS**

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

16. Participation in the Covenant of Mayors voluntary initiative can be agreed in accordance with Section 1 of the Localism Act 2011. The exercise of this power is subject to any pre and post commencement restrictions or prohibitions, none of which have been identified at this stage. The proposals in this report are consistent with and supported by the Community Strategy and are considered likely to improve both the economic and environmental well being of the area.

### **Other Legal Implications:**

17. SCC is duty bound to meet the government's targets on carbon dioxide emission reductions as set out in the Climate Change Act 2008. There are no legal risks identified at this time

**POLICY FRAMEWORK IMPLICATIONS**

- 18. As set out in Appendix 1 below, the commitments within the Covenant of Mayors do not represent either an increased target or resource burden. The Low Carbon City Strategy already commits the Council to produce a Sustainable Energy Action Plan and work to satisfy the other key commitments is already underway in Southampton.
- 19. The Covenant of Mayors and its supplementary commitments contribute to addressing the challenges for the City identified in the Community Strategy.

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**KEY DECISION?** Yes

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

**Appendices**

1.	SCC commitments to climate change
2.	Covenant of Mayors adhesion form
3.	Covenant of Mayors terms and conditions

**Documents In Members’ Rooms**

1.	None.
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**Integrated Impact Assessment**

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

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

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.	None	
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### Appendix 1

#### Relevant SCC activity to date:

**Low Carbon City Strategy** – This strategy was approved by Southampton City Council in July 2011 and commits the Council to deliver a 34% city-wide reduction in CO2 emissions by 2020. The strategy sets out a requirement for the Council to reduce energy demand, encourage greater use of renewable and low carbon energy and explore further opportunities for local energy production and distribution to enable the city to achieve deep cuts in its CO2 emissions whilst still meeting the energy needs for electricity, heating and transport. The Sustainable Energy Action Plan will perform this function, identifying opportunities for new sustainable energy networks in the city and providing a clear route-map to achieve the targets set out in the Low Carbon City Strategy.

**LEAP** – The Leadership in Energy Action and Planning project is a partnership of ten organisations from six European Union (EU) countries and one applicant country. The project has been set up to help its partner local authorities meet the EU’s energy and climate change targets for 2020 by embedding sustainable energy policy within their operations and practices. Learning and best practice from the project is already being used to support the implementation of the Low Carbon City Strategy and will be incorporated into the Sustainable Energy Action Plan.

The following table summarises the main commitments within the Covenant and Southampton’s current and planned activity in each of those areas:

Covenant commitments	Southampton’s performance
<b>Reduce the city’s carbon emissions by at least 20% by 2020</b> through the implementation of a Sustainable Energy Action Plan. The commitment and the action plan will be ratified through SCC’s relevant procedures	The 2008 Climate Change Act commits the UK to a 34% reduction in emissions from a 1990 baseline by 2020. This target has subsequently been applied in Southampton through the adoption of the Low Carbon City Strategy. Southampton has therefore already committed to emissions reductions in excess of EU objectives.
<b>Prepare a baseline emissions inventory</b> as a basis for the Sustainable Energy Action Plan	Since 2009 Southampton City Council has been working in partnership with the University of Southampton to develop a Carbon Emissions Inventory for the city. The outcome of this has been the production of accurate local data on carbon emissions, a database on which energy efficiency and sustainable energy investment can be modelled and based allowing modelling of future actions to identify the best

	<p>strategic solutions to be followed. The methodology has led to the development of the world's most detailed software model of a city's carbon footprint. As a result of the research it is estimated that Southampton produced 1,240,520 tonnes of carbon dioxide and equivalent gases (CO<sub>2e</sub>) in 2008.</p>
<p><b>Submit a Sustainable Energy Action Plan*</b> (SEAP), approved by the council within the year following the official sign-up to the Covenant of Mayors initiative, and outlining the measures and policies that will be implemented to achieve the targets in the plan.</p>	<p>Work is already underway to produce a Sustainable Energy Action Plan building on a commitment to do so in the Low Carbon City Strategy and as part of the LEAP project.</p>
<p><b>Publish implementation reports*</b> every two years after the submission of the SEAP detailing progress being made towards achieving the objectives of the SEAP.</p>	<p>A reporting regime was established when the Low Carbon City Strategy was adopted in July 2011 for evaluation, monitoring and verification purposes. This committed the Council to provide an annual progress report for the delivery plan. Progress in delivering the SEAP will be subject to the same process. Performance in relation to the climate change National Indicator NI186 is still reported on an annual basis despite the abolition of the National Indicators.</p>
<p><b>Organise Energy Days</b> or City Covenant Days, in co-operation with the European Commission and with other stakeholders, allowing citizens to benefit directly from the opportunities and advantages offered by a more intelligent use of energy, and to regularly inform the local media on developments concerning the SEAP.</p>	<p>Community engagement is a vital aspect of the Low Carbon City Strategy and the Council has already committed to deliver a programme of community engagement activities over the lifetime of the strategy to drive energy efficiency in the domestic sector and seek to tackle issues of fuel poverty. Successful campaigns have already been delivered in partnership with Age Concern and the Environment Centre in the past year (Stop the Cold and Keep Warm campaigns).</p>
<p><b>Spread the message</b> of the Covenant of Mayors, in particular by encouraging other local authorities to join and by</p>	<p>Southampton City Council will seek to highlight its commitment to the Covenant of Mayors and encourage other leaders to join, where appropriate.</p>

contributing to the major events (i.e. annual Covenant of Mayors ceremonies and thematic workshops).	
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\*Signatories will terminate membership to the Covenant of Mayors if the necessary technical documentation (SEAP and implementation reports) is not submitted on time.

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## ADHESION FORM

I, **[Name of the Mayor or other authorised representative]**, **[Mayor or Job title]** of **[Name of the city/town/region/territorial unit]** inform you that the **[City Council or equivalent decision-making body]** decided at the meeting on **[date]** to mandate **[me / legal representative: Mayor, President,..]** to sign up to the Covenant of Mayors, in full knowledge of all commitments, in particular:

- to **go beyond the objectives set by the EU for 2020**, reducing the CO<sub>2</sub> emissions in our respective territories by at least 20%;
- to **submit a Sustainable Energy Action Plan** including a baseline emission inventory which outlines how the objectives will be reached, within one year of the abovementioned date;
- to **submit an implementation report** at least every second year following the submission of the Action Plan for evaluation, monitoring and verification purposes;
- to **organise Energy Days**, in co-operation with the European Commission and with other stakeholders, allowing citizens to benefit directly from the opportunities and advantages offered by a more intelligent use of energy, and to regularly inform the local media on developments concerning the action plan;
- to **attend and contribute to the annual EU Conference of Mayors** for a Sustainable Energy Europe.

**[Name and complete address of the city/town/region/territorial unit]**

**[Name, e-mail and phone number of the contact person]**

**[Date]**,



**SIGNATURE**

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## COVENANT OF MAYORS

**WHEREAS** the Inter-Governmental Panel on Climate Change has confirmed that climate change is a reality and that the use of energy for human activities is largely responsible for it;

**WHEREAS** on 9 March 2007 the EU adopted the Energy for a Changing World package, committing unilaterally to reduce its CO<sub>2</sub> emissions by 20% by 2020, as a result of a 20% increase in energy efficiency and a 20% share of renewable energy sources in the energy mix;

**WHEREAS** the “European Union Action Plan for Energy Efficiency: Realising the Potential” includes the creation of a «Covenant of Mayors», as a priority;

**WHEREAS** the EU Committee of the Regions stresses the need to join local and regional forces, as multilevel governance is an effective tool to enhance the efficacy of actions to be taken against climate change, and therefore promotes the involvement of regions in the Covenant of Mayors;

**WHEREAS** we are willing to follow the recommendations of the Leipzig Charter on Sustainable European Cities, concerning the need to improve energy efficiency;

**WHEREAS** we are aware of the existence of the Aalborg Commitments, at the basis of many ongoing urban sustainability efforts and Local Agenda 21 processes;

**WHEREAS** we recognise that local and regional governments share the responsibility of fighting global warming with national governments and must be committed thereto independently of the commitments of other parties;

**WHEREAS** towns and cities account directly and indirectly (through the products and services used by citizens) for more than half of the greenhouse gas emissions derived from energy use related to human activity;

**WHEREAS** the EU commitment to reduce emissions will be achievable only if local stakeholders, citizens and their groupings share it;

**WHEREAS** local and regional governments, representing the closest administration to the citizen, need to lead action and to show example;

**WHEREAS** many of the actions, on energy demand and renewable energy sources, necessary to tackle climate disruption fall within the scope of competence of local governments, or would not be attainable without their political support;

**WHEREAS** the EU Member States can benefit from effective decentralised action at local level in order to meet their commitment to greenhouse gas emission abatement;

**WHEREAS** local and regional governments throughout Europe are reducing global warming pollutants through energy efficiency programs, including sustainable urban mobility, and the promotion of renewable energy sources;

**WE, THE MAYORS, COMMIT TO:**

**Go beyond the objectives** set by the EU for 2020, reducing the CO<sub>2</sub> emissions in our respective territories by at least 20%, through the implementation of a Sustainable Energy Action Plan for those areas of activity relevant to our mandates. The commitment and the Action Plan will be ratified through our respective procedures;

**Prepare a baseline emission inventory** as a basis for the Sustainable Energy Action Plan;

**Submit the Sustainable Energy Action Plan** within the year following each of us formally signing up to the Covenant of Mayors;

**Adapt city structures**, including allocation of sufficient human resources, in order to undertake the necessary actions;

**Mobilise the civil society in our geographical areas to take part in developing the Action Plan**, outlining the policies and measures needed to implement and achieve the objectives of the Plan. An Action Plan will be produced in each territory and shall be submitted to the Covenant of Mayors Office within the year following signing up;

**Submit an implementation report** at least every second year after submission of the Action Plan for evaluation, monitoring and verification purposes;

**Share our experience** and know-how with other territorial units;

**Organise Energy Days or City Covenant Days**, in co-operation with the European Commission and with other stakeholders, allowing citizens to benefit directly from the opportunities and advantages offered by a more intelligent use of energy, and to regularly inform the local media on developments concerning the action plan;

**Attend and contribute to the annual EU Conference of Mayors** for a Sustainable Energy Europe;

**Spread the message of the Covenant** in the appropriate fora and, in particular, encourage other Mayors to join the Covenant;

**Accept termination of our membership of the Covenant**, subject to prior notice in writing by the Secretariat, in case of either:

- i) failing to submit the Sustainable Energy Action Plan within the year following formally signing up to the Covenant;
- ii) non-compliance with the overall CO<sub>2</sub> reduction objective as set in the Action Plan, due to failure to implement or insufficient implementation of the Action Plan;
- iii) failing to submit a report in two successive periods.



## WE, THE MAYORS, ENDORSE



**The European Commission's decision to implement and fund a structure** of technical and promotional support, including implementation of evaluation and monitoring tools, mechanisms to facilitate sharing of know-how between territories and tools to facilitate replication and multiplication of successful measures, within their budget;

**The European Commission's role to assume co-ordination** of the EU Conference of Mayors for a Sustainable Energy Europe;

**The European Commission's declared intention to facilitate the exchange of experience** among the participating territorial units, the provision of guidelines and benchmark examples for possible implementation, and linking to existing activities and networks that support the role of local governments in the field of climate protection. These benchmark examples should become an integral part of this Covenant, to be stipulated in its annexes;

**The European Commission's support providing for recognition and public visibility** of the cities and towns taking part in the Covenant through the use of a dedicated Sustainable Energy Europe logo and promotion through the Commission's communication facilities;

**The Committee of the Regions'** strong support for the Covenant and its objectives, in representation of local and regional authorities in the EU;

The assistance which those Member States, regions, provinces, mentor cities and other **institutional structures** supporting the Covenant provide to smaller municipalities in order that the latter may comply with the conditions set out in this Covenant;



## WE, THE MAYORS, INVITE



**The European Commission and the national administrations** to set up co-operation schemes and coherent support structures which help the signatories to implement our Sustainable Energy Action Plans.

**The European Commission and the national administrations** to consider the activities in the Covenant as priorities in their respective support programmes, and inform and involve the cities in the preparation of policies and funding schemes concerning the local level in the scope of its objectives.

**The European Commission to negotiate with the financial actors** to set up financial facilities aimed at aiding accomplishment of the tasks within the Action Plans.

**The national administrations** to involve local and regional governments in the preparation and implementation of the National Energy Efficiency Action Plans and of the National Action Plans for Renewable Energy Sources.

**The European Commission and the national administrations** to support implementation of our Sustainable Energy Action Plans consistent with the principles, rules, and modalities already agreed upon, and those which may be agreed upon by the Parties for the future at the global level, in particular within the UN Framework Convention on Climate Change (UNFCCC). Our active involvement in the CO<sub>2</sub> emissions' reduction could also result in a more ambitious global target.

**WE, THE MAYORS, ENCOURAGE OTHER LOCAL AND REGIONAL GOVERNMENTS TO JOIN THE INITIATIVE OF THE COVENANT OF MAYORS, AND OTHER MAJOR STAKEHOLDERS TO FORMALISE THEIR CONTRIBUTION TO THE COVENANT.**



## APPENDIX

### 1. Roles of local governments in implementing work

Energy efficiency measures, renewable energy projects and other energy-related action can be introduced in various activity areas of local and regional governments.

- consumer and service provider

Local governments occupy many buildings which use substantial amounts of energy, such as for heating and lighting. Introducing energy saving programmes and actions in public buildings is an area where considerable savings can be achieved.

Local and regional governments also provide energy-intensive services such as public transport and street lighting where improvements can be made. And even where the authority has contracted these services to other providers, measures to reduce energy use can be implemented through procurement and service contracts.

- planner, developer and regulator

Land use planning and organisation of the transport system are responsibilities of most local and regional governments. Strategic decisions concerning urban development such as avoiding urban sprawl can reduce the energy use of transport.

Local and regional governments can often have a regulator role for example by setting energy performance standards, or stipulating incorporation of renewable energy equipment in new buildings.

- advisor, motivator and role model

Local and regional governments can help to inform and motivate residents, businesses and other local stakeholders on how they can use energy more efficiently. Awareness-raising activities are important to engage the whole community to support sustainable energy policies. Children are an important audience for energy saving and renewable projects: they will pass on the lessons learnt also outside the school. It is equally important that the authority should lead by example, and play an exemplary role in sustainable energy activities.

- producer and supplier

Local and regional governments can promote local energy production and the use of renewable energy sources. Combined Heat and Power (CHP) district heating systems using biomass are a good example. Local and regional governments can also encourage citizens to implement renewable energy projects by giving financial support for local initiatives.

### 2. Benchmarks of Excellence (BoE)

'Benchmarks of Excellence' are defined as those initiatives and programmes which represent a worldwide model of successful implementation of sustainable energy development concepts in urban settings. Representatives of the Benchmarks of Excellence through the Covenant state their willingness to share their experience and to help cities to implement similar approaches when applicable and convenient, and commit to facilitate know-how transfer through the distribution of information, including guidelines, participation in events of the Covenant signatories and, in general, day-to-day co-operation with the Covenant.

### 3. Supporting structures

The Covenant of Mayors is open to cities of all sizes in Europe. Those cities and towns which due to their size do not have the resources to prepare an inventory, or work on and draft an action plan should be supported by administrations with such capacities. These supporting structures can be regions, counties, provinces, agglomerations, NUTS III areas, or mentor cities. Each supporting structure will be explicitly recognised by the Commission as a key actor in the Covenant. The degree of involvement in the Covenant, as well as the specific conditions of such involvement, including decision making powers, will be detailed in a specific written agreement.

<b>DECISION-MAKER:</b>	CABINET
<b>SUBJECT:</b>	ROYAL PIER WATERFRONT – ARRANGEMENTS IN RESPECT OF MAYFLOWER PARK
<b>DATE OF DECISION:</b>	16 OCTOBER 2012
<b>REPORT OF:</b>	LEADER OF THE COUNCIL
<b>STATEMENT OF CONFIDENTIALITY</b>	

None

## **BRIEF SUMMARY**

The purpose of this report is to seek authority to advertise the loss of open space at Mayflower Park related to the Royal Pier Waterfront development and to enter into new leasehold arrangements associated with an expanded Mayflower Park. The proposed changes to the park will result in a net gain in and improved open space. The existing Mayflower park is circa 4.2ha. The current scheme proposals indicate the extended park will be in the region of 5.4ha.

## **RECOMMENDATIONS:**

- (i) That the Head of Legal, HR and Democratic Services be authorised to:-
  - a) Negotiate and enter into any necessary legal agreements or other legal documentation following consultation with the Senior Manager City Development to acquire land associated with an extended Mayflower Park.
  - b) advertise proposals for the appropriation and/or disposal of Public Open Space land respectively under S.122 and S.123 of the Local Government Act 1972; and
- (ii) That the Director of Environment and Economy, after consultation with the appropriate Cabinet Member, be authorised to agree the exact area of land to be disposed of in (b) above.

## **REASONS FOR REPORT RECOMMENDATIONS**

1. Creating a waterfront destination is important to the ongoing renaissance and economic well being of the City. The Royal Pier Waterfront (RPW) development is critical to the aim of reconnecting the City Centre with its waterfront.
2. The RPW proposals involve the redesign of Mayflower Park and some development in the existing park, which is designated as Public Open Space (POS). The Council is required to advertise proposals for the appropriation of POS under S.122 of the Local Government Act 1972 and/or for the disposal of POS under S.123 of the Local Government Act and to consider objections before development could take place. The proposals also include a significant extension to and reconfiguration of the park. The extended Mayflower Park will be larger than the existing, by approximately 1 hectare, resulting in no net loss of POS.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

3. Not advertise the disposal of POS – rejected because without undertaking this process the Council would not be able to progress the RPW proposals in conjunction with its development partner Morgan Sindall Investments Ltd (MSIL).
4. Not acquire the extended park - rejected because this would mean that a proportion of the park would not be in the Council's ownership which would affect the Council's ability to manage and maintain the overall park.

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

5. The Council is currently negotiating legal agreements for the development with its partners MSIL, Associated British Ports and the Crown Estate. The requirement to undertake the POS advertising process will form part of the Council's obligations under the legal agreement. The details surrounding the extension of the park will also be documented. Cabinet approval is therefore required before the legal agreement can be entered into.
6. The RPW proposals being developed by MSIL include some development in the existing park adjacent to the West Quay Road frontage and to the south of the Royal Pier pavilion. The POS advertising process will not be undertaken until the plans for the development are further advanced. This is so that full information about the proposed changes to Mayflower Park, in the context of the wider development proposals, is available in the public domain.
7. The Council owns the freehold of the existing Mayflower Park. The Crown Estate owns the seabed that will be reclaimed to create the park extension. The Crown Estate will grant a 150 year lease of the extended park land but cannot dispose of the freehold. Following the creation of the extended park, the Council will continue to own the freehold of the existing park and a 150 year lease of the newly created park. This ownership position will not affect the Council's ability to manage and maintain the overall park which will be treated as one entity.
8. MSIL has undertaken initial discussions with various consultees including English Heritage, the Environment Agency, Marine Management Organisation and local interest groups including Southampton Commons and Parks Protection Society, City of Southampton Society, Friends of Town Quay Park and the Old Town Residents Association. Further consultation will be undertaken as the proposals are developed further.

## **RESOURCE IMPLICATIONS**

### **Capital/Revenue**

9. The Council's Housing and Leisure portfolio currently receives a revenue stream of £25,470 from lettings in the park, which will continue to be realised following the completion of the works to the park. In addition, the Environment and Transport portfolio received a net parking income from the car park of £18,500 (excluding rates) in 2011/12. A car park will be reprovided and it is proposed that the Council will receive income from this. Whilst the maintenance costs associated with the larger park will be greater than existing, the income from the larger car park should off-set this.

## **Property/Other**

10. None.

## **LEGAL IMPLICATIONS**

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

11. The park is held by the Council primarily as ancient corporate estate for the purposes of a public recreation ground or open space. The Council is required to advertise proposals for the appropriation or disposal of POS land under S.122 and S.123 of the Local Government Act 1972, in a local newspaper for two consecutive weeks and to consider any objections. Any disposal of POS land would need to be justified as for the public good and the benefit, improvement and development of the area. Such disposal must not be at undervalue unless consent is sought from the Secretary of State.

### **Other Legal Implications:**

12. The provisions of the Hampshire Act 1983 and Southampton International Boat Show Act 1997 do not directly affect this proposal as they relate primarily to matters of public access to the park and do not affect other general powers the Council may hold in relation to the land.

## **POLICY FRAMEWORK IMPLICATIONS**

13. The proposals are in line with the statutory Local Plan Review policy MSA 4, which identifies land at Royal Pier and Town Quay for a major mixed-use development.

14. The proposals are also in line with the Council's draft City Centre Action Plan (CCAP) Policy 22 which acknowledges that in order to deliver the re-provision of the open space the boundaries of the park will be realigned and its location shifted within the site. It states that reclamation should be considered to extend Mayflower Park and deliver development land.

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**KEY DECISION?** Yes

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

**Appendices**

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

1.	None
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**Integrated Impact Assessment**

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

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

Title of Background Paper(s)

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

1.	None.	
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# Agenda Item 16

by virtue of paragraph number 3 of the Council's Access to information Procedure Rules

Document is Confidential

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<b>DECISION-MAKER:</b>	CABINET
<b>SUBJECT:</b>	ACQUISITION OF LAND – PAN HANDLE CAR PARK, EASTERN DOCK
<b>DATE OF DECISION:</b>	16 OCTOBER 2012
<b>REPORT OF:</b>	CABINET MEMBER FOR RESOURCES
<b>STATEMENT OF CONFIDENTIALITY:</b>	
Appendix 2 is not for publication by virtue of category 3 (financial and business affairs) of paragraph 10.4 of the Access to Information procedure Rules as contained in the Constitution. It is not in the public interest to disclose this information because it comprises financial information that if made public would prejudice the Council's ability to operate in a commercial environment.	

**BRIEF SUMMARY:**

This report summarises why it is necessary to acquire land within the Eastern Dock to deliver a new public park and the estimated cost of the acquisition. The report seeks approval to delegate authority to the Senior Manager, Property Procurement and Contract Management to approve the final detailed terms of purchase.

**RECOMMENDATIONS:**

Having complied with Rule 15 of the Council's Access to Information Procedure Rules:

- (i) To approve the purchase of the freehold interest of the land identified in Appendix 1 – Plan 11ALM19039 and to delegate authority to the Senior Manager Property, Procurement and Contract Management, to agree the final terms and conditions of purchase.
- (ii) To delegate authority to the Senior Manager Property, Procurement and Contract Management in consultation with the Director of Environment to do anything necessary to give effect to the recommendations in this report.
- (iii) To note the level of expenditure of the purchase, which has been previously approved by Cabinet as part of the *Platform to Prosperity* Capital expenditure programme.

**REASONS FOR REPORT RECOMMENDATIONS:**

1. This report is presented as a general exception item in accordance with Rule 15 of the Access to Information Procedure Rules of Part 4 of the Council's Constitution. Amendments to the Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012 require 28 days notice to be given prior to determining all Key Decisions. This new requirement was published by Government mid August and comes into effect on 10<sup>th</sup> September 2012. Whilst the report did have the required 28 days notice, the new requirement to indicate potential elements of confidentiality was not complied with as it notification of the decision was published on the 17<sup>th</sup> August 2012.
2. To enable the construction of the *Platform to Prosperity* road scheme in providing replacement park land following the development of Vokes Memorial Gardens as carriageway.

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

3. Do not purchase the property – rejected the City Council has gained public support to the scheme based upon a statement of intent that there is not a net loss of public open space following development of Vokes Memorial Gardens. This support will be lost if the parkland is not replaced.
4. Reduce the scheme to within the existing highway boundary removing the need to replace the parkland. This has been rejected as this would not deliver the level of capacity enhancement required to serve peak demands in Port activity, which is a key objective of the road scheme.

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

5. On 14<sup>th</sup> March 2012, the City Council approved the acceptance of Regional Growth Fund grant funding of £5.595 million from the Department of Business Innovation and Skills, for the *Platform to Prosperity* road scheme.
6. On 11<sup>th</sup> July 2012, Council approved the expenditure of £6.850 million for the *Platform for Prosperity* capital road scheme.
7. Cabinet on 17<sup>th</sup> July 2012 approved the design and other procedural matters to enable the project to progress.
8. The *Platform to Prosperity* scheme will implement a new dual carriageway route along a widened alignment of Platform Road from the Town Quay/High Street junction through to Canute Road and Terminus Terrace. This will allow the existing gyratory system around the western and northern sides of Queen's Park to be downgraded to a local access route and the eastern section of Queen's Terrace to be closed as a through route.
9. To deliver a wider dual carriageway along Platform Road the existing carriageway will be widened on the southern boundary developing an area known as Vokes Memorial Gardens, an open area of parkland (Public Open Space).
10. As an area of Public Open Space, the Gardens have been subject to statutory advertising procedures, to enable its redevelopment for the road scheme. Whilst the City Council is not under any legal or planning obligation to replace this area of parkland, the early consultation with open space groups in the City highlighted support for the scheme would be greater if the parkland were replaced causing no net loss to the City's Open Space.
11. The City Council is committed to ensuring that there is not a net loss of Open Space as a result of this project and has consulted the public on the basis that the parkland will be re-provided as part of the scheme, thus gaining the support of the public generally.
12. The Council has identified an area of land within the Port of Southampton Eastern dock, that neighbours the existing Vokes Memorial Gardens, to provide an equivalent area of land to replace the area to be lost. The land is the Pan Handle car park and is identified on the plan at Appendix 1. It is currently an operational car park for Port business within the ownership of Associated British Ports (ABP) a partner in the Road Scheme, who will be making a commitment of £1 million towards the *Platform to Prosperity* scheme.

13. The Pan Handle car park is used by a variety of parties, the majority being businesses which operate within the Port. The residents of Admiralty House (which is located within close proximity of the Vokes Memorial Gardens and the Port) also have the ability to park by purchasing an annual licence. There are currently two residents benefitting from this facility. There are a total of No116 spaces within the car park, of which a total of 99 are let.
14. All parties which currently purchase an annual licence will be relocated by ABP to another car park within the Port – the Triangle car park. The users of the car park will not be disadvantaged by the loss of the car park for the replacement parkland.
15. Detailed terms of the purchase have been negotiated with ABP, as set out in confidential Appendix 2. The estimated cost of the purchase is also detailed in Appendix 2.
16. The purchase will on a conditional contract basis, ensuring acquisition is made when a number of matters relating to the road scheme are completed, more particularly planning consent for a change of use of the Pan Handle car park to parkland.
17. External Consultation has been conducted comprising four elements, a leaflet, 3 day exhibition and a site walk –over with Open Space Groups and Societies and an interactive webpage.
18. Consultation was undertaken with the Open Space groups and societies, (SCAPPS, City of Southampton and The Open Space Society) in February 2012, including a site walk over to discuss in outline terms the design and the proposals for the loss of Vokes Memorial Gardens for road widening. During this initial consultation the loss of the park and lack of replacement was identified as a risk to the project gaining the wider public support needed to progress the project.
19. At the end of May 2012, a three day public exhibition was held, inviting comments and feed back regarding the overall project and the road design, including the replacement parkland. 83 people attended the open days. A leaflet was produced for the exhibition which was also published on the website, highlighting the location for the replacement park land.
20. Internal consultation has taken place with Platform to Prosperity Project Board, finance, legal and the Parks and Open Spaces teams, regarding the need to provide replacement parkland and the cost associated with this acquisition.
21. The Councils intended replacement has resulted in no objections being received to the Open Space advertisements for the proposals to redevelopment Vokes Memorial Gardens for carriageway widening.
22. The purchase of the land is therefore key to continuing with the scheme as promoted.

## **RESOURCE IMPLICATIONS:**

### **Capital/Revenue:**

23. The construction of the Road Improvement Scheme is mainly funded by the Regional Growth Fund funding and a contribution by the Council. On 11<sup>th</sup> July 2012 the Council made the decision to make a contribution to the project.

- 24. The capital expenditure is set out in the confidential Appendix 2.
- 25. There are additional costs and charges including professional fees, stamp duty land tax, which are set out in the confidential Appendix 2, all items of expenditure for the acquisition of the land will be funded from within these project funds.

**Property/Other:**

- 26. The land will be subject to restrictive covenants, prohibiting the City Council using the land for no other use than parkland and prohibiting use for commercial purposes.
- 27. The acquisition has not been identified in the Asset Management Plan. The proposed acquisition will support a long standing road improvement proposal, which was originally conceived in the mid 1990s as part of the Port of Southampton Western Approach scheme.

**LEGAL IMPLICATIONS:**

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

- 28. The Council has the power to acquire land by agreement for the purpose of any of its functions or for the benefit, improvement or development of the area. The purchase will be made by virtue of s.9 Open Spaces Act 1906 1972.

**Other Legal Implications:**

- 29. None.

**POLICY FRAMEWORK IMPLICATIONS:**

- 30. The “Platform to Prosperity” scheme is consistent with the Council’s Local Planning policy framework and Local Transport Plan (LTP3). The scheme has been safeguarded in the Local Development Plan and identified as a priority within the Local Transport Plan.

<b>AUTHOR:</b>	Name:	Mrs Ali Mew	Tel:	023 8083 3425
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**KEY DECISION?** Yes

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

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

### **Appendices:**

1.	Plan 11ALMO19039
2.	Confidential – Terms of Acquisition and Estimated Costs.

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

1.	Council Report – 14 <sup>th</sup> March 2012 <a href="http://www.southampton.gov.uk/modernGov/documents/s8122/Platform%20to%20Prosperity%20-%20RPT.pdf">http://www.southampton.gov.uk/modernGov/documents/s8122/Platform%20to%20Prosperity%20-%20RPT.pdf</a>
2.	Council/Cabinet Report 11/17 <sup>th</sup> July 2012 <a href="http://www.southampton.gov.uk/modernGov/documents/s12357/Platform%20Road%20-%20RPT.pdf">http://www.southampton.gov.uk/modernGov/documents/s12357/Platform%20Road%20-%20RPT.pdf</a>
3.	Public Consultation Leaflet

### **Integrated Impact Assessment**

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

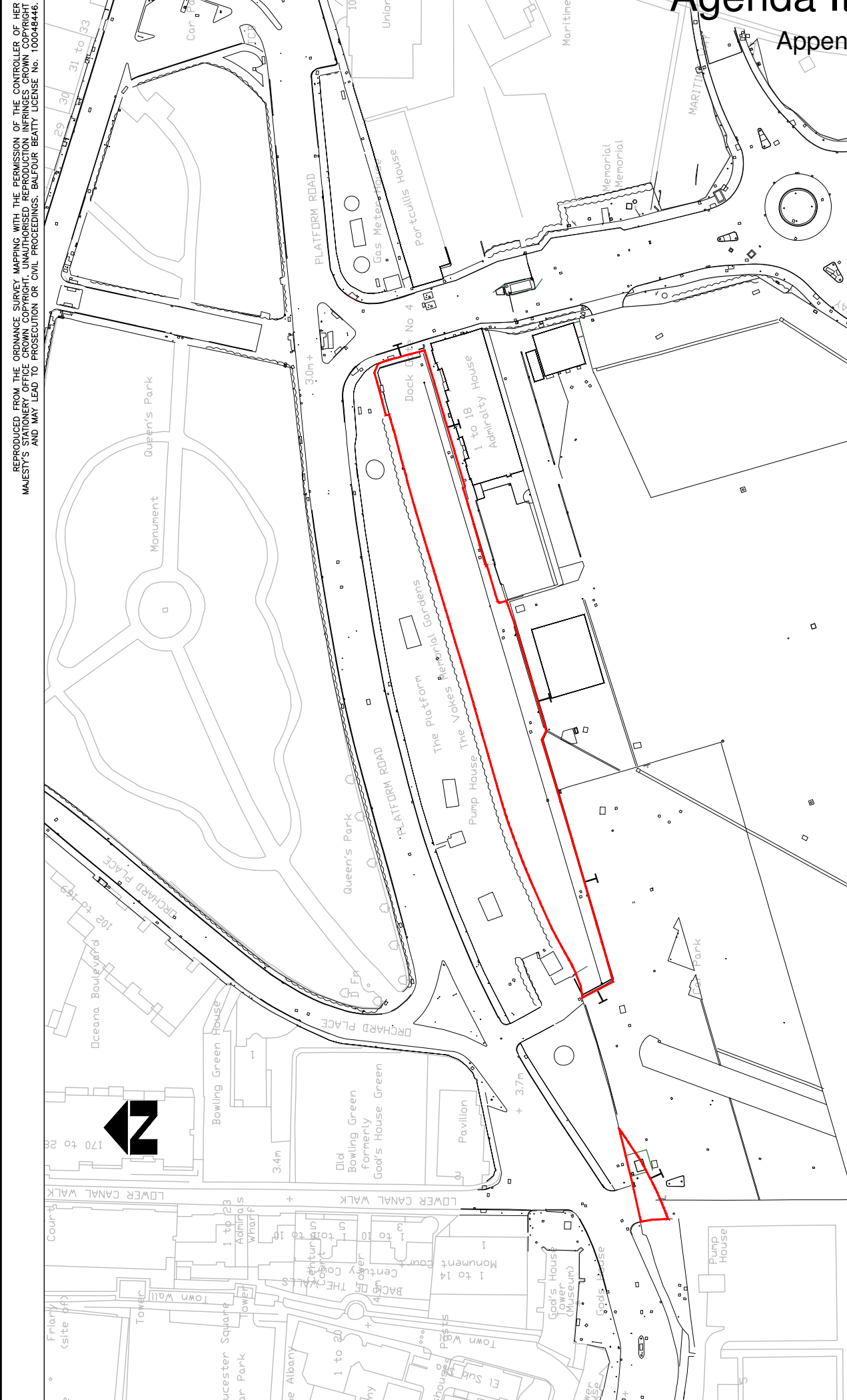
**Integrated Impact Assessment and Other Background documents available for inspection at:**

Title of Background Paper(s)

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

1.	None.	
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<b>KEY</b> <span style="border: 1px solid red; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> ABP Land to be Acquired - Total Area 2969 sqm.	REV    DATE    DRWN    CHKD    APPD    AMENDMENT	DRAWING STATUS  <span style="font-size: 24px; color: red; font-weight: bold;">DRAFT</span>	SOUTHAMPTON CITY COUNCIL City of Southampton SOUTHAMPTON SO14 7LY	DESIGNED    DRAWN    DATE GPR            GPR            14/8/12 CHECKED    APPROVED    SCALE @ A3 KJ             KJ             NTS	SHEET 1 of 1	DIVISION DRAWING NUMBER 11/AL/M/019/039
	DRAWING TITLE <b>PLATFORM ROAD Associated British Ports Extent of Land to be Acquired</b>			DRAWING NUMBER 11/AL/M/019/039		

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<b>DECISION-MAKER:</b>	CABINET MEMBER FOR CHILDREN'S SERVICES
<b>SUBJECT:</b>	LOCAL AUTHORITY SIGN UP TO "EVERY DISABLED CHILD MATTERS" DISABLED CHILDREN'S CHARTER
<b>DATE OF DECISION:</b>	16 OCTOBER 2012
<b>REPORT OF:</b>	SENIOR MANAGER, SAFEGUARDING CHILDREN
<b>STATEMENT OF CONFIDENTIALITY</b>	
NONE	

## **BRIEF SUMMARY**

The Every Disabled Child Matters (EDCM) Disabled Children's Charter is a set of commitments that local authorities can sign up to, to show that they are committed to disabled children and their families. The EDCM have asked local authorities to renew their commitment to local disabled children by signing the new Disabled Children's Charter.

The Every Disabled Child Matters campaign is run by four of the leading organisations working with disabled children and their families: - Contact a Family, the Council for Disabled Children, Mencap and the Special Education Consortium. For further information visit [www.edcm.org.uk](http://www.edcm.org.uk).

## **RECOMMENDATIONS:**

- (i) To enter into the Every Disabled Child Matters Disabled Children's Charter as set out at appendix 1 on behalf of the Council.

## **REASONS FOR REPORT RECOMMENDATIONS**

1. To publicly demonstrate the Council's commitment to the activities and service standards described by the Charter.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

2. Not to enter into the Charter. This was rejected because the Council is committed to the activities and service standards in the Every Disabled Child Matters Charter.

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

3. Appendix 2 sets out how Southampton clearly meets the 12 service standards.
4. The Charter emphasises a commitment to providing good quality information to parents and carers, and to consulting and involving parents and carers in service improvement. This is timely given the recent establishment of the Children and Young People's Development Service, and with the work currently being carried out by the Pathfinder Project on new and more integrated approaches to the provision of assessment and services for children with special educational needs.

## **RESOURCE IMPLICATIONS**

### **Capital/Revenue**

5. None.

## Property/Other

6. None.

## **LEGAL IMPLICATIONS**

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

7. The Council has the power to enter into and deliver the obligations set out in the Charter in accordance with Section 1 of the Localism Act 2011 (the General Power of Competence). The power is subject to any pre or post commencement limitation or prohibition on the use of the power. It is not considered that any such limitations or restrictions apply in this case.

### **Other Legal Implications:**

8. In entering into the Charter, the Council is acting in accordance with the Public Sector Equality Duty and other equalities and anti-discrimination provisions as set out in the Equality Act 2010 (disability being a 'Protected Characteristic' under the Act).

## **POLICY FRAMEWORK IMPLICATIONS**

9. Entering into the Charter will reflect the Council's commitment to delivering on the key objective (SO1.1) in the Children and Young People's Plan 2009-12, namely "to improve outcomes for key groups in the City, especially children in care and care leavers and children and young people with complex needs and disabilities."

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**KEY DECISION** No

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

### **Appendices**

1.	Disabled Children's Charter
2.	Copy of Charter with comment against each section showing how Southampton meets the criteria

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

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

Do the implications/subject of the report require an Integrated Impact Assessment (IIA) to be carried out.	No
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**Other Background Documents - NONE**



## Local Authority Disabled Children's Charter

By [insert date within one year of signing charter] we will ensure that in our authority...

- We know how many disabled children live in our area and all agencies in our area are working together to plan services based on this knowledge.
- We have an identified lead with specific responsibility for services for disabled children and families.
- We are providing clear information to support choice and control for parents that explains how we provide specialist services and also make all universal services accessible.
- Parents and carers in our area have access to transparent information on decisions made about their child, and have access to mechanisms for providing feedback
- Disabled children and their families are involved in the planning, commissioning and monitoring of services in our area, including both specialist and universal services.
- Our Parent Carer Forum is instrumental in developing and reviewing services in our area and promoting choice and control for parents.
- We actively include disabled children and young people in any decisions made about them and the services that they access, that might affect them.
- Parents in our area benefit from our Parent Partnership Service, which is able to provide impartial advice and support to parents of disabled children and young people
- Our staff receive both disability equality training and training to ensure that they have core competencies to work with disabled children.
- We have produced a short break services statement that has been drawn up in partnership with disabled children and their parents and have made it widely available.
- We have regard to the provision of services suitable for disabled children, when assessing the sufficiency and supply of childcare in their area
- We are working together with disabled young people and adult service providers in our area to ensure a smooth transition to adult services for disabled young people preparing for adulthood.

Signed

*Lead Member for Children's Services (or equivalent)*

*Name of Local Authority:*



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## Local Authority Disabled Children's Charter

The table below lists each of the commitments in the charter and identifies how these can be met within the next 12 months.

No.	Commitment	How will this be met
1	We know how many disabled children live in our area and all agencies in our area are working together to plan services based on this knowledge	A database is kept of all children and young people (aged 0-18 years) known to disabled children's services. Alongside this, data is regularly collected from other proxy measures, including the number of children and young people receiving Disability Living Allowance or with a Limiting Long-Term Illness (LLTI) in the census. A joint commissioning strategy (between SCC and the PCT) will be produced within the next 12 months; this will be informed by the data sources identified above.
2	We have an identified lead with specific responsibility for services for disabled children and families	There is not one identified lead, however the city has three key commissioning and operational roles: <ul style="list-style-type: none"> <li>• Sam Ray – commissioning lead for safeguarding (including short breaks)</li> <li>• Louise Drury – Jigsaw team manager and CYPDS co-ordinator</li> <li>• Julia Katherine – Service Manager Special Education Needs and Principal Educational Psychologist</li> </ul>
3	We are providing clear information to support choice and control for parents that explains how we provide specialist services and also make all universal services accessible	Many services have leaflets and websites which give information on what they provide. Part of the work of the SEND pathfinder is to produce a 'Local Offer' which sets out the various services and support available including eligibility and contact details. A first draft of this will be created before April 2013. Southampton City Council commission Mencap to provide the 'Young People Opening Doors' (Ypod) service which supports universal settings on an individual basis so that children with disabilities can attend.
4	Parents and carers in our area have access to transparent information on decisions made about their child, and have access to mechanisms for providing feedback	Parents and carers are involved in the assessment and planning process and have the opportunity to contribute and/or comment on them. All children and young people open to Jigsaw have a Lead Professional. Part of the work of the SEND pathfinder and Children & Young People's Development Service (CYPDS) is to increase the number of children and young people who have an allocated Lead Professional who can be a single contact point for families and support them to discuss decisions with different agencies – this will

No.	Commitment	How will this be met
5	Disabled children and their families are involved in the planning, commissioning and monitoring of services on our area, including both specialist and universal services	begin in September 2012. There are school councils in each of the special schools, where disabled children can comment on or feedback on services. A number of projects have taken place in the last few years so that disabled children can be more involved in service planning, however more work is needed in this area.
6	Our Parent Carer Forum is instrumental in developing and reviewing services in our area and promoting choice and control for parents	Parents and carers from the A-Buzz Parent forum have been a key part of decision making for a number of years, e.g. they attend monitoring meetings with short break providers to feed back from a parents' perspective and they were consulted over plans for an accessible play area in Houndwell Park with some of their suggestions incorporated into the final design.
7	We actively include disabled children and young people in any decisions made about them and the services that they access, that might affect them	In both the SEN statutory assessment process and the Jigsaw Foundation Assessment, there are dedicated sections for children and young people to convey their feelings and thoughts (this could be verbally, via PECS or Makaton or from observations by a professional) Person Centred Planning is offered to children in special schools with a learning disability to support them in planning for their future. In the SEND pathfinder, Support Planning around Personal Budgets is essential and should support children to make decisions about the support they receive – this is currently in development and will be in place within 12 months
8	Parents in our area benefit from our Parent Partnership Service, which is able to provide impartial advice and support to parents of disabled children and young people	Parent Partnership is provided by Southampton Mencap and provides support to parents, including: <ul style="list-style-type: none"> <li>• Advice on the statementing process, e.g. help with paperwork and liaison with schools</li> <li>• Advice on transition to junior or secondary school</li> <li>• Advice and support regarding appeals and disputes</li> <li>• Advice and support in the preparation for, and participation in, Annual Reviews</li> </ul> It is envisaged that as part of the SEND pathfinder and subsequent legislative changes, the Parent Partnership Service will be expanded to cover social care and health services as well.



No.	Commitment	How will this be met
9	Our staff receive both disability equality training and training to ensure that they have core competencies to work with disabled children	<p>All staff working in children's disability services have core competencies and there are a range of training courses available to access, including:</p> <ul style="list-style-type: none"> <li>• Equal Opportunities and Inclusion of children and young people with disabilities</li> <li>• Working with children on the Autistic spectrum in early years</li> <li>• Intervening Early to support children and young people with disabilities</li> <li>• Being a Lead Professional in the CYPDS</li> <li>• Learning Disability awareness</li> </ul> <p>In addition to this we require all contracted providers for short breaks to have training in place for their staff and provide opportunities for specialist training where needed.</p>
10	We have produced a short break services statement that has been drawn up in partnership with disabled children and their parents and have made it widely available	The Southampton City Council short break statement was published in October 2011, it is available to view and download from the city council website as well as a number of disability services. Parents were involved in preparing the statement however it is due for review in the next few months and this opportunity will be used to improve the format and content with further involvement from parents. This review will also consider how the statement can be made more widely available (e.g. in all schools, libraries, Surestart centres). Disabled children have not yet been involved in developing the statement – consideration will be given to how this can be achieved once the review begins.
11	We have regard to the provision of services suitable for disabled children, when assessing the sufficiency and supply of childcare in their area	The annual 'Childcare Sufficiency Assessment' includes a section on the supply of childcare for children with disabilities and the Children's & Young People's Information Service holds information on childcare providers with expertise in caring for children with specific disabilities.
12	We are working together with disabled young people and adult service providers in our area to ensure a smooth transition to adult services for disabled young people preparing for adulthood	Currently we have in place the Transition Operational Group which ensures that the appropriate multi-agency communication is happening between children's and adult's services for individual young people. Independent advocacy and Person Centred Planning (PCP) is commissioned so that young people can make choices and decisions on their futures.

No.	Commitment	How will this be met
		Planning is currently underway for a transition task and finish group to be formed to address some of the issues around transition – this will happen in the next few months.

DRAFT

# Agenda Item 20

<b>DECISION-MAKER:</b>	CABINET MEMBER FOR ENVIRONMENT AND TRANSPORT
<b>SUBJECT:</b>	APPROPRIATION OF VOKES MEMORIAL GARDENS AND PART OF QUEENS PARK TO ENABLE THE CONSTRUCTION OF THE PLATFORM ROAD SCHEME
<b>DATE OF DECISION:</b>	16 OCTOBER 2012
<b>REPORT OF:</b>	SENIOR MANAGER – PLANNING SUSTAINABILITY AND TRANSPORT
<b>STATEMENT OF CONFIDENTIALITY:</b>	
None	

## **BRIEF SUMMARY:**

Land at Vokes Memorial Gardens and Part of Queens Park is required to be developed for the Platform for Prosperity Road scheme. The land is Public Open Space, and the proposed change in its use to another (appropriation) needs to be advertised and any objections received need to be considered. On 11<sup>th</sup> July 2012, Cabinet approved the advertising for the proposed appropriation in accordance with statutory procedures for open spaces, set out in Local Government Act 1972.

The advertising procedures have been completed. There have not been any objections in relation to the advertisements for the proposed appropriation and subsequent development of Vokes Memorial Gardens and part of Queens Park, the Council are now able to implement the appropriation.

An additional small area of land within Vokes Memorial Gardens is required following detailed design considerations to enable abnormal loads to then enter at Dock Gate 4 and to exit of from Dock Gate 5.

The report seeks approval to delegate authority to determine the extent of these additional areas of land, to advertise their proposed appropriation and determine any objections received in response to the advertisements.

## **RECOMMENDATIONS:**

- (i) To note that there were not any objections received in relation to the proposed appropriation of land at Vokes Memorial Gardens and Part of Queens Park Platform Road, as identified in (Appendix 1 – Plan 11ALMO19032). The appropriation has therefore been completed in respect of this area of land.
- (ii) To delegate authority to the Director of Environment and Economy following consultation with the Platform Road Client Manager to determine the form and extent of an additional area of Vokes Memorial Gardens required within the final design for a wider Dock Gate 5 exit.
- (iii) To delegate authority to the Director of Environment and Economy to instruct the Head of Legal, HR and Democratic Services to advertise the appropriation of the additional land determined in accordance with recommendation (ii) above at Vokes Memorial Gardens for two consecutive weeks in a local newspaper circulating in the locality.

- (iv) To delegate authority to the Director of Environment and Economy following consultation with the Cabinet Member for Environment and Transport to determine any objections received from the second series of adverts and to make a final decision as to whether or not to approve the appropriation in light of any such objections.

**REASONS FOR REPORT RECOMMENDATIONS:**

1. The Cabinet report presented on 17 July 2012 identified an outline design for the road scheme. Subsequent detailed design has highlighted the need to provide a wider exit than previously proposed, following a review of vehicle movements from the Port. The re-design will require the inclusion of two small additional areas within Vokes Memorial Gardens of approximately 100 sq m. As the land is open space, its proposed appropriation to enable its inclusion requires to be advertised and objections considered.
2. Without this land the road improvement scheme cannot progress as planned, which will result in the loss of Government funding from Regional Growth Fund.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:**

3. Continue with existing design – rejected as the Port will not be able to service certain clients who use the Port for the shipping of certain goods. This would have a significant detriment to the Port.
4. To provide a revised road improvement design – rejected as the Dock Gates 4 and 5 exit cannot be relocated or reconfigured without the additional land.

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

5. The City Council has secured a conditional offer for Regional Growth Funding for the Platform to Prosperity road improvement scheme.
6. The outline design presented to Cabinet in July 2012 identified areas of public open space within Vokes Memorial gardens and part of Queens Terrace required to deliver the design. The outline design presented at the Cabinet Meeting had addressed the “normal” abnormal loads entering and exiting the Port. Subsequent interrogation of traffic movements from the Port indicates certain low-loader trucks will require a wider sweep path to enter at Dock Gate 4 and to exit the Port at the new Dock Gate 5.
7. The exact area of additional parkland is still to be determined. The Council’s designers are reviewing wide load traffic movements to design the additional area accurately whilst minimising the area required. The design team have indicated the area of land will be no greater than the area indicated edged red in Appendix 2, Plan 11ALMO19032 REV B. The final design will be presented to the Platform Road Client Manager for approval.
8. On 21<sup>st</sup> February 2012, an on site pre-statutory consultation meeting was held with the Open Space groups and societies, (Southampton Commons and Parks Protection Society (SCAPPS), City of Southampton, and The Open Space Society), including a site walk over to discuss in outline terms the outline design and the proposals for Vokes Memorial Gardens and its replacement. The consultation meeting was followed by an exchange of correspondence with the groups as broad principle designs were developed.

9. At the end of May 2012 a three day public exhibition was held, inviting comments and feed back regarding the project and the design. Eighty three people attended. The businesses and residents directly affected by the Scheme were invited by letter to the exhibition.
10. A leaflet was produced for the exhibition which was also published on the website.
11. The leaflet and exhibition did not identify this additional area. Subsequent informal consultation has been undertaken with the City's open space societies and groups with regard to the design requirements for these additional areas of land.
12. The area of the previously advertised area of public open space to be appropriated was 3,057 square metres. In order to maintain no net loss of open public space the Council will be undertaking a programme of replacement works. Replacement open space will be provided across two locations in the locality. The City Council is proposing to acquire the Pan Handle car park, which lies immediately to the south of Vokes Memorial Gardens and the Southern Water Pump House, currently located within Vokes Memorial Gardens. The former is subject to a report presented to Cabinet within this meetings agenda. The latter has been approved by Cabinet report on 17<sup>th</sup> July 2012. Additional open space will also be provided within Queen's Park, through a reduction in the width of Latimer Street and other changes at the eastern end of Queen's Park.
13. These replacement areas of open space, together with some other additional changes will provide a total 3,294 square metres of replacement open space with an overall net gain of open space of 237 square metres.
14. The appropriation of an additional area of land of approximately no more than 100 square metres will not impact upon the Council's proposals to provide the overall scheme on a no net loss basis, with approximately 137 square metres of additional land being provided in excess the area utilised for the road scheme..
15. Any objections received following the advertising of a proposed appropriation are usually reported to Cabinet for consideration and a final decision on whether to appropriate. Given that one consultation has already taken place without objections and the additional area of land to be appropriated is small; it is considered that in the interests of the scheme the authority to consider any objections and the determination of the appropriation be delegated to the Director of Environment and Economy following consultation with the Cabinet Member for Environment and Transport. A report back to Cabinet will delay a final approved design to be presented to the highway construction contractor for implementation, which will delay the delivery programme for the scheme.

**Capital/Revenue:**

16. The construction of the Road Improvement Scheme is mainly funded by the Regional Growth Fund funding and a contribution by the Council. On 11<sup>th</sup> July 2012 the Council made the decision to make a contribution to the project.
17. The project management and procurement costs of the scheme are funded from within these funds.

**Property/Other:**

- 18. There are no revenue or capital implications identified for the appropriation of the additional land.

**LEGAL IMPLICATIONS:**

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

- 19. It is proposed to appropriate the land to Section 232 of the Town and Country Planning Act 1990 to enable redevelopment for highway purposes.
- 20. The appropriation of open space land is authorised by virtue of S122 Local Government Act 1972, provided the land is no longer required for its previous use and is subject to a statutory consultation process.
- 21. The legal test would be met if the land is no longer required for purely leisure or recreation use on the basis that sufficient provision exists for such use elsewhere within both the locality and the City.
- 22. The intention to appropriate is required to be advertised in a local paper for 2 consecutive weeks followed by a reasonable consultation period. A consultation period of 21 days from the publication date of the last advertisement will be provided. Any objections received during this period along must be considered before the decision as to whether to appropriate can be taken.

**Other Legal Implications:**

- 23. Planning consent will be required to change the car park and Latimer Street in Queen’s Park to Open Space. This planning application will also be used to stop up the highway designation of Latimer Street and the adopted footpath in Queen’s Park using the powers in S.247 and S.257 Town and Country Planning Act 1990 respectively.

**POLICY FRAMEWORK IMPLICATIONS:**

- 24. The *Platform for Prosperity* scheme is consistent with the Council’s policy framework. The scheme has been safeguarded in the Local Development Plan and identified as a priority within the Local Transport Plan.

<b>AUTHOR:</b>	Name:	Mrs Ali Mew	Tel:	023 8083 3425
	E-mail:	Ali.mew@southampton.gov.uk		

**KEY DECISION?** No

<b>WARDS/COMMUNITIES AFFECTED:</b>	Bargate.
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**SUPPORTING DOCUMENTATION**

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

**Appendices:**

1.	Plan 11ALMO19032
2.	Plan 11ALMO19032 REV B

**Documents In Members' Rooms:**

1.	Council/Cabinet Report – 11 <sup>th</sup> /17 July 2012
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**Equality Impact Assessment**

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	<b>No</b>
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**Other Background Documents**

**Equality Impact Assessment and Other Background documents available for inspection at:**

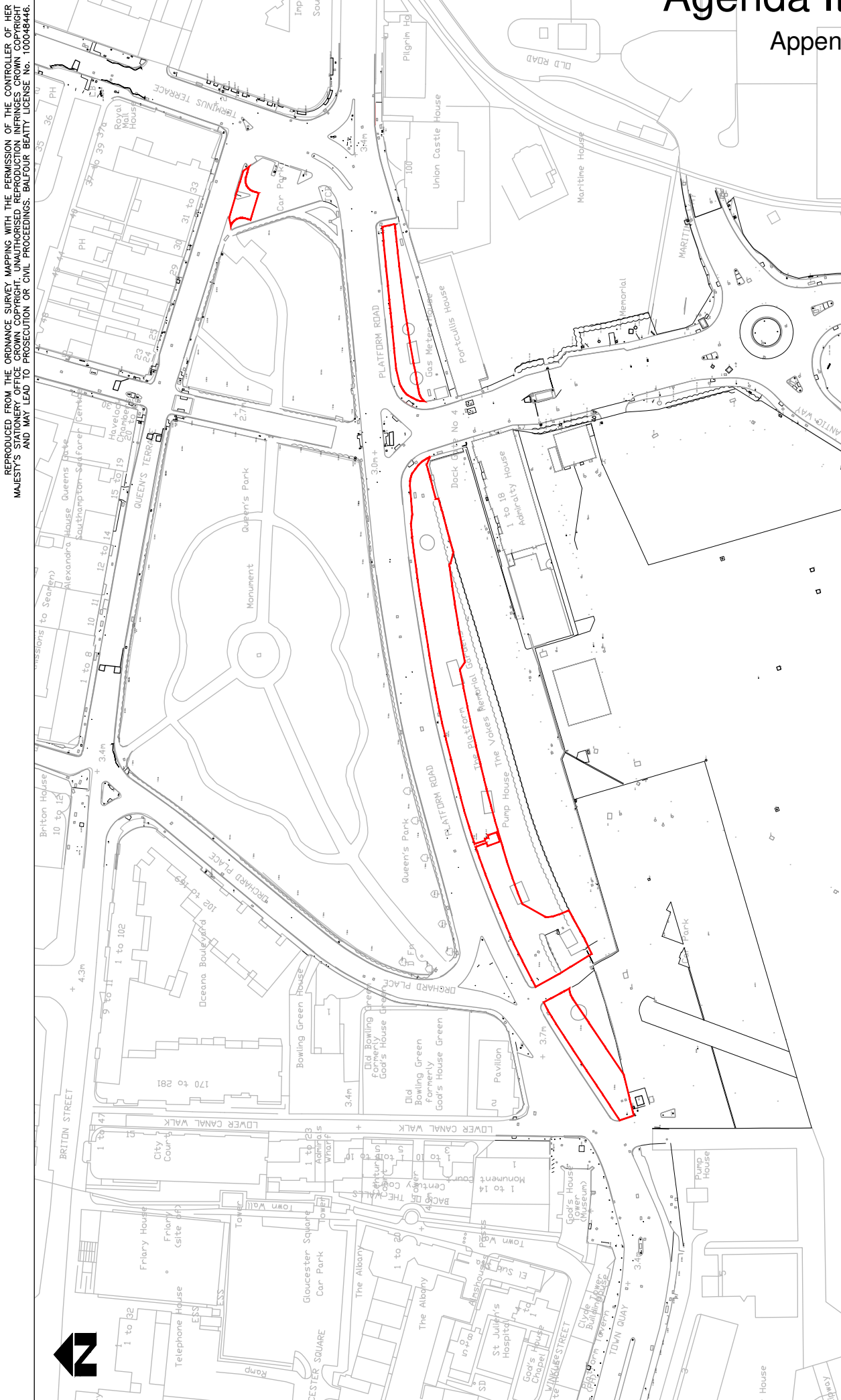
Title of Background Paper(s)

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

1.	None	
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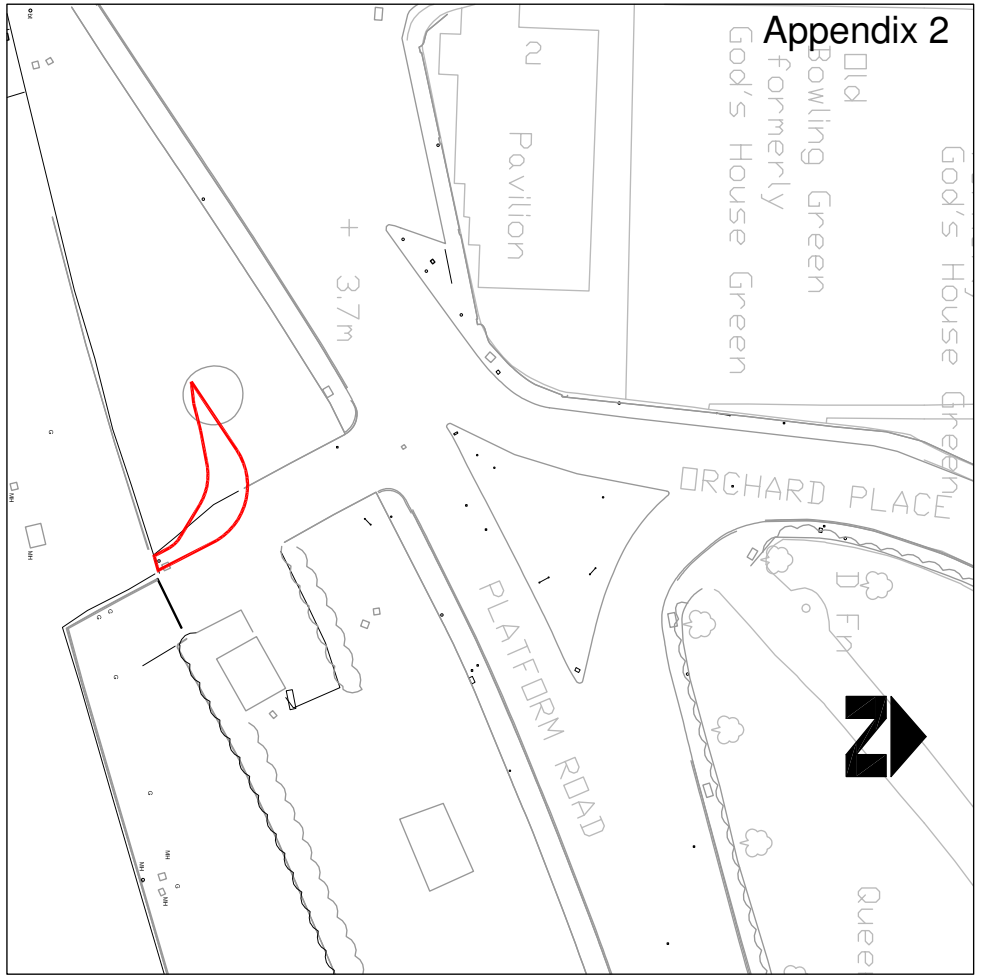
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<p><b>KEY</b></p> <p>Lost Open Space - Total Area 3057sqm</p>		<p>DESIGNED DRAWN DATE</p> <p>GPR GPR 12/7/12</p>		<p>SHEET</p> <p>1 of 1</p>	
<p>REV DATE DRWN CHKD APPD AMENDMENT</p>		<p>CHECKED APPROVED SCALE @ A3</p> <p>KJ KJ NTS</p>		<p>DRAWING NUMBER</p> <p>11/AL/M/019/035</p>	
<p>DRAWING STATUS</p> <p><b>FOR INFORMATION</b></p>		<p>Southampton City Council</p> <p>SOUTHAMPTON SOUTHAMPTON SO14 2LY</p>		<p>PLATFORM ROAD</p> <p>Public Open Space</p> <p>Proposed Loss Plan</p>	
<p>Balfour Beatty</p> <p>Living Places</p> <p>Working in partnership</p> <p>City Depot &amp; Recycling Park</p> <p>First Avenue, Millbrook</p> <p>SOUTHAMPTON SO15 0LJ</p> <p>Tel: +44 (0)2380 798010</p> <p>Fax: +44 (0)2380 798010</p> <p>Web: www.bbplacemaps.com</p> <p>Design Group</p>		<p>DRAWING TITLE</p> <p>PLATFORM ROAD</p>		<p>DO NOT SCALE FROM THIS DRAWING</p>	

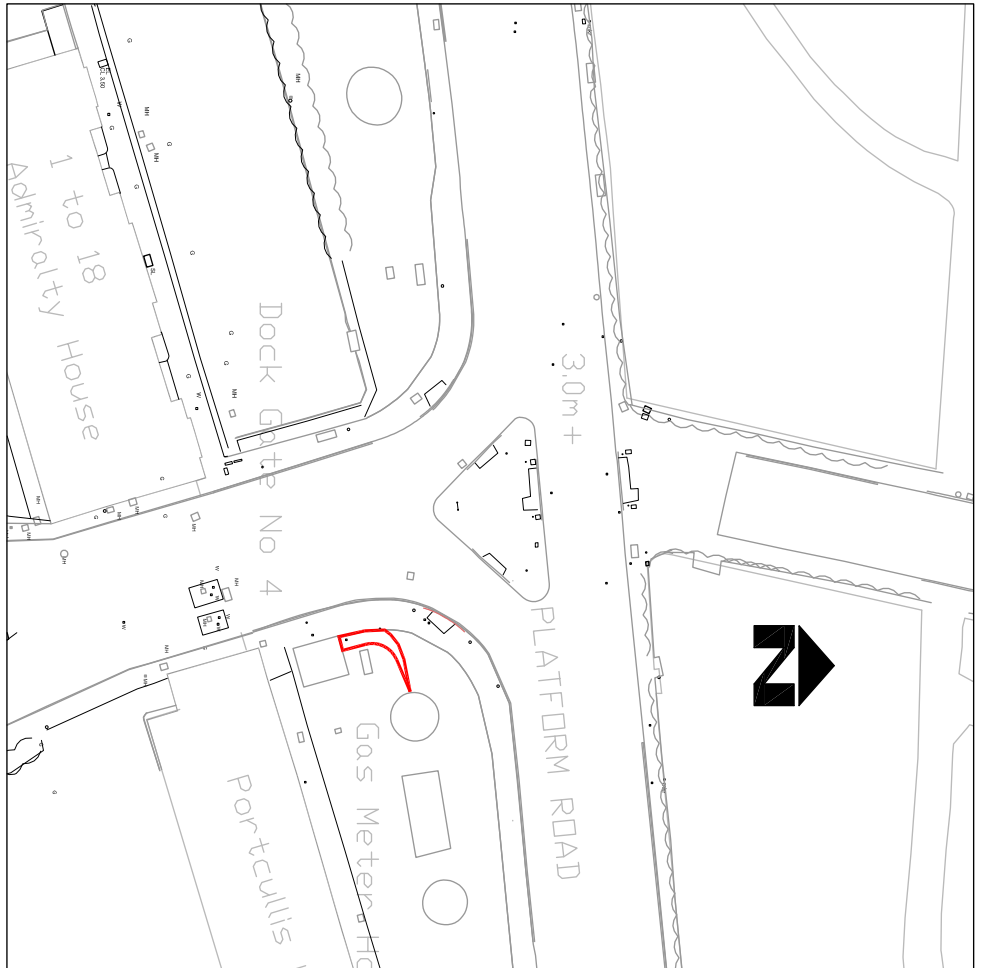
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# Agenda Item 20

## Appendix 2



Additional Land Take  
At Dock Gate 5  
Area 50m<sup>2</sup>



Additional Land Take  
At Dock Gate 4  
Area 10m<sup>2</sup>

### KEY

Additional Lost Open Space - Total Area 60m<sup>2</sup>

REV	DATE	DRWN	CHKD	APPD	AMENDMENT
B	26/01/12	KJ	GPR	GPR	Dock gates 4 and 5 modifications.
A	25/01/12	GPR	KJ	KJ	Alignment revised on south side of new road

DRAWING STATUS

**FOR INFORMATION**

**Balfour Beatty**  
Living Places  
Working in Partnership  
City, Depot, & Recycling Park  
First Avenue, MIlbrook  
SOUTHAMPTON SO15 0LJ  
Tel: +44 (0)2380 798910  
Fax: +44 (0)2380 512883  
Web: www.livingplaces.com  
Design Group



Southampton City Council  
Southampton SO14 7LY

DESIGNED	DRAWN	DATE	SHEET	REVISION
GPR	GPR	12/7/12	1 of 1	B
CHECKED	APPROVED	SCALE @ A3		
KJ	KJ	1:500		

**PLATFORM ROAD**  
Public Open Space  
Proposed Loss Plan

DRAWING NUMBER  
**11/AL/M/019/032**

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