

# Public Document Pack

## Cabinet

Tuesday, 21st October, 2014  
at 4.30 pm

### **PLEASE NOTE TIME OF MEETING**

Council Chamber - Civic Centre

This meeting is open to the public

#### **Members**

Councillor Simon Letts, Leader of the Council

Councillor Stephen Barnes-Andrews, Cabinet Member for Resources and Leisure

Councillor Daniel Jeffery, Cabinet Member for Education and Change

Councillor Mark Chaloner, Cabinet Member for Children's Safeguarding

Councillor Satvir Kaur, Cabinet Member for Communities

Councillor Jacqui Rayment, Cabinet Member for Environment and Transport

Councillor Dave Shields, Cabinet Member for Health and Adult Social Care

Councillor Warwick Payne, Cabinet Member for Housing and Sustainability

(QUORUM – 4)

#### **Contacts**

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## **BACKGROUND AND RELEVANT INFORMATION**

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

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

### **The Forward Plan**

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

### **Implementation of Decisions**

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

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

### **Use of Social Media**

If, in the Chair’s opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council’s Standing Orders the person can be ordered to stop their activity, or to leave the meeting

### **Southampton City Council’s Priorities:**

- Jobs for local people
- Prevention and early intervention
- Protecting vulnerable people
- Affordable housing
- Services for all
- City pride
- A sustainable Council

### **Executive Functions**

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

### **Key Decisions**

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

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

Decisions to be discussed or taken that are key

### **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.

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

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

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

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

<b>2014</b>	<b>2015</b>
17 June	20 January
15 July	10 February*
19 August	17 February
16 September	17 March
21 October	21 April
18 November	
16 December	(* Budget)

## **CONDUCT OF MEETING**

### **TERMS OF REFERENCE**

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

### **RULES OF PROCEDURE**

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

### **DISCLOSURE OF INTERESTS**

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

### **DISCLOSABLE PECUNIARY INTERESTS**

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

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

(ii) Sponsorship:

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

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

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

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

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

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

a) the total nominal value 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 an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

### **Principles of Decision Making**

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

### **BUSINESS TO BE DISCUSSED**

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

### **QUORUM**

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

- 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**

**APOLOGIES**

**DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

**EXECUTIVE BUSINESS**

**STATEMENT FROM THE LEADER**

**RECORD OF THE PREVIOUS DECISION MAKING**

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

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

**QUESTIONS FROM MEMBERS TO CABINET MEMBERS**

**EXECUTIVE APPOINTMENTS**

**ITEMS FOR DECISION BY CABINET**

LOCAL SUSTAINABLE TRANSPORT FUND

PLANNING ENFORCEMENT POLICY

RESPONSE TO SCRUTINY PANEL A RECOMMENDATIONS - MAINTAINING  
BALANCED NEIGHBOURHOODS THROUGH PLANNING

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

\*SOUTHAMPTON PERMIT SCHEME FOR MANAGEMENT OF ROADWORKS AND  
OTHER ACTIVITIES ON THE ROAD NETWORK

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

\*CHAPEL RIVERSIDE - APPOINTMENT OF A DEVELOPMENT PARTNER

Monday, 13 October 2014

Head of Legal and Democratic Services

SOUTHAMPTON CITY COUNCIL  
EXECUTIVE DECISION MAKING

RECORD OF THE DECISION MAKING HELD ON 16 SEPTEMBER 2014

Present:

Councillor Letts	Leader of the Council
Councillor Barnes-Andrews	Cabinet Member for Resources and Leisure
Councillor Jeffery	Cabinet Member for Education and Change
Councillor Chaloner	Cabinet Member for Children's Safeguarding
Councillor Rayment	Cabinet Member for Environment and Transport
Councillor Shields	Cabinet Member for Health and Adult Social Care
Councillor Payne	Cabinet Member for Housing and Sustainability

Apologies: Councillor Kaur

26. FUTURE CONSIDERATION FOR CITY CATERING BUSINESS MODEL

DECISION MADE: (Ref: CAB 14/15 13249)

On consideration of the report of the Cabinet Member for Education and Change, Cabinet agreed the following:

- (i) That, subject to further consultation as required and clarification of the risks and costs around pensions, Cabinet approve in principle the transfer of the City Catering service to a Charitable Mutual Company (Limited by Guarantee) with effect from 1<sup>st</sup> April 2015
- (ii) To delegate authority to the Director, People to carry out such consultation, due diligence and other ancillary actions as may be necessary in relation to (i) above.
- (iii) To delegate authority to the Director, People to consider and determine the outcome of any necessary consultation referred to at (ii) above and, in light of all material considerations, to determine whether or not to proceed with the establishment of City Catering as a Charitable Mutual Company (Limited By Guarantee) following consultation with the Cabinet Member for Education and Change, the Cabinet Member for Adult Social Care, the Cabinet Member for Resources and Leisure and the Chief Financial Officer.
- (iv) To agree that, subject to the satisfactory conclusion of discussions with the Hampshire Pension Fund, the new Mutual Company becomes an admitted body member of the Hampshire Pension Fund; and to agree that this will be on the basis of a closed scheme (i.e. closed to new entrants)
- (v) To agree that the Council will act as guarantor for any future potential cessation deficit which could arise on the Mutual company's admitted body pension, as set out in paragraphs 24-30.
- (vi) To delegate authority to the Chief Financial Officer to approve the final arrangements with regard to the new Mutual Company gaining admitted body status.

27. CHANGES TO EXISTING REVENUE AND CAPITAL BUDGETS

DECISION MADE: (Ref: CAB 14/15 9164)

On consideration of the report of the Cabinet Member for Resources and Leisure and having received representations from staff at the Warren Avenue Kennels, Cabinet agreed the following:

- (i) Note the results of the Consultation process outlined in Appendix 1.
- (ii) Note the Equality Impact Assessment process that was followed as outlined in paragraphs 6 to 8
- (iii) Approve the efficiencies and service reductions as set out in Appendix 2.
- (iv) Note the high level forecast for the General Fund for 2014/15 to 2015/16 as detailed in paragraphs 22 to 24.
- (v) Note the position in relation to City Catering as set out in paragraph 18.
- (vi) Delegate authority to the Chief Financial Officer to action all budget changes arising from the approved efficiencies, income and service reductions and incorporate any other approved amendments into the General Fund estimates.
- (vii) Delegate authority to the Chief Financial Officer, in consultation with the Executive Director of Corporate Services, to do anything necessary to give effect to the recommendations in this report.



# Agenda Item 6

<b>DECISION-MAKER:</b>	<b>CABINET</b>		
<b>SUBJECT:</b>	THE IMPACT OF HOMELESSNESS ON THE HEALTH OF SINGLE PEOPLE INQUIRY		
<b>DATE OF DECISION:</b>	21 OCTOBER 2014		
<b>REPORT OF:</b>	CHAIR OF THE HEALTH OVERVIEW AND SCRUTINY PANEL		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	<b>Dorota Goble</b>	<b>Tel:</b> 023 8083 3317
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<b>STATEMENT OF CONFIDENTIALITY</b>	
None	
<b>BRIEF SUMMARY</b>	
<p>The Health Overview and Scrutiny Panel (HOSP) undertook an Inquiry into the Impact of Homelessness on the Health of Single People between February and July 2014. During this time the Panel heard from a wide range of witnesses and visited a number of the homeless housing services. The final report of the inquiry, attached at Appendix 1, was agreed at the HOSP meeting on 25<sup>th</sup> September 2014. The report includes 25 recommendations, which have been summarised in Appendix 2. Cabinet needs to formally respond to the recommendations in the final report within two months to meet the requirements in the Council's constitution.</p>	
<b>RECOMMENDATIONS:</b>	
(i)	That Cabinet is recommended to receive the attached HOSP report to enable the Executive to formulate its response to the recommendations contained within it, in order to comply with the requirements set out in the Council's Constitution.
<b>REASONS FOR REPORT RECOMMENDATIONS</b>	
1.	The overview and scrutiny procedure rules in part 4 of the Council's Constitution requires the Executive to consider all inquiry reports that have been endorsed by the Health Overview and Scrutiny Panel, and to submit a formal response to the recommendations contained within them within two months of their receipt..
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
2.	None
<b>DETAIL (Including consultation carried out)</b>	
3.	The Impact of Homelessness on the Health of Single People Inquiry Terms of Reference and Inquiry Plan were agreed by the Health Overview and Scrutiny Panel on undertaken 23 January 2014.
4.	The Inquiry was undertaken by HOSP with information presented to 5 meetings from February to May 2014.
5.	The recommendations are grouped under the following key themes:

	<ul style="list-style-type: none"> <li>• A strategic city-wide approach to homelessness</li> <li>• Raising awareness and recognition of homelessness issues and protecting valued services</li> <li>• Improving service delivery</li> <li>• Monitoring and reviewing critical services</li> </ul>
6.	The final report of the Inquiry is attached as Appendix 1.
7.	The final report contains 25 recommendations in total, summarised in Appendix 2, which if implemented the Panel believe will help to maintain balanced communities in Southampton.
8.	<p>Although the Inquiry's recommendations are all important to maximise access and improved health outcomes for single homeless people, the Panel identified that the following issues should be considered a priority for long-term sustainable improvements for single homeless people in the City:</p> <ul style="list-style-type: none"> <li>• Maximising the quality and availability of single units and shared accommodation for single people in the system through the Housing Strategy and working with landlords (Recommendations iii, xviii, xx, xxi)</li> <li>• Continued transformation through early help, and improved outcomes for children who are looked after and care leavers (Recommendations xii, xiii)</li> <li>• Review mental health support and services to ensure early intervention is a key focus and transition into adult services is integrated with substance misuse services (Recommendations xvi, xvii)</li> <li>• Consider invest to save opportunities including a 'dry' hostel option and 'Housing First' model (Recommendations ii, xv).</li> <li>• Increase awareness and expand the Homelessness partnership (Recommendation vi, vii, viii)</li> </ul> <p>The related <b>recommendations*</b> have been highlighted throughout the report.</p>
9.	The Executive needs to consider the Inquiry recommendations and to formally respond within two months of the date of receiving this report in order to meet the requirements set out in the Council's constitution.
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
10.	Any future resource implications arising from this review will be dependent upon whether, and how, each of the individual recommendations within the Inquiry report are progressed by the Executive. More detailed work will need to be undertaken by the Executive in considering its response to each of the recommendations set out in the Inquiry report.
<b><u>Property/Other</u></b>	
11.	None
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
12.	The duty to undertake health overview and scrutiny is set out in Part 1A Section 9 of the Local Government Act 2000.
<b><u>Other Legal Implications:</u></b>	

13.	None
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
14.	The proposals contained within the appended report are in accordance with the Council's Policy Framework.

<b>KEY DECISION?</b>	No
<b>WARDS/COMMUNITIES AFFECTED:</b>	None directly as a result of this report
<b><u>SUPPORTING DOCUMENTATION</u></b>	
<b>Appendices</b>	
1.	Final Report – The Impact of Homelessness on the Health of Single People Inquiry
2.	Summary of Recommendations
<b>Documents In Members' Rooms</b>	
1.	
2.	
<b>Equality Impact Assessment</b>	
Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out?	No
<b>Other Background Documents</b>	
<b>Equality Impact Assessment and Other Background documents available for inspection at:</b>	
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.	
2.	

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## Health Overview and Scrutiny Panel

### THE IMPACT OF HOUSING AND HOMELESSNESS ON THE HEALTH OF SINGLE PEOPLE



#### PANEL MEMBERSHIP

- Councillor Stevens (Chair)
- Councillor Matthew Claisse
- Councillor Sarah Bogle
- Councillor Sharon Mintoff
- Councillor Brian Parnell
- Councillor Sally Spicer
- Councillor Ivan White

Improvement Manager – Dorota Goble

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## INTRODUCTION

1. The model for homelessness prevention in Southampton has significantly reduced homelessness in the City over the last decade, reducing homeless applications and acceptances from the 1000s to around 200 in 2012/13. However, homelessness remains in the system with 520 people still on the Homeless Healthcare Team's register. Welfare Reforms and a heavy reliance on private sector rented properties, of which a high proportion is unaffordable to those on or below the average wage in the City, are making the cycle difficult to break for entrenched individuals with chaotic lives and complex needs. The way services are funded is also changing adding increasing pressures on these vital preventative public services.
2. For this Inquiry Homelessness was defined where an individual finds themselves sleeping rough, living in insecure or short-term accommodation or at risk of being evicted from their home.
3. The purpose of the Inquiry was to consider the impact of housing and homelessness on single people, a significant number of whom have complex needs, living unsettled and transient lives. The Panel examined the difficulties of delivering a preventative and planned approach to improve their health and wellbeing to reduce or minimise their health inequalities, supporting them to move into a settled and decent home. The Panel considered the quality and impact of housing that single homeless people are most likely to move on to.
4. The rationale to focus on single homeless people stems from the high demand for single person's accommodation in the City, with over half of the 15,000 people on the Housing Register in need of single units. Homeless families and older people over 65 are much more likely to be accepted as homeless due to a priority need.
5. The objectives of the Inquiry were:
  - a. To understand how the current model for homelessness prevention supports and promotes better health outcomes for single people.
  - b. To recognise what works well and what needs to improve locally, learning from best practice nationally.
  - c. To identify if there are any gaps or blockages in homeless prevention and health interventions for single homeless people.
  - d. To explore how the Houses in Multiple Occupation (HMO) Licensing scheme contributes to the health and wellbeing of tenants who have been homeless, or at risk of homelessness, and what opportunities there are to provide further support by working in partnership with others.
  - e. To explore the adequacy of single person accommodation and the effectiveness of the support pathway that leads to settled accommodation for those who have been homeless, in line with any existing contract periods.
  - f. To consider further collaboration or invest to save opportunities that would prevent future increasing demand or reduce homelessness in the city, within existing budget constraints.

6. The Terms of Reference (TOR) and Inquiry Programme, agreed by the Panel, are shown in Annexe 1.
7. The Panel received extensive evidence from witnesses as the Inquiry meetings. A list of witnesses that provided evidence to the Inquiry is detailed in Annexe 2. Members of the Scrutiny Panel would like to thank all those who have assisted with the development of this review.
8. The findings and recommendations of the Inquiry have been divided into four key areas for improvement, for ease of understanding behind the Panel's rationale and where the recommendations within those sections were strongly inter-related to each other. The four main areas for improvement and recommendations identified by the Panel include:
  - a) A strategic city-wide approach to homelessness
  - b) Raising awareness and recognition of homelessness issues and protecting valued services
  - c) Improving service delivery
  - d) Monitoring and reviewing critical services
9. Recognising the current good practice alongside budget constraints and the challenges of the housing market, the Panel have identified 25 recommendations, which they feel are realistic and achievable through either a shift of current resources or by considering 'invest to save' opportunities. The recommendations related to each area for improvement are included at the end of each section.
10. Although the Inquiry's recommendations are all important to maximise access and improved health outcomes for single homeless people, the Panel identified that the following issues should be considered a priority for long-term sustainable improvements for single homeless people in the City:
  - Maximising the quality and availability of single units and shared accommodation for single people in the system through the Housing Strategy and working with landlords. (Recommendations iii, v, xviii, xx, xxi)
  - Continued transformation through early help, and improved outcomes for children who are looked after and care leavers. (Recommendations xii, xiii)
  - Review mental health support and services to ensure early intervention is a key focus and transition into adult services is aligned with substance misuse services. (Recommendations xvi, xvii)
  - Consider 'invest to save' opportunities including a 'dry' hostel option and 'Housing First' model. (Recommendations ii, xv)
  - Increase awareness and expand the Homelessness partnership. (Recommendations vi, vii, viii)

The related **recommendations\*** have been highlighted throughout the report.

11. The Panel recognised the difficulties of achieving a paradigm shift in the lifestyle choices of individuals and that a proportion of the remaining clients are entrenched in the system. Sustaining housing is the first and only outcome that can truly be achieved for a number of these individuals – any further transformation will ultimately only come when those individuals are ready to



change which may take time and a great deal of resources to support this to happen.

## **CONSULTATION**

12. The HOSP members undertook the Inquiry over six evidence gathering meetings between February 2014 and June 2014 and received evidence from a wide variety of organisations to meet the agreed objectives. The final Inquiry report and recommendations were agreed at the HOSP meeting on 25 September 2014.
13. During the Inquiry, many of the Panel members also visited a number of homeless providers to see the facilities and services first hand and talk directly to residents and staff about their experiences. The Chair of the Panel also attended the GP Forum and Southern Landlord Forum to obtain wider feedback on the issues and challenges being faced by homeless individuals and services. These visits were extremely insightful and highlighted the passion and commitment that exists to make a difference to homeless people. In addition, those who gave evidence were also invited to comment on the draft final report which received positive feedback from a number of contributors.

## **SUMMARY OF KEY FINDINGS AND ISSUES**

14. The Inquiry concluded that the key findings and issues are:
  - An excellent and effective Homelessness Prevention Strategy, team and Partnership have dramatically reduced homelessness over the last 10 years;
  - The partnership has achieved significant outcomes within a framework of housing providers and support services with a common focus on prevention;
  - However, a group of entrenched and high cost individuals remain in the homeless system who have complex needs and behaviours;
  - Existing health inequalities and complex needs are exacerbated by difficulties in accessing the right services, especially mental health and substance misuse services which operate a high threshold due to limited resources and high demand;
  - There is a legacy of care leavers or people who were missed by the system in the past. However, Children's Services transformation is underway with some improved outcomes emerging;
  - The complex needs and comorbidity of many homeless individuals mean that it is often their immediate problem that is resolved rather than the whole person;
  - Staff in homelessness provider services show a passion and commitment to their clients but their views are not always heard by the professionals making decisions about their clients;
  - GP practices requiring valid identification documents may prevent homeless individuals accessing the health services they need, thus potentially missing opportunities for earlier intervention and integration into community services;
  - Homeless individuals are frequent users of hospital Emergency Departments, despite being registered and using the Homeless Healthcare Team or GPs;

- Access to emergency out of hours facilities, mental health and substance misuse services can be challenging, especially with referrals and transition into adult services for young people;
- The high demand for single unit council housing has led to a high reliance on the private rented sector and Houses in Multiple Occupation (HMOs);
- Housing is often unaffordable for single homeless people who are ready to move on, which means they are likely to live in poorer quality shared housing that they can afford;
- It is still too early to see the impact of the HMO Licensing scheme that aims to improve the condition of shared houses;
- The Housing Strategy focus on new affordable single units and increased dedicated student accommodation may eventually reduce pressures on the single rental market in the city;
- Social letting agencies are working with landlords to sign up to leasing schemes for homeless clients however there are perceived / potential barriers and few incentives to encourage landlords to take up these schemes.

## **KEY FINDINGS FROM THE INQUIRY**

### **A A STRATEGIC CITY-WIDE APPROACH TO HOMELESSNESS**

15. The Homelessness Act (2002) requires local authorities to carry out a review of homelessness every five years, and use the findings to develop a strategy for preventing homelessness locally. The Council has recently published its third Homelessness Prevention Strategy, which sets out the current context for homelessness provision, achievements since the previous strategy, trends and priority actions going forward. The strategy has been developed in partnership with stakeholders, who have made a joint commitment to deliver the plans set out in the strategy.
16. The Southampton Homelessness Prevention Model supports clear and distinct pathways for young people, adults and older people, focussing on prevention and early intervention. Its effectiveness relies on established relationships and strong partnerships.
17. The Panel heard from Homeless Link, the national membership charity for organizations working directly with homeless people in England, that Southampton operates a best practice Homelessness Prevention Model. It ensures that Supporting People budgets, which are no longer ring-fenced, and homelessness prevention resources are being used to good effect. The Southampton Homelessness Services Model is attached at Annexe 3.
18. The Panel recognised that the partnership requires the current elements to be in place for the future to ensure the most effective and efficient use of resources. These include: early assessment, emergency provision, high/intensity support, case management approach (through the Street Homeless Prevention Team), young people's services and support for those with longer term needs.

19. The Panel acknowledged the progress achieved through the Homelessness Prevention Strategy and praised the dedication and commitment of the whole partnership. However, the Panel were particularly impressed by the following innovative projects, which have seen excellent results or provided exceptional support to vulnerable single homeless people:
- The needle exchange has reduced infections from blood-borne viruses
  - The Naloxone programme (which can reverse the effects of a drug overdose) has saved the lives of overdose victims
  - Two Saints introducing 'Psychologically Informed Environments' in hostels
  - Breathing Space hospital discharge homelessness project providing medical support in a domestic setting
  - End of life support to enable homeless people to die with dignity in partnership with the Homeless Health Care Team and Patrick House
  - The Vulnerable Adult Support Team (VAST) set up in the Emergency Department of the University Hospital Southampton Trust to give extensive support, time and signposting to appropriate services to people who present at the Emergency Department with no fixed abode.
20. Southampton's Homelessness Prevention Model has been effective in dramatically reducing the number of homeless applications and acceptances and reduced the use of temporary accommodation in the City over the last 10 years, providing a clear route for many homeless people to move into and stay in settled accommodation.
21. Despite these best efforts and results an entrenched group of 'revolving door' clients remain who have complex needs and chaotic lifestyles who struggle to make progress or 'revolve' in and out of the system. These are primarily individuals who are expensive for public services often needing 24 hour care or supervision, frequent users of emergency services, lack a sense of personal care / space and are regularly involved in crime or anti-social behaviour.
22. It should be noted, however, that the Panel did not receive any evidence during the Inquiry from South Central Ambulance Services.
23. The Panel heard from Adult Social Care that it is difficult to find cost-effective solutions for these clients. A number of housing providers cited the 'Housing First' model, where homeless clients are housed first in their own home and then given intensive support, as achieving dramatic results in the USA and Camden. When targeted at their most chaotic clients they have seen reductions in visits to the Emergency Department by a third, hospital admissions down by two thirds and nearly 75% were still in their own home after 2 years.
24. The Southampton Homeless Prevention Model, is delivering a form of Housing First. When someone is assessed as homeless, they are housed first within a hostel, whilst an appropriate support package is determined. The Panel recognised that generally this works for most single homeless people but they believed that consideration should be given to whether a more intensive Housing First model could provide a more effective route for the entrenched group of individuals who have not progressed significantly or

move on over a long period of time. The Panel recognised that this model would require the allocation of single units and resources for this specific purpose. However, the potential benefits of reducing high costs of 'revolving door' clients may outweigh the investment required.

25. Pressure on single housing units in the City is extensive. The Panel noted that 50% of the council's housing waiting list are for single units, with the cost of buying a home prohibitive for around 50% of residents who would be unable to enter the market without help. The Welfare Reforms are adding to the pressure on the housing. Changes to the Local Housing Allowance are creating pressures at the lower price end of the private sector rented market. The City's heavy reliance on private sector rented accommodation is unlikely to diminish in the medium term and the Panel recognised the importance of continuing the Housing Strategy's emphasis on affordable single units. The Housing Strategy has reprioritised its focus to increase the number of single affordable units in developments.
26. The Panel heard a consistent message from witnesses that the main triggers for homelessness include the loss of a home, job or benefits, offending, a mental health episode or other significant crisis. Clearly not everyone who experiences these issues will become homeless. However, where someone does become, or is at risk of homelessness, the Panel supports the principle and evidence that early intervention and prevention are crucial to avoid an individual becoming entrenched in the system. Support mechanisms are in place to provide homeless clients access to skills and employment when they are ready, although many single homeless people will be the most removed from the work place and face significant barriers to entering employment.
27. Evidence to the Panel highlighted the desire that many homeless clients want to get (back) into work. The Panel recognised the importance of existing links for homelessness providers with employment and skills based projects in the City such as Adult Community Learning, City Limits and services to be provided under the new City Deal. These services concentrate on increasing individual skills and on getting long term unemployed young people, disadvantaged people or those with mental health issues into work. With seven out of ten homeless people having at least one mental health condition, which often makes it slower for them to progress and move on to paid employment. The Panel felt that further consideration should be given to ensure the connections are in place. Enabling homeless clients to have good access to support into employment, will bring homeless clients closer to the work place, increases their life and health chances, and increase the likelihood of staying in their own home.
28. Although there are relatively few rough sleepers in the City, numbers have increased in recent years alongside national trends. A higher proportion of rough sleepers are from European Union Accession States with no recourse to public funds. However, although they may access services and support at Cranbury Avenue Day Centre they are fearful of the UK Border Agency and may avoid accessing essential support services as a result. The Panel heard that most want to stay in the country and find work. However, where

these individuals have no recourse to public funds they may find themselves on the street or in other unsustainable situations. The Panel supported the work of the EU Welcome Project, which is funded to support migrants into work so that they do not spend a second night on the street.

A: Recommendations (\*HOSP agreed priorities)

29. With this evidence in mind the Panel has recommended that:
- i. The Homelessness Prevention Strategy continues to support city-wide commitment for continued funding of the existing flexible and innovative partnership model of homelessness in the city.
  - ii. **Commissioners undertake a feasibility study including a cost/benefit analysis, with providers, to consider whether a more intensive 'Housing First' model could provide the relatively small number but high cost entrenched homeless clients a potential route into sustainable and settled accommodation.\***
  - iii. **The Housing Strategy continues to prioritise an increase in affordable single person accommodation across the City, including new developments.\***
  - iv. Links are maintained and strengthened between homelessness prevention and employment projects such as City Limits and the new City Deal to increase the skills and employment opportunities for homeless and vulnerably housed individuals.

**B RAISING AWARENESS AND RECOGNITION OF HOMELESSNESS ISSUES AND PROTECTING VALUED SERVICES**

30. Southampton has historically had a high demand for shared private sector rented housing due to the number of students in the City. There is also a short supply of affordable single units. The average house price is out of reach for a higher than average level of low paid workers. In addition, as prices are cheaper in the City than surrounding areas this has added pressure on the demand for single units and shared housing. Welfare Reforms, including the changes to the Local Housing Allowance for private sector rented and the 'under occupation of social housing', is also adding to the strain on housing needs.
31. The South Hampshire Strategic Housing Market Assessment forecasts that an increase in dedicated student accommodation and higher targets for single affordable units may reduce the pressure on shared housing. But even if more affordable shared accommodation becomes available, many homeless clients may face additional barriers as they may be perceived as unreliable tenants due to their chaotic lifestyles and low or unstable incomes.
32. The Panel heard evidence from No Limits and Two Saints Real Lettings Agency who are working with landlords to offer a more stable package for homeless clients. They are brokering deals with landlords, offering pre-tenancy training with a period of support, leasing accommodation for longer periods, guaranteeing rents, and acting as a single point of contact for

landlords if their tenants have any concerns or problems. This route is proving effective for single homeless people who are ready to move without support services such as a number of ex-offenders or those subject to a supervision order. The Panel believe this approach should be expanded; more social lettings would increase the housing options for single homeless people in the City.

33. Furthermore, the Panel felt that landlords have a social responsibility to view their tenancies as an ongoing relationship rather than a simple cash transaction. They acknowledged that a number of landlords already provide additional support to tenants, especially single tenants who are less likely to have a support network.
34. The Panel agreed it is important that the Homelessness service continues to build bridges with landlords to increase their awareness of the risks of becoming homeless and take a more long term approach to support tenants who have been homeless. A better mutual understanding of the barriers to social letting should ultimately lead to more stable tenancies for single homeless clients in future.
35. As highlighted above, the Homelessness Prevention Strategy and Partnership have achieved excellent results for homeless people in the City and provide exemplar services to support single homeless people into a settled home. However, a number of the witnesses highlighted the stigma that homeless people, and their case workers, experience accessing mainstream services.
36. The Panel noted the work that has been undertaken to promote the Homelessness Prevention Strategy, however, they felt that awareness and understanding of the excellent support services available was still patchy across public sector organisations. Understanding of the issues and potential positive impacts of early intervention through homelessness referral services was potentially not as strong amongst other public services.
37. Agencies who play an important part in the health and wellbeing of homeless people such as Jobcentre Plus, Police, GPs and hospital ward and A&E staff were not very aware of their role to support homeless people or the referral services available. Improving awareness and understanding of homelessness issues with these agencies would ensure better early intervention and community responses through more effective referrals to the right services.
38. Homeless people can experience barriers to accessing services. Case workers reported that barriers are often increased where they are not always enabled to effectively advocate on behalf of individuals or they were not listened to, despite having permission from their clients. The Panel heard that many single homeless people have underlying health problems but they may fall below the threshold criteria or present well on assessment. Case workers will often have a more informed view of their clients. This may lead to missed opportunities for early diagnosis leading to exacerbated symptoms if clients do not receive help.

39. The Panel felt that case worker's opinions deserved greater recognition with health professionals. Increased awareness of homelessness issues and services and involvement of wider public services in the Homelessness Strategy Steering Group could lead to better understanding and wider support mechanisms for homeless people.
40. Due to the high prevalence of poor health issues, often with co-morbidity, for single homeless people, the support of appropriate and early intervention of health services is crucial for the individual to reduce or limit health inequalities.
41. The Panel heard that homelessness can be a cause or a consequence of mental health issues, with an estimated 60-70% of homeless people having some form of mental health problem. Patients often have a dual need or complex issues that may delay the management of recovery making the partnership between mental health and homelessness services essential to ensure adequate and ongoing support. Having a stable environment is critical for mental health patients and therefore the availability of adequate and safe housing when discharged from secondary care services is an important part of their recovery.
42. The Partnership in Southampton is well established with Southern Health's Mental Health Housing Coordinator and Mental Health Accommodation Panel considering appropriate options for move on. However despite this the proportion of patients in contact with mental health services in stable accommodation is very low at 28.5% for 2013/14, amongst the worst in the country.
43. The Panel also heard that mental health services are seeing more young people being admitted with accommodation issues. Young people's homelessness provider case workers highlighted they are finding it increasingly difficult to tackle the mental health issues of their clients, particularly where they are not receiving the mental health support they need whether due to the stigma of mental health illness or perception of mental health services. Mental health patients often fall out of the system whilst managing the transition to adult services.
44. The Panel recognised limited resources and a high demand for mental health services meant the threshold for treatment is set high and that others who need help do not access the services as early as they could. Support and access to appropriate mental health services as early as possible, however, is crucial to prevent or minimise the impact of homelessness.
45. The Panel expressed serious concerns that the links between community support and acute mental health services are not as effective as they could be with a significant number of referrals being made through acute and urgent care services. Homeless patients are less likely to receive early intervention or treatment where relationships are not built with a GP. In addition, younger patients may be reluctant to access services, especially where transitioning to adult services.

46. The Panel was hopeful that the Better Care Southampton Plan will improve links for homeless people within communities through the GP clusters. However, in the meantime work needs to continue to reduce the stigma and raise awareness of the need for extensive support in the community for homeless mental health patients and where possible, reduce the demand for acute levels of care for those at risk of homelessness through earlier intervention.
47. Southampton's Substance Misuse Services are developed in partnership and coordinated through the City's Integrated Commissioning Unit through transferred funding from Public Health and the Police. It was reported to the Panel that people with substance also have a high risk of housing problems which in turn leads to a high risk of relapse.
48. The number of opiate users is increasing in the City and evidence suggests that stable accommodation can support their chances of successful treatment. Following a high number of overdoses in hostels, Naloxone (which is a special narcotic drug that reverses the effects of other narcotics) has successfully reduced harm and death. The Panel heard that for every pound invested in drug and alcohol treatment the public purse can save £2.50 and £5 respectively and supported the continued funding for substance misuse services, recognising the benefits this can bring to the life chances of homeless individuals.
49. The Panel acknowledged the central role of the Homeless Healthcare Team, delivered by Solent NHS Trust, in reducing health inequalities for homelessness people. It offers general health services alongside those more tailored to homelessness needs, operating from the Cranbury Avenue Day Centre. The co-location and effective partnership of these services has been critical in tackling the health needs of homeless people in the City, as well as providing essential outreach services to hostels. The Homeless Healthcare Team resources are limited however and with over 500 homeless patients on their register the service is overstretched.
50. GP registration can be difficult for homeless people who may not have valid identification papers where requested by GPs to avoid the risk of duplication and over-subscribing to patients. For many homeless individuals the cost of having, or risk of losing, a passport for example can be prohibitive or appear unnecessary. This issue prolongs the reliance on the Homeless Healthcare Team rather than integration within community services when clients have moved on.
51. The Panel urged GPs and practice managers to recognise the benefits for the wider health system of enabling homeless patients. This is to register without ID and work to find alternative ways of checking the identification of individuals, particularly, homeless patients, to ensure they can continue to access healthcare in the community and avoid the risks of continued exposure to the drinking / drugs culture of homelessness services.

**B: Recommendations (\*HOSP agreed priorities)**



52. To address the above issues the Panel recommend that the Homeless Strategy Steering Group work with partners to prioritise and deliver the below actions given current resources and capacity:
- v. **Continue to build relationships with landlords to raise awareness and common understanding of the issues and barriers of homeless tenancies and increase social letting with relevant support agencies. This includes bringing together the current range of city approaches for social lettings to the private sector housing rental market.\***
  - vi. **Raise awareness of good practice and successful outcomes in homelessness prevention services as a means of reducing the stigma for homeless clients and encourage wider partnership involvement of other agencies including the Police and National Health Services including GPs and the University Hospital Southampton Trust.\***
  - vii. **Expand the partnership to wider health services to reduce inequalities for homeless people services through delivering a comprehensive framework of preventative and integrated services.\***
  - viii. **Raise the awareness of healthcare professionals of the role of homeless healthcare provider case workers and the value of their support of the single homeless, particularly through advocacy.\***
  - ix. Maintain an overview of the cost benefit of key valued services within the City's Homelessness model, including the Homeless Health Care Team and dedicated specialist services supporting substance misuse and mental health problems.
  - x. Consider outcomes from the Southampton Healthwatch review of GP registration and continue to work with GPs to improve access and integration to support homeless clients to move on from homeless health care to primary care services.

## **C IMPROVING SERVICE DELIVERY**

53. The Panel heard from homeless service providers and the University of Southampton's Psychology Department that services can be driven by targets to move someone on within a given timescale. However, while this is the case in the City, there are adequate safeguards to ensure that people are not moved on too quickly. However, for homeless people, changing behaviours (e.g. incidences of antisocial behaviour, drug and alcohol use etc.) are the most tangible of outcomes for many homeless individuals.
54. Commissioning of services according to realistic and meaningful outcomes is essential. Service providers need to be clear what will change as a result of what they do. In this way, providers may be encouraged to think creatively about their areas of expertise in delivering tangible and measurable change. Monitoring these outcomes could contribute to a culture of evidence-based commissioning, where services are clear with commissioners about

- expected outcomes, and commissioners then hold the services to that contract.
55. The Panel supports an evidence-based approach to homelessness provision as this enables a mixed economy of housing providers to sustain additional projects to support vulnerable homeless people alongside council funded services.
  56. The Panel noted that research at the University of Southampton identified that a key factor of homelessness links to childhood neglect and abuse. This can lead to difficulties in managing emotions, and partly explains the high level of mental health problems and addictive behaviours of homeless people. Housing support services for young people reflected that their support workers are not trained to provide support for mental health needs of their clients and are finding it increasingly difficult to meet their needs.
  57. The Panel also heard that Southampton homelessness services have seen increasing numbers of a younger aged clients, although they tend to sofa surf rather than sleep rough. There are clear separate pathways established to avoid young people entering adult services where possible.
  58. Historically, the proportion of care leavers in suitable accommodation and employment has been low but following a priority focus to address this performance has improved, through signing up to the Care Leavers Charter and Staying Put arrangements but the position needs to continue to improve. The Panel recognised the benefits of increased support to care leavers up to the age of 24 and support the continued priority to improve outcomes and life chances for care leavers to break the cycle of homelessness and ensure they are better prepared for independent life.
  59. The Panel, however, were concerned about vulnerable children and young people under the radar now, and in the future, who need to be prevented from escalating into the homeless system later in life due to a lack of support network, increasing risks of poor mental health or substance misuse.
  60. The Panel noted that Children and Families Services are going through substantial improvement and transformation and through the establishment of Early Help Team and the new Multi-Agency Safeguarding Hub (MASH). The Panel recognised these services aim to provide an effective team and expertise, connecting to both public sector and voluntary services, in a timely and effective manner to ensure that children do not fall through the system or that dangerous individuals are not hidden. The Panel will continue to monitor the progress of these new services to ensure that they achieve the desired outcomes for future generations of vulnerable children.
  61. The Panel heard from Hampshire Probation Services that access to stable accommodation can be a significant barrier to avoid repeat offending. However, Homelessness Prevention Services often find release dates are on a Friday which means their accommodation needs are difficult to resolve. They have also been working to secure better health outcomes for ex-offenders and in considering the general wellbeing of clients alongside access to accommodation and benefits they have already seen successful outcomes.

62. Although drinking and drugs are monitored and managed in hostels, the Panel were concerned that a lack of a 'dry house' in the system can cause problems for homelessness people who want to detox. All the Southampton hostels allow alcohol consumption on the premises and although residents can exercise their own free will, it can often be too much of a temptation for someone with an addiction, especially if coupled with mental health problems. Dry houses have proved effective in the Integrated Offender Management Scheme and the commissioners should learn the lessons from these services and consider if an alternative similar option is currently feasible within adult homelessness services, to reduce the harm to those homeless clients who want to be sober.
63. The Panel heard repeatedly from witnesses of the problems experienced by homelessness clients accessing mental health services either due to long waiting lists for services, especially Cognitive Behaviour Therapy (CBT). They will often fall below the threshold criteria for services, present well on assessment or are refused treatment whilst under the influence of alcohol or drugs due to potential conditions such as Korsakoff's Syndrome.
64. The University of Southampton have undertaken extensive research over the last 8 years with the Society of St James, Two Saints and the Booth Centre (Salvation Army) to evaluate effective psychological interventions to treat their clients' issues. Their research has found that behaviour therapies that take a skills approach to the treatment of emotion management can be very effective in increasing functioning of people experiencing complex mental health difficulties. These interventions have enabled them to operate better in a structured 'hostel' environment and move on in a more sustainable way.
65. They found that with training, housing providers can enable hostel staff to establish 'psychologically informed environments' where they can better understand and support behaviours more effectively, enabling the process of real change. Although it is recognised that these outcomes take time to embed, Two Saints, who have been working to establish this within Patrick House, are already seeing positive results with their clients.
66. Despite this potential improved support for the mental health of homelessness clients the Panel remained concerned about the overall capacity of the current Mental Health provision to deal with the growing mental health needs of the City. There was particular concern for young people accessing mental health services, where early signs of mental health issues are most likely to occur and services have the best chance of responding effectively to intervention.
67. Where homeless people remain untreated it is clear that their mental health can deteriorate, often with increasing psychotic episodes. If this pattern of poor access to mental health services is being replicated across the City, given that Southampton has one of the highest anti-depressant prescription rates, there is clearly an underlying issue for mental health commissioning that needs to be addressed.
68. The Panel therefore supports a fundamental review of mental health services in the City to identify better ways to manage current demand and provide

earlier help to avoid escalating health problems in the future, which may need a more acute response.

69. The Panel also remained concerned that the support available for young people with mental health problems was not meeting the demand, given that problems are most likely to occur at this stage and treatment is most effective through early intervention. The Panel heard that the transition into adult mental health services can be very difficult for young people, with many not progressing into the system but resurfacing later with more acute mental health problems and often at high risk of homelessness. To reduce this escalation of need for mental health support, and ultimately homeless prevention services, the Panel would like to see the age threshold for mental health services raised in line with the Integrated Substance Misuse Service and Staying Put model for care leavers. This would provide a more effective and consistent early intervention model for young people to a later age of at least 24 years.
70. The chair of HOSP and two social letting agencies attended to the Southern Landlord's Forum to gauge the interest in expanding opportunities for social letting in the City. Although there was an enthusiastic response to the opportunities for increased social letting, landlords raised some concerns about the legality of signing up to long term leases and that the limits of the HMO Licensing Scheme might restrict opportunities in certain areas. The Panel, however, were optimistic that social letting could expand if the barriers could be removed or incentives provided in the scheme to enable more private sector tenancies and HMOs to be used as social letting for specific vulnerable groups such as single homeless people.

### C: Recommendations (\*HOSP agreed priorities)

71. To address the above issues the Panel have recommended that:
- xi. The Homelessness Strategy Steering Group continue to support commissioners as they progress towards an evidence-based and outcome-focussed commissioning model so that the case for changes in policy and practice can be evidenced.
  - xii. **Children and Family Services continue to prioritise the Multi-Agency Safeguarding Hub (MASH) and Early Help Team to ensure children in need are not falling through the gaps.\***
  - xiii. **Children in Care continue to be a priority, particularly in preparing those in care to lead an independent life and that care leavers have access to suitable accommodation and maximise opportunities for employment, education and training.\***
  - xiv. Homelessness Services work with National Probation Trust and the Hampshire Community Rehabilitation to support more pre-release planning to ensure emergency bed spaces are being used appropriately and to include looking at possibility of avoiding Friday prison releases.

- xv. **Commissioners of Homelessness services should consider the option of providing a 'dry' environment within the homelessness prevention model in the City to support those who want to become or stay sober.\***
- xvi. **Homelessness providers and commissioners should work towards developing 'psychologically informed environments' in hostels and develop a staff training programme as appropriate. Partnerships between the psychological support from the University of Southampton and local housing providers are essential to achieving this.\***
- xvii. **Undertake a fundamental review of Mental Health services for the City, specifically including improving access to behaviour therapies for homeless clients and considering raising the age for transition for young people into adult services to 24 years in line with the thresholds for the Integrated Substance Misuse Service. Early intervention should be prioritised alongside improving access to services from primary to acute care to ultimately reduce and better manage demand.\***
- xviii. **Investigate opportunities to reduce barriers and provide incentives for Houses in Multiple Occupation (HMOs) to be used for homeless clients.\***
- xix. Expand training on homelessness services / welfare services to community first responders and primary care services e.g. Hampshire Police, Ambulance Services, GPs and community nurses.

## **D MONITORING AND REVIEWING CRITICAL SERVICES**

- 72. The Panel heard repeated evidence of the clear link between good housing and good health. Regulatory Services undertook a Stock Condition Survey in 2008 which identified that 38% of the 25,000 private homes in the City did not meet the Decent Homes Standard, primarily due to overcrowding or inadequate facilities. The service also investigates complaints and carries out risk based inspections to ensure that private housing in the City is safe, warm and secure.
- 73. The Stock Condition Survey is now six years old, and concerns were raised, by the Panel and landlords, over the reliability of this data. The Panel felt that the timing was right to undertake a new Stock Condition Survey, and to renew the survey at least every 6 years. The Panel acknowledged the resources implications of undertaking this survey, however, they felt that reliable information on the quality of the City's housing stock was crucial, given the reliance on the private sector market in the City.
- 74. 7% of the City's homes are estimated to be Houses in Multiple Occupation (HMOs), which is 5 times the national average. HMOs are usually shared houses of 4 or more people averaging between 16 and 34 years old. With the high reliance on HMOs for moving homeless clients on and given changes to the Local Housing Allowance, the Panel accepted that people who have been homeless are more likely to rent at the lower end of the market and experience poorer quality housing, exacerbating any existing poor health conditions they may already have. The Panel recognised that there are good and bad landlords, however, they were concerned that

tenants in lower quality housing are less likely to report issues for fear of the landlord increasing the rent or ending the tenancy.

75. The Panel heard that the HMO Licensing Scheme aims to work with landlords to improve overall conditions, management and basic health and safety for shared homes in the City. The scheme is currently being rolled out to 4 wards in the City (Portswood, Swaythling, Bevois and Bargate), where it is estimated that there are 4,500 HMO properties. To date just over a third of these properties have applied for a licence voluntarily; with the enforcement stage commencing in 2014/15 the service continue to gain a better understanding of the quality and compliance issues in these areas.
76. A number of witnesses highlighted the poor conditions that many ex-homeless people were living in and the Panel heard that the HMO Licensing Scheme would identify and deal with non-compliant landlords who let properties in a poor or dangerous condition or who have poor management arrangements. The Panel acknowledged that there may be merit in expanding the scheme across the City, to ensure all shared houses are of an acceptable quality. However, the Panel felt that how and when this expansion takes place should be based on the evidence and outcomes from HMO Licencing in the first four wards and supported by an up to date Stock Condition Survey.
77. Given the high level of substance misuse and dependency by single homeless people the Panel were encouraged to see the new Integrated Drug and Alcohol Substance Misuse Service is planned for 1 December 2014. Hostels were particularly concerned that they were not receiving as much outreach support and were sometimes finding it difficult to cope with the addiction of their clients and associated behaviours. The Panel believed that the new integrated service would enable resources to be placed more effectively. They were keen to see how it will offer better support to homelessness services in future, including outreach services and raising the age for young people to transfer to adult services.
78. The Panel recognised that monitoring systems were well established for the Homelessness Prevention Strategy. However, evidence to the Panel suggested that the full impacts of the Welfare Reforms may not have materialised yet in the City, particularly around changes to the Local Housing Allowance (LHA) and the under occupation of social housing. The Panel heard that homeless individuals, with complex needs and chaotic lifestyles, were more likely to fail to comply with their claimant commitment resulting in an increased risk of having their benefits sanctioned. This is likely to have a devastating impact on their ability to cope. Further Welfare Reforms expected in the next 2 years, including the continued transition from Disability Living Allowance (DLA) to Personal Independence Payments (PIP) and the roll out of Universal Credit (UC), will have serious implications for homeless individuals.
79. Monitoring of the impacts of Welfare Reforms is underway with key agencies through the Welfare Reforms Monitoring Group. However, with major changes still to come housing providers and the Homelessness Prevention Team need to ensure that they are continuing to assess, record and share

the impacts on their clients and services. This will ensure that the Local Welfare Provision can respond to these changes and provide an evidence-based response to commissioners, the Jobcentre Plus and Department of Work and Pensions.

80. Although access to homelessness assessments and referrals is relatively straight forward and well understood during the week, some referral agencies found it difficult to access beds for discharge from hospital out of hours. This can cause significant problems for single homeless people who will have limited support mechanisms to turn to.
81. The Panel also heard that there can be a concentration of Prison Service releases on Friday. If there is no pre-release liaison, the individual is less likely to settle and will be more likely to reoffend over the weekend where access to the services they need can be difficult. Conversely, an emergency bed may be reserved in a hostel for an ex-offender which does not get used, blocking it from other potential clients. The emergency bed situation was cited as particularly difficult for young people services, where bed spaces are more limited. The Panel felt that the availability of emergency bed spaces needed to be reviewed with referral partners. A better understanding of the issues being faced by all services and increased planning with offenders in advance of their release would ensure a more effective 'out of hours' service can be provided and used.
82. The Panel heard that a number of best practice services have time limited funding or are under threat of funding being withdrawn. However, it was clear that these services are making a tangible difference to the lives of homeless people. These services include:
  - The Vulnerable Adult Support Team in the hospital Emergency Department who have reduced frequent attendance and supported over 200 patients to homelessness services that would otherwise have been back on the streets. Short term funding was agreed by the University Hospital Southampton NHS Trust but is due to end in September 2014.
  - The Breathing Space Project was established through funding from the Department of Health and works with the University Hospital Trust to provide medical support in a domestic setting. The project has seen dramatic life changes with entrenched homeless individuals who have been given time to recover in a safe environment. This funding is due to end in October 2014.
  - The Cranbury Avenue Day Centre, run by Two Saints provides an established and effective central homeless hub for the City. The Homeless Link transition funding and Council funding ends in March 2015.
83. The Panel felt that a city wide review should be undertaken to identify the cost benefit of these services to key public agencies to ensure that a sustainable funding plan is developed to keep them operating. This may include the need for short-term funding while this is being evaluated.

D: Recommendations (\*HOSP agreed priorities)

84. To address the above issues the Panel have recommended that:

- xx. **Regulatory Services undertake an evidence based review of the effectiveness of the HMO licensing scheme to ensure that standards of quality are maintained for all private sector tenants in the City and to support the decision making process for whether to expand the scheme to other wards in the city. It should be recognised that those who have been homeless will be moving on into the lower cost / quality end of the market where risks to their health remain high.\***
- xxi. **Regulatory Services consider options to undertake a new stock condition survey to gain a better understanding of the quality of the City's private housing stock and establish mechanisms and resources to secure an up to date survey at least every 6 years.\***
- xxii. Integrated Drug and Alcohol Substance misuse service to report to the Health Overview and Scrutiny Panel on how changes to service delivery will support homeless people more effectively, particularly in relation to raising the age of transition into adult services.
- xxiii. Continue to monitor homelessness trends and impacts of Welfare Reforms on homeless people to enable an evidence based response to adapt the Local Welfare Provision where necessary and report the impacts of Welfare Reforms to commissioners, the Jobcentre Plus and the Department of Work and Pensions.
- xxiv. The Homelessness Strategy Steering Group review the number, use and awareness of emergency weekend bed schedule for adults and especially for young homeless referrals and discharge from hospital or custody.
- xxv. Homelessness commissioners undertake a city-wide review of valued services which may come under threat due to lack of funding. Immediate consideration should be given to determine their value to the city's Homelessness Model and health outcomes for individuals for The Two Saints Day Centre and 'Breathing Space' project and the Vulnerable Adult Support Team in the University Hospital Southampton NHS Trust's Emergency Department.



## CONCLUSION

85. There is an established and effective Homeless Prevention Strategy with a strong Partnership delivering good services for the City. This Partnership, however, needs to expand to wider health services and other agencies working with homeless people such as the Hospital, Police, the National Probation Trust and the Hampshire Community Rehabilitation and Prison Release Service to be more effective.
86. There are many excellent services in operation across the City but single homeless individuals continue to suffer health inequalities and remain amongst the most marginalised residents, suffering many barriers to accessing the services. Increasing the understanding and awareness of other agencies who refer and deal with single homeless people should lead to more effective support and signposting and referral for individuals. Dealing with the mental health and substance abuse of homeless individuals, especially with earlier intervention for young people, is critical to them moving on. In addition, the lack of any 'dry' houses in the City can limit the options and willpower of those who want to be sober.
87. A large proportion of homeless clients have been through the care system or suffered abuse or neglect at a young age, which will impact on their behaviour and emotions. Work underway to transform the life chances of care leavers and multi-agency approach to providing early help will hopefully reduce the homelessness of future generations of children in need through early intervention.
88. There remains an entrenched group of individuals in the system who are hard to move on or relapse frequently who due to their complex needs and behaviours. These clients are expensive to the public purse and consideration should be given to whether more intensive Housing First model would make a difference for these individuals.
89. The Panel recognises the difficulties of achieving a paradigm shift in the lifestyle choices of individuals. The Homelessness Prevention Model in operation enables many homeless people to move on but for many move on from homeless services needs time and access to the right support mechanisms and treatment. Sustaining housing is the first and only outcome we can truly achieve for a number of these individuals – any further transformation will ultimately only come when they are ready to change.

## INQUIRY TERMS OF REFERENCE AND PROGRAMME

### 1. **Scrutiny Panel:**

Health Overview and Scrutiny Panel

### 2. **Membership:**

- a. Councillor Matthew Stevens (Chair)
- b. Councillor Matthew Claisse
- c. Councillor Carol Cunio
- d. Councillor Georgina Laming
- e. Councillor Brian Parnell
- f. Councillor Sally Spicer

### 3. **Purpose:**

To consider the impact of housing and homelessness on the health of single people, a significant number of whom have complex needs, live unsettled and transient lifestyles, and to examine the difficulties that their everyday life presents to deliver a preventative and planned approach to improve their health and wellbeing and access to a settled and decent home.

### 5. **Background:**

4.1 This Inquiry will focus on the health of homeless single people. The definition of homelessness for this Inquiry will be those who are sleeping rough, living in insecure accommodation such as a squat or sofa-surfing, in short-term accommodation such as a hostel or recently moved into to private rented accommodation for the first time after a period of homelessness. It will also examine the quality and impact of accommodation that homeless people move on to, which is likely to be either a shared home or a single unit.

4.2 The rationale to focus on single homeless people stems from the high demand for single person's accommodation, with over half of the 15,000 people on the housing register are in need of single units. Evidence suggests that a high proportion of homeless individuals having complex health needs, requiring significant and intensive support from specialist services. The Southampton experience, through the 2013 Homelessness Strategy Review identified homeless single people are:

- More likely to be marginalised or isolated, with limited support networks
- Less likely to be in priority need for the council to house them but likely to have aggregate needs that will make their life more chaotic
- Experience barriers to accessing mainstream primary care
- More likely to have no recourse to public funds
- Significantly affected by the Welfare Reforms, particularly changes to the local housing allowance, migrant benefits rights and Universal Credit

4.3 Homeless families and older people over 65 are much more likely to be accepted as homeless due to a priority need and are the key focus for other

current initiatives such as the Families Matter and the Better Care (Integrated Transformation Fund) programmes. Therefore these groups will not be included as part of this Inquiry.

- 4.4 The model for homelessness prevention in Southampton is delivered and commissioned by a wide range of public and third sector providers and has a strong history of collaboration and good practice through the Homeless Prevention Strategy. Despite preventing a large number of single households from becoming homeless in 2012/13 there were still 520 people on the Homeless Health Team’s register. However, increasing trends of homelessness are adding pressures on services for homeless people.
- 4.5 The national picture of funding these services is also changing with financial pressures in the public sector. Nationally, the ring-fence for Supporting People grants has been removed and across the country councils are reducing spend on Supporting People services. Additional budget pressures also prevalent in the public and third sector are placing further pressures on the services that support homeless people.
- 4.6 There is much evidence published that homelessness and poor quality housing can have a significant and negative impact on an individual’s health and wellbeing. Those who are who have slept rough have significantly higher levels of premature mortality. Homeless Link undertook a national audit of over 700 homeless people which demonstrated the inequality in the health needs of homeless people:
- **Mental Health** – 7 out of 10 homeless people have one or more mental health needs, although they may not be diagnosed, it is estimated that 30% of the general population experience some form of mental distress; over a third of homeless clients said they would like more support. It is estimated mental health costs £9.7 million in Southampton, with £1.3 million worth of anti-depressants prescribed in 2011/12.
  - **Substance misuse** – Over half of clients in the audit use one or more types of illegal drug, with around a quarter engaged in some form of treatment or support. 3 out of 4 clients consume alcohol regularly, with 1 in 5 drinking harmful levels. Alcohol misuse in hospital admissions and primary care treatment is estimated to cost £12 million per annum in Southampton.
  - **Physical health** – 8 out of 10 homeless people had one or more physical health needs including:

Condition	Homeless People	General Population
Musculoskeletal problems	38%	10%
Respiratory problems	32%	5%
Eye complaints	25%	1%

- **Tuberculosis** – TB rates have doubled in the UK in the last 10 years. The homeless population is particularly vulnerable to the disease, and

more likely to present with advanced forms. However, even if diagnosed and being treated a homeless patient is also more likely to discontinue treatment given their chaotic lifestyle.

- 4.7 Primary care is the first point of contact for health services to respond to an individual's health needs. However, evidence in the national audit suggests that homeless people are more likely to access healthcare through emergency services, with their stay likely to be longer. Their lifestyles may also mean that they are more likely to seek medical help when their condition has significantly deteriorated. The review will examine the picture of homelessness access to health care service in the city.
- 4.8 Historically, single homeless people have predominantly been males over 30, anecdotally these are often people who have had traumatic or troubled life experiences including service men, care leavers and offenders; however, in recent years the trend has changed to reflect a larger proportion of women with the age profile getting younger. The interventions to support homeless people are generally split into those for young people, aged 16-25 and adults.
- 4.9 The pathway from rough sleeping to settled and suitable accommodation can be a long one and requires intensive support to help an individual to move on. It is estimated that it takes 7 attempts for an individual to make a real difference to their lives through intervention, equating to approximately 2 years for individuals with intensive support to turn things around. The panel will need to recognise the long term support needed to make a difference to these individuals and will examine the challenges and opportunities for the current homelessness support and health services delivery.

## **6. Objectives:**

- a. To understand the current model for homelessness prevention supports and how it promotes better health outcomes for single people
- b. To recognise what works well and what needs to improve locally, learning from best practice nationally.
- c. To identify if there are any gaps or blockages in homeless prevention and health interventions for single homeless people
- d. To explore how the Houses in Multiple Occupation (HMO) Licensing scheme contributes to the health and wellbeing of tenants who have been homeless, or at risk of homelessness, and what opportunities there are to provide further support by working in partnership with others.
- e. To explore the adequacy of single accommodation and the effectiveness of the support pathway that leads to settled accommodation for those who have been homeless, in line with any existing contract periods.
- f. To consider further collaboration or 'invest to save' opportunities that would prevent future increasing demand or reduce homelessness in the city, within existing budget constraints.

## **7. Methodology:**

- a. Outline of current national policy and local activity including:
  - The service model for homelessness prevention and Supporting People
  - National and local data on health inequalities for single homelessness
- b. Engage commissioners, public sector and third sector providers
- c. Visit facilities to understand service provision and talk face to face with clients and frontline staff
- d. Understand client needs through direct contact with service users alongside case studies
- e. National and local health audit results and key data for Southampton
- f. Identify and consider best practice and options for future delivery:
  - National best practice examples
  - Local success stories

## **8. Proposed Timetable:**

Five meetings February 2014 – May 2014

## SUMMARY OF WITNESSES TO THE INQUIRY

### MEETING 1: 20 FEBRUARY 2014

#### SETTING THE NATIONAL AND LOCAL SCENE

**Sarah Gorton**, South East Regional Manager Homeless Link

**Liz Slater** - Housing Needs Manager

**Matthew Waters** - Commissioner Supporting People and Adult Care Services

**Pam Campbell** - Consultant Nurse, Homeless Healthcare Team

The agenda papers for the Panel meeting can be found here:

<http://www.southampton.gov.uk/modernGov/ieListDocuments.aspx?CId=477&MId=2826&Ver=4>

### MEETING 2: 20 MARCH 2014

#### SERVICE AND HEALTH PROVIDERS PERSPECTIVE

##### PART A: Accommodation and support services through the voluntary sector

**Liz Slater** - Housing Needs Manager

**Guy Malcolm** - Operations Director, Society of St James,

**James McDermot** - Regional Director, Two Saints

**Alison Ward** - Project Manager, No Limits

**Tina Hill** - Service manager, Chapter 1

##### PART B: Access to and discharge from health services

**Pam Campbell** - Consultant Nurse, Homeless Healthcare Team

**Jackie Hall** - Substance Misuse Commissioner, SCC Integrated commissioning Unit

**Dr Shanaya Rathod** - Director of Research & Development, Southern Health

The agenda papers for the Panel meeting on 20<sup>th</sup> March can be found here:

<http://www.southampton.gov.uk/modernGov/ieListDocuments.aspx?CId=477&MId=2536&Ver=4>

### SITE VISITS IN MARCH

Two Saints – Cranbury Avenue Day Centre, Patrick House, Breathing Space  
Homeless Healthcare Team

Salvation Army – Booth Centre

Society of St James – Southampton Street

Chapter 1 – Alma Road

### MEETING 3: 2 APRIL 2014

#### ACCESS TO AND SUSTAINING LONG TERM ACCOMMODATION

##### PART A: Access to suitable long term accommodation for single homeless people

**Sherree Stanley** - Manager- Housing Delivery & Renewal

**Mitch Sanders** - Head of Regulatory Services and **Janet Hawkins**, Team Leader  
**Fred Knight** - Southern Landlords Association South Hampshire Branch  
**Alison Ward** - Project Manager, No Limits  
**Dominic Thompson** - Real Lettings South, Two Saints

**PART B Supporting people into sustaining long term accommodation:**

**Peter Walton** - Booth Centre, Salvation Army, Operations Manager  
**Steve Curtis** - Family Mosaic, Regional Manager

The agenda papers for the Panel meeting on 20<sup>th</sup> March can be found here:  
<http://www.southampton.gov.uk/modernGov/ieListDocuments.aspx?CId=477&MId=2828&Ver=4>

**MEETING 4: 29 APRIL 2014: TACKLING COMPLEX HEALTH AND OTHER NEEDS ASSOCIATED WITH HOMELESSNESS**

**PART A: Children and Adult Safeguarding.**

**Fiona Mackirdy & Mary Hardy** - Children safeguarding Children Looked After  
**Carol Judge** - SSAB Board Manager Adult safeguarding  
**Matthew Waters** – Commissioner, Supporting People and Adult Care Services

**PART B: Police and Probation - identification and support of homeless people**

The Police perspective – Inspector **Sharman Wicks**, Portswood HQ  
Probation Services - **Robbie Turkington**, Operations Manager, Southampton Probation

**PART C Impacts of Welfare Reforms, migration and No Recourse to Public Funds**

**Sara Crawford** - SCC Improvement Manager - Welfare Reforms  
**Liz Slater** - Housing Needs Manager  
**Dave Adcock** - Project Manager EU Welcome - Homelessness in Migrant workers

**PART D Primary care and services connected with the hospital**

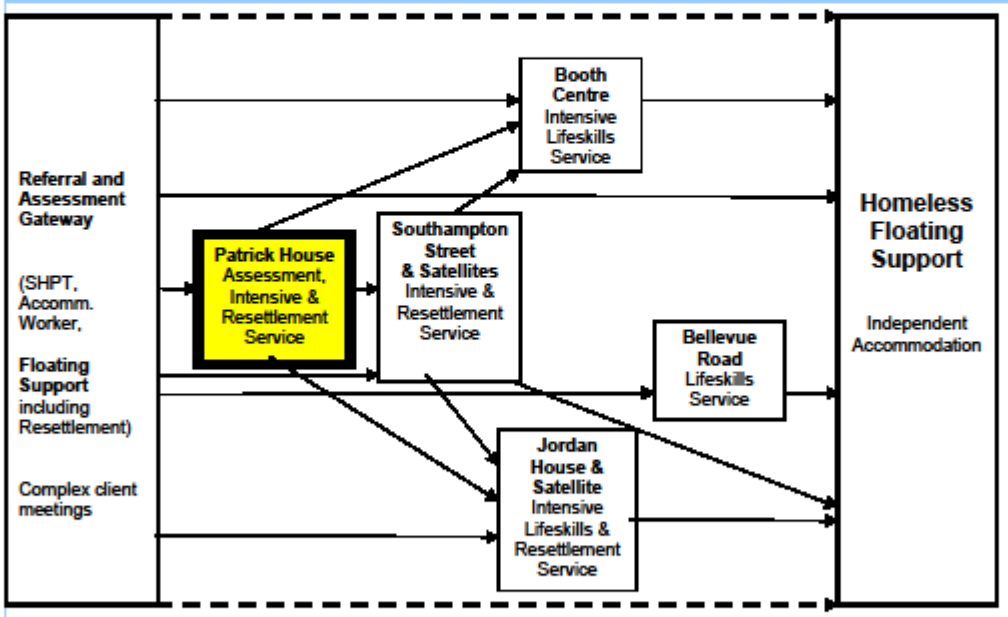
**Sara Charters** - Consultant Nurse Emergency Care, UHS Emergency Department Vulnerable Adult Support Team (VAST)  
**Meriel Chamberlain**, UHS Integrated Discharge Bureau  
**Nick Maguire** – Senior Lecturer Clinical Psychology, University of Southampton  
**Dr Steve Townsend**, Chair, Southampton CCG  
**Annabel Hodgson**, Healthwatch Southampton HOSP representative

The agenda papers for the Panel meeting on 20<sup>th</sup> March can be found here:  
<http://www.southampton.gov.uk/modernGov/ieListDocuments.aspx?CId=477&MId=2829&Ver=4>

**MEETING 5: 15th MAY**

Considering the key issues and potential recommendations

Southampton Homelessness Services – Model of Provision and Services





## APPENDIX 2

### SUMMARY OF RECOMMENDATIONS

\*HOSP's Priority Recommendations are shown in bold

#### **A: A strategic city-wide approach to homelessness**

- i. The Homelessness Prevention Strategy continues to support city-wide commitment for continued funding of the existing flexible and innovative partnership model of homelessness in the city.
- ii. **Commissioners undertake a feasibility study including a cost/benefit analysis, with providers, to consider whether a more intensive 'Housing First' model could provide the relatively small number but high cost entrenched homeless clients a potential route into sustainable and settled accommodation.\***
- iii. **The Housing Strategy continues to prioritise an increase in affordable single person accommodation across the City, including new developments.\***
- iv. Links are maintained and strengthened between homelessness prevention and employment projects such as City Limits and the new City Deal to increase the skills and employment opportunities for homeless and vulnerably housed individuals.

#### **B: Raising awareness and recognition of homelessness issues and protecting valued services**

- v. **Continue to build relationships with landlords to raise awareness and common understanding of the issues and barriers of homeless tenancies and increase social letting with relevant support agencies. This includes bringing together the current range of city approaches for social lettings to the private sector housing rental market.\***
- vi. **Raise awareness of good practice and successful outcomes in homelessness prevention services as a means of reducing the stigma for homeless clients and encourage wider partnership involvement of other agencies including the Police and National Health Services including GPs and the University Hospital Southampton Trust.\***
- vii. **Expand the partnership to wider health services to reduce inequalities for homeless people services through delivering a comprehensive framework of preventative and integrated services.\***
- viii. **Raise the awareness of healthcare professionals of the role of homeless healthcare provider case workers and the value of their support of the single homeless, particularly through advocacy.\***
- ix. Maintain an overview of the cost benefit of key valued services within the City's Homelessness model, including the Homeless Health Care Team and dedicated specialist services supporting substance misuse and mental health problems.
- x. Consider outcomes from the Southampton Healthwatch review of GP registration and continue to work with GPs to improve access and integration to support homeless clients to move on from homeless health care to primary care services.

### **C: Improving service delivery**

- xi. The Homelessness Strategy Steering Group continue to support commissioners as they progress towards an evidence-based and outcome-focussed commissioning model so that the case for changes in policy and practice can be evidenced.
- xii. **Children and Family Services continue to prioritise the Multi-Agency Safeguarding Hub (MASH) and Early Help Team to ensure children in need are not falling through the gaps.\***
- xiii. **Children in Care continue to be a priority, particularly in preparing those in care to lead an independent life and that care leavers have access to suitable accommodation and maximise opportunities for employment, education and training.\***
- xiv. Homelessness Services work with National Probation Trust and the Hampshire Community Rehabilitation to support more pre-release planning to ensure emergency bed spaces are being used appropriately and to include looking at possibility of avoiding Friday prison releases.
- xv. **Commissioners of Homelessness services should consider the option of providing a 'dry' environment within the homelessness prevention model in the City to support those who want to become or stay sober.\***
- xvi. **Homelessness providers and commissioners should work towards developing 'psychologically informed environments' in hostels and develop a staff training programme as appropriate. Partnerships between the psychological support from the University of Southampton and local housing providers are essential to achieving this.\***
- xvii. **Undertake a fundamental review of Mental Health services for the City, specifically including improving access to behaviour therapies for homeless clients and considering raising the age for transition for young people into adult services to 24 years in line with the thresholds for the Integrated Substance Misuse Service. Early intervention should be prioritised alongside improving access to services from primary to acute care to ultimately reduce and better manage demand.\***
- xviii. **Investigate opportunities to reduce barriers and provide incentives for Houses in Multiple Occupation (HMOs) to be used for homeless clients.\***
- xix. Expand training on homelessness services / welfare services to community first responders and primary care services e.g. Hampshire Police, Ambulance Services, GPs and community nurses.

### **D: Monitoring and reviewing critical services and issues**

- xx. **Regulatory Services undertake an evidence based review of the effectiveness of the HMO licensing scheme to ensure that standards of quality are maintained for all private sector tenants in the City and to support the decision making process for whether to expand the scheme to other wards in the city. It should be recognised that those who have been homeless will be moving on into the lower cost / quality end of the market where risks to their health remain high.\***

- xxi. Regulatory Services consider options to undertake a new stock condition survey to gain a better understanding of the quality of the City's private housing stock and establish mechanisms and resources to secure an up to date survey at least every 6 years.\***
- xxii. Integrated Drug and Alcohol Substance misuse service to report to the Health Overview and Scrutiny Panel on how changes to service delivery will support homeless people more effectively, particularly in relation to raising the age of transition into adult services.
- xxiii. Continue to monitor homelessness trends and impacts of Welfare Reforms on homeless people to enable an evidence based response to adapt the Local Welfare Provision where necessary and report the impacts of Welfare Reforms to commissioners, the Jobcentre Plus and the Department of Work and Pensions.
- xxiv. The Homelessness Strategy Steering Group review the number, use and awareness of emergency weekend bed schedule for adults and especially for young homeless referrals and discharge from hospital or custody.
- xxv. Homelessness commissioners undertake a city-wide review of valued services which may come under threat due to lack of funding. Immediate consideration should be given to determine their value to the city's Homelessness Model and health outcomes for individuals for The Two Saints Day Centre and 'Breathing Space' project and the Vulnerable Adult Support Team in the University Hospital Southampton NHS Trust's Emergency Department.

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<b>DECISION-MAKER:</b>	CABINET		
<b>SUBJECT:</b>	LOCAL SUSTAINABLE TRANSPORT FUND		
<b>DATE OF DECISION:</b>	21 OCTOBER 2014		
<b>REPORT OF:</b>	CABINET MEMBER FOR ENVIRONMENT AND TRANSPORT		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	Neil Tuck	<b>Tel:</b> 023 8083 3409
	<b>E-mail:</b>	<a href="mailto:neil.tuck@southampton.gov.uk">neil.tuck@southampton.gov.uk</a>	
<b>Director</b>	<b>Name:</b>	Stuart Love	<b>Tel:</b> 023 8091 7713
	<b>E-mail:</b>	<a href="mailto:stuart.love@southampton.gov.uk">stuart.love@southampton.gov.uk</a>	

## STATEMENT OF CONFIDENTIALITY

Not applicable

## BRIEF SUMMARY

This report seeks to accept £996,500 of revenue grant from the Department for Transport (DfT) Local Sustainable Transport Fund (LSTF) in order to deliver a further years' extension to the Southampton Sustainable Travel City programme currently being delivered in the city. The scheme's aims are to continue to deliver a target modal shift away from private car to other modes of transport, develop supporting infrastructure to promote walking and cycling and deliver a 'Freight Traffic Control' system and pilot.

Key strategic partners within Southampton including Public Health, British Cycling, Sustrans and the University of Southampton have committed to match fund the project.

The report will seek the addition of £996,500 of revenue expenditure to the General Fund revenue budget for 2015/16, wholly funded from the new DfT revenue grant.

The report will also seek the addition and approval to spend of £245,000 to the Sustainable Travel and Integrated Transport capital schemes, contained within the E&T capital programme funded by £205,000 of 2015/16 Local Transport Plan (LTP) government grant and £40,000 of site specific 'Section 106' developer contributions. This is part of the Council's match funding, which was included in the LSTF bid.

## RECOMMENDATIONS:

- (i) To accept LSTF revenue grant of £996,500 from the Department for Transport (DfT);
- (ii) To add £996,500 to the 2015/16 revenue estimates of the Environment and Transport Portfolio funded by the DfT grant (subject to approval of the budget strategy at full Council in February 2015);
- (iii) To increase by £105,000 the Sustainable Travel capital scheme,

contained within the Environment and Transport Portfolio capital programme, funded by £65,000 of 2015/16 Local Transport Plan government grant and £40,000 of site specific 'Section 106' developer contributions;

- (iv) To increase by £140,000 the Integrated Transport Systems capital scheme, contained within the within the Environment and Transport Portfolio capital programme, wholly funded by 2015/16 Local Transport Plan government grant; and
- (v) To approve capital expenditure in 2015/16 of £105,000 on the Sustainable Travel capital scheme and £140,000 on the Integrated Transport Systems capital scheme, which form part of the Council's match funding for the LSTF bid.

### **REASONS FOR REPORT RECOMMENDATIONS**

1. Financial Procedure Rules require that external funding is added to the Council's revenue estimates and capital programme, as appropriate, and that approval to spend is secured to enable the delivery of projects within the Council's Capital Programme.

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

2. An option is not to accept the grant funding from the DfT. This would result in not being able to carry out the proposed project as outlined in the associated bid document.

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

3. The Department for Transport (DfT) invited local authorities in England to apply for Local Sustainable Transport Fund (LSTF) grants for 2015/2016 to deliver schemes that would cut greenhouse gas emissions and create local growth.
4. Southampton City Council (SCC) put forward a bid to extend the existing LSTF-funded schemes being delivered in the City to continue to deliver against our 12 percentage points target of modal shift away from private car to other modes; increase walking and cycling by 20%; facilitate the development aspirations of the City; and to counter the air quality issues reported on the corridor approaches to the City where the NO<sub>x</sub> limit values are beyond acceptable thresholds.
5. Significant progress has already been made to ensure economic growth continues and the balance between assisting traffic flows to the port and cruise terminals are balanced with continuing improvements to air quality, public health and the vitality of the City.
6. Southampton has shown it can deliver LSTF on time and on budget and was awarded the Transport City of the Year (National Transport Awards 2013) for its "ambitious transport vision" and successful delivery of transport schemes to date.
7. Since the start of the LSTF funded Sustainable Travel City programme the

number of daily cycling trips has increased by 12% while daily vehicle traffic has reduced by over 3%.

8. The 2015/2016 bid was comprised of 10 schemes; an urban 'Freight Traffic Control' system and pilot; the continuation of the workplace travel planning function providing travel and transport support and advice to Southampton businesses; the continuation of the school travel planning function ensuring at least 80% of schools receive STARS national accreditation as well as a programme of interventions linked to Public Health's Health Improvement Plans; a community based physical activity project using walking and cycling targeted at areas of inactivity/deprivation/worklessness in partnership with Public Health; an online Bike Ownership Portal; the continuation of the Bike Dr, bike maintenance courses and cycle training, My Journey Roadshows and Sky Ride 2015 in partnership with British Cycling; Phase 3 of the Legible Bus Network; Phase 1 of the Legible Cycle Network; a My Journey marketing programme, and; continued high level monitoring and evaluation of changes in traffic volume and modal split in the City.
9. The bid was put together through full open consultation with a number of key partners within the City of Southampton and the award of funding was through open competition.
10. There is an existing signed Memorandum of Understanding between the City Council, Sustrans and the University of Southampton securing the commitment of all three organisations to work collectively to deliver sustainable travel policy objectives in the City focusing on reducing the need to travel (reduce reliance on private car and shift to sustainable modes), maximising the use of existing infrastructure and delivering targeted improvements.. This will be revisited to maintain partnership working for a further 12 months as a result of the funding award.
11. The LSTF programme for 2015/2016 will be governed by the Centre for Sustainable Travel Choices Board which has representation from all three organisations.

## **RESOURCE IMPLICATIONS**

### **Capital/Revenue**

12. The revenue budget will be made up of £996,500 in revenue grant funding from the DfT. In addition, there will be £46,700 of SCC staff time as revenue match funding and £278,250 of external match funding from key partners.
13. The capital match funding will be made up of £205,000 from the 2015/16 LTP government grant, allocated through the Integrated Transport budget, and £40,000 from site specific 'Section106' developer contributions.
14. In accordance with Financial Procedure Rules (E.14), when a bid is

successful, relevant amendments are required to be made to the appropriate capital and revenue budgets, and all necessary capital and revenue approvals obtained before any expenditure is incurred or any commitment is made. Thus, Cabinet are recommended to increase the revenue expenditure estimates of the Environment & Transport Portfolio (Transportation section) by £996,500 and increase capital expenditure on the Sustainable Travel and Integrated Transport Systems capital schemes by £245,000 in 2015/16.

15. LSTF expenditure, up to the total of £996,500, is reimbursable via quarterly in arrears grant claims to the LSTF made by the Travel and Transport Compliance officer. At the conclusion of year 2015/16, the LSTF will only reimburse the expenditure incurred to that date. There is no slippage beyond this point as that would technically be an extension of the project.
16. There will be no ongoing project revenue costs beyond 2015/16 falling to the Council.

**Property/Other**

17. No conflict.

**LEGAL IMPLICATIONS**

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

18. The project will be delivered in accordance with s.1 Localism Act 2011, the ‘general power of competence’.

**Other Legal Implications:**

19. All projects and proposals delivered under the programme are subject to assessment under the Equalities Act 2010 and the need to reduce or eliminate crime and disorder under s.17 Crime & Disorder Act 1998 and contribute to the Council’s powers and duties to promote and deliver sustainability objectives across a variety of pervasive legislation.

**POLICY FRAMEWORK IMPLICATIONS**

20. The City Council is a Local Transport Authority as prescribed in the Transport Act 2000 and the Council’s relevant Policy Framework is the City of Southampton Local Transport Plan (LTP3).
21. The project is compatible with the objectives of the Community Strategy and Economic Development Strategy.

**KEY DECISION?** Yes

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

### Appendices

1.	None
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### Documents In Members' Rooms

1.	Final LSTF Bid Document
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### Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	Yes/No
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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.	The City of Southampton Local Transport Plan <a href="http://www.southampton.gov.uk/s-environment/transportplanning/localtransportpla">http://www.southampton.gov.uk/s-environment/transportplanning/localtransportpla</a>
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<b>DECISION-MAKER:</b>	CABINET		
<b>SUBJECT:</b>	PLANNING ENFORCEMENT POLICY		
<b>DATE OF DECISION:</b>	21 OCTOBER 2014		
<b>REPORT OF:</b>	LEADER OF THE COUNCIL		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	<b>Simon Rowberry</b>	<b>Tel: 023 803 2044</b>
	<b>E-mail:</b>	<b>Simon.rowberry@southampton.gov.uk</b>	
<b>Director</b>	<b>Name:</b>	<b>Stuart Love</b>	<b>Tel: 023 801 7713</b>
	<b>E-mail:</b>	<b>Stuart.love@southampton.gov.uk</b>	

<b>STATEMENT OF CONFIDENTIALITY</b>
None

### **BRIEF SUMMARY**

The Council's Planning Enforcement Policy has been thoroughly reviewed, updated and brought into line with the National Planning Policy Framework (NPPF) of March 2012. Cabinet is requested to approve the revised Planning Enforcement Policy.

### **RECOMMENDATIONS:**

- (i) That Cabinet approve the revised Planning Enforcement Policy, attached as Appendix 1.

### **REASONS FOR REPORT RECOMMENDATIONS**

1. It is necessary to have a comprehensive and up to date Planning Enforcement Policy in place to ensure that:
  - Clear policies and procedures are in place for planning enforcement
  - Complaints received are prioritised, investigated, their progress monitored and resolved in a timely manner
  - Enforcement decisions are executed within statutory and legal timeframes
  - Staff are appropriately trained and qualified

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

2. None.

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

3. The Council's Planning Enforcement Policy has not been reviewed since it was published in October 2008 and it does not reflect the updated National Planning Policy Framework, published in March 2012. The Policy has now been fundamentally revised and updated, and brought in line with the NPPF.
4. The policy statement describes what the service does and how the service is delivered to the community. It is not a legal document and does not seek to provide legal advice or to comment on individual cases, which will be judged on their individual circumstances.
5. *The policy sets out:-*
  - *The purpose of planning enforcement (section 2)*
  - *What is, and is not, a breach of planning control (section 3)*

- *How the Council decides whether to take enforcement action and possible outcomes (section 4)*
  - *How the planning enforcement team will deliver the service (section 5)*
  - *Clarification on how the Council prioritises complaints and timescales (section 6)*
  - *What happens if someone complains about you (section 7)*
  - *Customer care (section 8)*
6. An important component of the policy is that it clearly sets out what customers (complainants and those complained about) can expect from the service, the procedures that will be followed and the possible outcomes flowing from those procedures.
7. Once the policy is approved, a guidance leaflet will be produced and made available to the public, detailing the main elements of the policy.

#### **RESOURCE IMPLICATIONS**

8. None

#### **Capital/Revenue**

9. There are no direct implications resulting from this report.

#### **Property/Other**

10. None.

#### **LEGAL IMPLICATIONS**

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

10. Town & Country Planning Act 1990 together with a variety of primary and secondary legislation.

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

11. Enforcement activity undertaken pursuant to the policy must only be pursued where it is within the legal framework and the overriding public interest to do so, must be proportionate and necessary in order to achieve a necessary social / democratic aim. Enforcement activity must be considered and assessed having regard to s.17 Crime & Disorder Act 1990, the Equalities Act 2010 and the Human Rights Act 1998. .

#### **POLICY FRAMEWORK IMPLICATIONS**

12. The report accords with the Council's Policy Framework.

**KEY DECISION?** Yes

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

**Appendices**

1.	Planning Enforcement Policy
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**Documents In Members' Rooms**

1.	None
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**Equality Impact Assessment**

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
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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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## Planning Enforcement Policy for Southampton City Council

### Version 2 (May 2014)

#### 1.0 Introduction

1.1 This policy statement on Southampton City Council's ("the Council") Planning Enforcement Service describes what the service does and how we deliver the service to the community. It is not a legal document and does not seek to provide legal advice or to comment on individual cases, which will be judged on their individual circumstances.

1.2 The policy sets out:-

- The purpose of planning enforcement (section 2)
- What is, and is not, a breach of planning control (section 3)
- How the Council decides whether to take enforcement action and possible outcomes (section 4)
- How the planning enforcement team will deliver the service (section 5)
- Clarification on how the Council prioritises complaints and timescales (section 6)
- What happens if someone complains about you (section 7)
- Customer care (section 8)

1.3 It is important to remember that planning consent may not be the only consent required from the City Council. For example, Building Regulations approval, alcohol licence etc. may be required in addition to planning consent. This policy only covers matters relating to planning control. Property owners should satisfy themselves that all other necessary consents needed are in place to carry out the work or activity they are contemplating. Securing such consents can be a time consuming process and persons are encouraged to engage with the relevant regulatory bodies at the earliest opportunity to avoid frustrating delays at a later date.

1.4 Enforcement decisions and actions are taken in accordance with Government guidelines and Council Policy. The Department for Business Innovation & Skills published the Regulators Code in April 2014 and it sets out some principles for regulators when preparing enforcement policies:

1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow
2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views
3. Regulators should base their regulatory activities on risk
4. Regulators should share information about compliance and risk
5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
6. Regulators should ensure that their approach to their regulatory activities is transparent

This policy endorses all of these principles.

1.5 The ability to take enforcement action is currently delegated to the Planning & Development Manager under section 3.6.2 of the Officer Scheme of Delegation under the Council Constitution.

1.6 The Council has powers of enforcement in relation to other services, such as highways, environmental health, listed buildings, conservation and trees. These services are co-ordinated so that investigations are carried out under the appropriate legislation, but the Council seeks to ensure that any action taken is co-ordinated so that only one point of contact is required, wherever possible.

1.7 Co-operation with other external bodies (for example the Fire, Police Services and the Environment Agency) are an integral part of enforcement and these working relationships will continue to be developed in the future in order to make the most effective use of available resources and to ensure one point of contact, if possible.

## **2.0 The purpose of planning enforcement**

2.1 The integrity of the planning service depends on the Council taking timely and effective enforcement action when appropriate. The Council is committed to providing an effective planning enforcement service and it is understood that public perception of the planning system can be undermined when unacceptable development is allowed to proceed, or to remain, without any apparent attempt by the Council to intervene. Even when development is considered to be acceptable, the Council has a role in explaining to the public why the development is considered to be appropriate and to encourage a planning application to be submitted so it can be fully assessed, public comments considered, and appropriate conditions attached, if necessary.

2.2 The Council realises that whether something requires planning permission is not always clear, particularly to members of the public, and so a free duty planning officer service is available for advice, via the Gateway service. If a definitive answer is required, then an applicant can submit a certificate of proposed lawful development to gain a legal decision from the Council. The Council also offers a paid-for pre-application advice service to improve the quality of an application for planning permission.

## **3.0 What is, and is not, a breach of planning control?**

3.1 Whether something requires planning permission is not straightforward and while there are some fairly obvious breaches, such as building a new house without planning permission, many others are more difficult to define or less well known. For example:

- Works to a listed building
- Works to trees protected by a tree preservation order
- Stationing of a caravan or mobile home for use as a primary place of residence
- Breach of conditions attached to planning consents
- If someone does not build in accordance with the approved plans of their planning permission
- Failure to properly maintain land so that it affects the amenity of the area
- Unauthorised engineering works – even raising ground levels in the garden can require planning permission



- Failure to comply with terms within a Town and Country Planning Act 1990 Section 106 agreement
- The unauthorised display of advertisements

### **What is not a breach of planning control:**

3.2 Many issues can require consent to be given by a landowner or a third party but do not require planning permission. Unfortunately, the Council is not able to get involved in issues that are between two private parties, as these are considered to be civil matters. Other matters may be of genuine concern, and may be covered by other legislation, but are not issues that the Council as Local Planning Authority can get involved with. Some of these are:

- Internal works to a non-listed building (Building Regulations may be required)
- Competition from another business
- Obstruction of a highway or public right of way (the police or highways authority may be able to get involved)
- Parking a caravan within the residential boundary of a property provided that its use is ancillary to the dwelling
- Clearing of land of overgrowth, bushes and trees (provided they are not subject to a Tree Preservation Order or owned by the Council)
- Operating a business from home where the residential use remains the primary use
- Boundary disputes – disputes about ownership are a private matter and cannot be controlled under planning legislation
- Deeds and covenants are a private matter between the signatories to the documents
- Insertion of windows in houses or bungalows - once a building has been occupied windows can normally be inserted into existing walls provided that there is not a planning condition to prevent the insertion of additional windows (check the original planning consent via a Gateway file request)
- Where development is 'permitted development' under the Town and Country Planning (General Permitted Development) Order 1995 (as amended)

### **4.0 How the Council decides whether to take enforcement action and possible outcomes**

4.1 Where significant harm to amenity can clearly be demonstrated, then the Council will usually contact the person causing the breach to talk about the problem they have created. This will often result in a planning application being submitted or, where something is considered to be unacceptable, there will be a discussion about removing it. Only if the person causing the breach refuses to talk to the Council, or to resolve an unacceptable matter, will the Council take enforcement action.

4.2 Enforcement action is, however, discretionary. The Council has discretion as to whether to take enforcement action or not, and it is not a mandatory duty so to do. **Because something is a breach of planning control this is not, in itself, reason to take enforcement action.** Even when it is technically possible to take action, the Council is required to decide if such formal action would be “**expedient**” in the public interest. There needs to be harm actually being caused that is of sufficient detriment to warrant action being taken.

4.3 A breach of planning control is not normally a criminal offence in the first instance. Even if the Council is aware that someone is going to carry out works that require planning permission, it does not follow that it will be stopped. There would have to be considerable harm for the Council to seek an injunction to stop an

unauthorised development taking place. It is recognised that this can be very frustrating for complainants, but the Council must operate within the legislative framework as laid down. The Council reserves the right to take into account what benefits someone has created through carrying out unauthorised development. Any breach of the requirements of a formal Notice will constitute a criminal offence. Should this happen, the Council has the ability to seek to recover profits made either under the Town & Country Planning Act 1990 and/or under the Proceeds of Crime Act 2002 and will consider such an application to the courts for deliberate breaches.

4.4 The Council starts from a position of trying to resolve all breaches of the planning system through dialogue and normally formal action is a last resort. The Council is usually expected to give those responsible the chance to put matters right before serving a formal notice. However, when the breach of planning control is causing unacceptable serious harm or nuisance to public amenity, formal action will not be delayed by protracted negotiation or attempts to delay the process. Enforcement action will therefore always be commensurate with the seriousness of the breach of planning control.

4.5 It follows that any enquiry can result in many different outcomes, from the Council concluding that there is no breach of planning control, through to serving an injunction to stop a breach with immediate effect. Some possible options are summarised below, but if you make an enquiry, whatever the outcome, you will be fully advised about what the Council is doing and why.

- No breach established - after a site visit there is found to be no breach of planning control: for example the development is permitted development or is not within the control of planning legislation. No further action will be taken and all parties will be advised.
- There is a breach but it is not considered to be expedient to pursue the matter. If a 'technical' breach has taken place, for example a new garden fence has been erected that is only marginally over permitted development limits, then it is not normally worthwhile taking lengthy and expensive enforcement action over something that causes minimal public harm. The owner would normally be advised to submit a planning application to regularise the development but if they do not do so the case would be closed and the complainant advised. It is usually in the best interests of the property owner to regularise the problem, or they may run into problems when the property is sold.
- There is a breach and part of it is considered to be harmful. The Council may "under enforce" by serving a notice to secure a remedy to the most harmful part of the development, whilst leaving the lesser parts of the development untouched. For example, most garden fences can be 2m in height and it may be erected to 2.1m for the length and then one panel perhaps goes to 3m next to a neighbour's window. The Council may seek the removal of the 3m panel, but not to reduce the rest of the fence by 0.1m.
- There is a breach but it is 'immune' from action. It is possible that there has been a breach of planning control for some time but the Council has not been aware of it. If the building was substantially completed more than 4 years before, or a use commenced 10 years before, then the development can be considered to be immune from enforcement action. There are many caveats to these rules (for example, the period for residential use of a building is 4 years) and so more information will be required. The landowner would normally be advised to apply for a Certificate of Lawful Development to prove its immunity.

- If negotiation does not secure compliance with what the Council considers to be an acceptable solution, then it has the power to take formal action against any breach. The nature of the breach will dictate which route the Council chooses to pursue. Depending upon what action is taken, the person responsible may get a criminal record. The Council will make it clear in correspondence (to the property owner or the person in control of the land) what options are open to them to remedy the breach of planning control, and the timescales within which to carry those out.

4.6 The Council is very keen to promote businesses in the city to ensure a healthy economy, which is seen as a central part of delivering sustainable communities. With this in mind, the Government has considerable concern that small businesses in particular should not be unduly jeopardised by hasty enforcement action. Therefore, the Council will always seek to ensure there is a good dialogue with a business that has carried out development without planning permission and, if a solution cannot be found, then consideration will be given to ensure any action that is taken is carried out to minimise the impact on the business if reasonable and possible. This may result in longer compliance periods being given to regularise development. However, this desire to work with businesses will not be at the expense of tolerating any unacceptable impact on neighbours. The Council will have to weigh up and balance the impact on the business and the harm caused to others.

### **Types of formal action**

4.7 The Council has a range of formal powers under the Town and Country Planning Act, 1990 (as amended) that it can use to remedy breaches of planning control.

- Planning Contravention Notice – this requires persons to provide information in respect of the development and/or activities taking place on the land. These notices are often served as a first step, to gain information from the person carrying out the development and/or activity, before determining whether it is expedient to serve other formal enforcement notices
- Breach of Condition Notice – planning permission is usually granted with conditions and this Notice is served to require compliance with conditions. There is no right of appeal against this type of notice so it can be very quick at resolving problems.
- Enforcement Notice – this is the most frequently used formal notice and sets out steps required to remedy the breach. This notice can also be served in conjunction with a Stop Notice (see below). There is a right of appeal to the Planning Inspectorate against an Enforcement Notice, which can lengthen the process, and the notice will not take effect until the appeal has been determined. The period set for compliance with the Notice commences from the date of the appeal decision letter.
- Stop Notice / Temporary Stop Notice – these notices require unauthorised activities to cease either at three days notice or immediately.
- Section 215 Notice – provides the power to secure the proper maintenance of land and buildings where there is an adverse effect on the amenity of the area.
- Injunction - this may be obtained either from the High Court or the County Court and is usually served to take effect at short notice and can be served in anticipation of a breach that will occur, but the harm must be considerable to

warrant such a step. Failure to comply with a Court Order may lead to imprisonment

- Prosecution – should any of the above notices not be complied with by the required date for compliance, then usually the first step in seeking compliance is to formally write reminding them of their responsibility to comply with the Notice. Failure to act on such correspondence will normally lead to prosecution. Fines are within the bracket of ‘up to £20,000’, but this limit can be lifted and sometimes urgent action will be taken.
- Direct Action – in extreme circumstances the Council can enter the land and carry out the required works itself and then place a charge on the land for the re-payment of costs incurred. The council may then seek re-payment of those cost and, if not paid, convert the Charge on the property to a Charging Order and potentially an Order for Sale

## **5.0 How the planning enforcement team will deliver the service:**

### **5.1 The Planning Enforcement Service will:**

- Investigate all alleged breaches of planning control which are reported in writing, by e-mail or by telephone, and where sufficient information is given to identify the site, i.e. an exact address and details of what harm (if any) is being caused as a result of the breach. Complainants should leave their details so we can keep them informed and check information with them.
- The Council reserves the right not to investigate anonymous complaints, especially if they are considered to be vexatious or when workloads are high, as such complaints are more difficult to follow up.
- Complainants details are treated confidentially and the Council will always seek to protect the identity of those making complaints but, in rare circumstances, the Council may be required to divulge details (usually through legal action). We will advise anyone of this before it happens and it is extremely rare. If you are concerned about your details being used, then try contacting a local residents group or Ward Councillor, as they may be prepared to make the complaint on your behalf.
- We will promptly register every case and acknowledge receipt within 5 working days. You will be given the name of the Enforcement Officer dealing with your complaint so you know whom to contact. We will then carry out some initial checks (usually including a site visit) and ensure the complainant is updated by phone, email, visit, or formally in correspondence within a further 5 working days of our initial findings, and be given the opportunity to comment on our initial findings.
- When cases take a long time i.e. on-going monitoring is required, we will ensure complainants are updated at least every 3 weeks, unless other timescales are agreed on an individual case.
- It is important to remember that often the success of a case relies on the complainant working with the Council to provide details of the breach, to give evidence where possible, and potentially to act as a witness. The Council will discuss this with you if it is required, and any refusal to be more involved than you are comfortable with will not stop the investigation of a case (unless evidence cannot be gathered as a result).

## **6.0 Clarification on how the Council prioritises complaints and timescales**

6.1 It would be inappropriate to investigate and pursue all allegations with equal priority and intensity. Therefore each case is prioritised according to the seriousness of the alleged breach. This priority is decided by officers, and subsequently reviewed after an initial site visit. The scale of priorities (and this is not an exhaustive list of examples) is shown below:

### **1. Serious threat to health and/or safety. Permanent serious damage to the environment or amenity**

Serious traffic hazard; contamination / pollution being created;  
Loss of protected tree; works affecting the preservation or character of a Listed Building; certain types of demolition in a Conservation Area.  
These are usually visited within 24 hours of the case being reported.

### **2. Less immediate but harmful with potential to escalate**

Building works just commenced without permission; severe nuisance being created (noise, smells, congestion etc where there is also a breach of planning control). Non compliance with certain planning conditions (particularly pre commencement conditions).  
These are usually visited within 48 hours.

### **3. Other breaches likely to remain stable**

Development that has not been completed in full accordance with the approved plans, particulars or undertakings; an untidy site; non-compliance with other planning conditions.

These are usually visited within 5 working days, unless workloads are high and then they can take longer.

### **4 Other issues**

Satellite dishes; unauthorised display of adverts; new fences (adverts and fences may go up in priority if there are highway safety issue).

These are usually visited within 10 working days, unless workloads are high and then they can take longer.

## **7 What happens if someone complains about you?**

7.1 If you are contacted about an alleged breach of planning control, you are entitled to know what the allegation is (but not who made it) and to have the opportunity to explain your side of the case. We are aware that sometimes people make complaints due to neighbour disputes, and so we do not just believe an enquiry but will always seek to work with you to understand the facts of the case.

7.2 Initially a member within the Enforcement Team will visit the site. Due to time constraints, this is usually without any prior warning to the owner or any tenants / employees at the site. Officers are authorised to visit a site to investigate and will show identification when they arrive. Enforcement officers also have powers to obtain a warrant of entry where access is refused or refusal is anticipated. Wilful obstruction of a person exercising a right of entry is an offence so you should always seek to work with the Enforcement Officer. However, we are required to give 24 hours notice to insist on entry to a residential property but if you are happy to allow us access then we will usually take up that offer.

7.3 If the allegation refers to land or buildings in which you have no interest or involvement no action will be taken against you. If you are involved, the Planning Enforcement Service will advise you of the details of the breach and how it can be rectified. You may be served with a Planning Contravention Notice, which requires information concerning the alleged development. This notice is used to establish the facts of what has occurred and the details of those with an interest in the land, so that the Council can determine whether a breach has taken place and who is responsible. It is a criminal offence not to complete and return such a notice within the specified timescale.

7.4 In the event of a breach being established, your co-operation will be sought to correct the breach, either by removing or modifying the unauthorised development, or by ceasing the unauthorised use or activity prohibited by a planning condition. A reasonable period of time, which will depend on the nature of the breach, will be allowed for you to do this.

7.5 In some circumstances you may be invited to submit a retrospective planning application or, other appropriate application if it is considered that consent may be granted, or an application for a Certificate of Lawfulness of Use or Development, where it can be shown that the breach is immune from enforcement action and therefore lawful.

7.6 If compliance is not secured through negotiations or the relevant retrospective application / Certificate of Lawfulness is refused, formal action may be instigated (see types of formal action above).

## **8 Customer care**

8.1 The City Council is committed to offering a fair and transparent enforcement service to the community of Southampton.

8.2 Planning enforcement is a complicated area of law and care must be taken to arrive at a correct and appropriate course of action related to alleged breaches of planning control.

8.3 In exercising this policy, the City Council will offer all of its customers, whether they are complainants or those who may be in breach of relevant controls, adequate opportunities to fully state their case, to ensure that the correct decisions are taken to safeguard the built and natural environment of Southampton.

8.4 If persons are aggrieved with the Planning Enforcement Service offered to them, there is a complaints procedure, where complaints can be investigated. Stage One complaints will usually be investigated by the relevant Manager, and Stage Two complaints are handled by the Corporate complaints team. More details are available on the Council website.

8.5 If both stages of the procedure have been exhausted and a customer is still not satisfied, the matter can be investigated by the Local Government Ombudsman. They will make an independent investigation of whether maladministration has occurred by the City Council and if it has, recommend what remedy ought to take place. This may include the payment of compensation.

<b>DECISION-MAKER:</b>	CABINET		
<b>SUBJECT:</b>	RESPONSE TO SCRUTINY PANEL A RECOMMENDATIONS – MAINTAINING BALANCED NEIGHBOURHOODS THROUGH PLANNING		
<b>DATE OF DECISION:</b>	21 OCTOBER 2014		
<b>REPORT OF:</b>	LEADER OF THE COUNCIL		
<b><u>CONTACT DETAILS</u></b>			
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<b>STATEMENT OF CONFIDENTIALITY</b>
None

## **BRIEF SUMMARY**

Between November 2013 and June 2014, a Scrutiny enquiry was conducted regarding Balanced Neighbourhoods. The results were presented to Cabinet on 17<sup>th</sup> June 2014. This report presents Cabinet's responses to the recommendations.

## **RECOMMENDATIONS:**

- (i) To receive and approve the proposed responses to the recommendations of Scrutiny Panel A, attached as Appendix 2.

## **REASONS FOR REPORT RECOMMENDATIONS**

1. The overview and scrutiny rules in part 4 of the Council's Constitution requires the Executive to consider all inquiry reports that have been endorsed by the Overview and Scrutiny Management Committee, and to submit a formal response to the recommendations within them.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 2.. None.

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

3. On 12<sup>th</sup> September 2013, the Overview and Scrutiny Management Committee agreed the indicative terms of reference for an Inquiry examining the contribution that planning can make to maintaining balanced neighbourhoods. The set objectives of the Inquiry were:
  - To review how effectively the City Council's Article 4 and HMOs Supplementary Planning Document is working
  - To increase understanding of the various Government proposals to relax permitted development rights, including those relating to extensions and office-to-residential conversions, and to consider whether a local response should be developed

- To consider the Council's approach to planning enforcement
4. The Inquiry was undertaken by Scrutiny Panel A with information presented to 6 meetings from November 2013 to May 2014. The final report was approved by OSMC on 12<sup>th</sup> June 2014 and is attached as Appendix 1.
  5. The recommendations are grouped under the following key themes:
    - Houses in Multiple Occupancy
    - Planning Enforcement
    - Permitted Development Rights
    - Community-Led Planning
  6. The recommendations contained within the final report are summarised as Appendix 2, with proposed actions set out against each recommendation.

## **RESOURCE IMPLICATIONS**

### **Capital/Revenue**

7. The resource implications are discussed in relation to each recommendation, where applicable.

### **Property/Other**

8. None.

## **LEGAL IMPLICATIONS**

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

9. The responses require the exercise of a range of statutory powers, primarily under Town & Country Planning legislation.

### **Other Legal Implications:**

10. None.

## **POLICY FRAMEWORK IMPLICATIONS**

11. The proposals contained within the appended report are in accordance with the Council's Policy Framework.



KEY DECISION? Yes

WARDS/COMMUNITIES AFFECTED:	All
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**SUPPORTING DOCUMENTATION**

**Appendices**

1.	Final Report – Scrutiny Panel A Inquiry
2.	Schedule of Recommendations and Proposed Responses

**Documents In Members’ Rooms**

1.	None
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**Equality Impact Assessment**

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
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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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### **Scrutiny Panel A Inquiry – Recommendations**

#### **Houses in Multiple Occupation Supplementary Planning Document (HMO SPD):**

Evidence was provided to the Panel from various sources advocating changing the HMO SPD thresholds currently in existence, or indeed removing the thresholds altogether. The Panel are aware that it is a balancing act between protecting family housing and balanced communities and meeting housing needs for the city. The Panel, whilst recognising that the HMO SPD is not perfect, were not convinced that the evidence presented to them was robust enough to recommend changes to the existing HMO SPD thresholds, 10% (Bassett/Portswood/Swaythling) and 20% in the rest of the city, at this time. The Panel believe more research is required in assessing housing need in the city as it relates to HMO accommodation, tipping points and in clarifying the number of HMOs in Southampton before the Council reconsiders amending the thresholds. With this in mind the Panel recommend the following:

1. That the Administration reconsider the HMO SPD thresholds once accurate and soundly based information on housing need and HMO numbers in Southampton, and the tipping point at which communities become unbalanced has been gathered. The Panel believe that working with the universities in Southampton, perhaps through commissioning a specific investigation, e.g as a student dissertation topic, could be a way forward here. Information gathered could be used in conjunction with the emerging details on location and HMO numbers emanating from the implementation of the Additional HMO licensing scheme in 4 wards of the city. The Panel ask that a) early consideration be given to Freemantle when determining appropriate thresholds, and b) that a consultative task force is established consisting of council officers, universities, representatives of resident's associations and landlords to monitor progress and to advise on the exercise to accumulate evidence on the supply of, and demand for HMOs.
2. That the Executive give consideration to how the HMO SPD can be amended to reflect the population density of HMO occupants rather than just property density. The Executive may, for example, consider utilising information derived from planning applications since March 2012, from the Additional Licensing Scheme, the location of halls of residence and whether an HMO is C4 or Sui Generis.
3. That the Executive amend the HMO SPD to include no new HMOs which would 'sandwich' family homes.
4. That greater emphasis be placed on amenity and neighbourhood character when considering HMO applications.

#### **HMOs in general:**

5. That the Council roll out the Additional HMO licensing scheme to areas within wards that have issues with HMOs as soon as legally and feasibly possible, and deals robustly with irresponsible landlords as the scheme moves into the enforcement phase, including prosecuting where appropriate.
6. To address the issue of the proliferation of To-Let signs the Panel supports the motion approved at the 19 March meeting of Council urging the Executive to make full use of the powers available to curb the excessive display of such signs, including consideration of the adoption of a Regulation 7 Direction under the Town and

Country Planning (Control of Advertisements) Regulations, and a rigorous Lettings Board Code as adopted by Leeds City Council and others. The Council could, for example, consider the following easy and inexpensive proposals; a total ban in Conservation Areas, a ban on 'Let By / Sold By' boards, and a moratorium of 'Student Let' boards between (say) August and February.

7. Development of new student accommodation benefits the wider market, as it frees up homes that are suitable for families and couples. It is therefore recommended that the Executive:
  - a. engage with the two universities in Southampton and encourages the development of additional appropriate purpose built student accommodation;
  - b. review the Council's existing policy with a view to adopting the approach whereby the City Council insist that any student numbers are matched by a proportionate increase in purpose-built student accommodation, and by setting a target for the overall number of students living outside of university provided accommodation at each institution.
8. That the Council seek agreement with letting agencies and Universities not to offer unlicensed/unapproved student accommodation to let.
9. That the Executive consult with landlords to identify ways of increasing the attractiveness of areas within Southampton in which HMOs are currently significantly underrepresented e.g by improving transport links.
10. If it is legal it is recommended that the Council develops a closer alignment between Planning and HMO Licensing ensuring that an application for an HMO License is only determined after planning permission has been ascertained. If this is currently illegal then the Council should write to the Government recommending a change in the law.

### **Planning Enforcement:**

The Panel recognise that planning enforcement in Southampton has improved recently but more could be done to ensure that the planning function is not undermined by a lack of prompt and effective enforcement. The following actions are recommended:

11. That the planning enforcement action plan is fully implemented, including clear guidance and standards on planning enforcement and the audit plan is completed.
12. That, to act as a deterrent, successful enforcement action is publicised (may be included in Street CRED outcome publicity or through Stay Connected).
13. The Council makes direct representation to the Secretary of State at the DCLG and the Planning Minister requesting:
  - a. The introduction of stop notices to stop unauthorised residential uses
  - b. Shifting enforceability to proof of intent instead of actual occupation
  - c. Stopping the ability to appeal about a planning decision and a subsequent enforcement notice
  - d. An additional fee for those who have applied for retrospective planning permission
  - e. Permission to confiscate rent for unauthorised HMO occupancy
  - f. Power to charge fees for HMO applications and appeals.
14. The Council strengthens checks on established use, with published guidelines.
15. The Council makes fuller use of the Proceeds of Crime Act where possible and Section 215 (untidy sites) notices.

### **Permitted Development Rights:**

The Panel were informed about the office to residential conversion and the residential properties permitted development rights (PDR). Members recognised that the various PDRs had the ability to impact on the balance of neighbourhoods but were notified that neither of the PDRs has so far had a significant impact on the city and that they are scheduled to be removed in 2016. The following actions are recommended:

16. To raise awareness, the Planning Service provides information to all councillors about the permitted development rights.
17. That the Council monitors the impact of PDRs with a view to taking appropriate action if it is considered that they are having a detrimental impact on the city.
18. That the Council makes direct representation to the Secretary of State at the DCLG and the Planning Minister requesting that the Government reconsiders their position regarding including HMOs within the PDRs for residential properties.

### **Community led Planning: New ways of working – Educate, engage and enforce**

The Panel were informed about the new approaches that seek to empower local communities to shape their neighbourhoods. Despite limitations in approaches such as Neighbourhood Planning the Panel saw the value in encouraging, supporting and empowering communities across Southampton to work collectively to develop local solutions. These could work alongside Council enforcement in areas such as Waste Enforcement, HMO Additional Licensing Scheme, Planning Enforcement, Environmental Health and StreetCRED to address negative impacts associated with unbalanced communities. To further this community led approach it is recommended that:

19. The Council supports Neighbourhood Plans across Southampton.
20. With councillors taking the lead, the Council pilots working on a street by street basis, with local residents, resident associations and landlords to address the problems associated with HMOs in certain communities.

### **General comment – Planning resources**

This review has identified the significant pressures facing the Planning Service. Whilst the Panel recognises the immense financial pressures facing the Council there were concerns that the existing service is under resourced and that further reductions in resources would be detrimental to maintaining balanced neighbourhoods in Southampton. It is therefore recommended that:

21. The Executive review the resources allocated to deliver the Planning Service, particularly for enforcement, to ensure that it is sufficient to deliver the service required by the City of Southampton.

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**SCRUTINY PANEL: MAINTAINING BALANCED NEIGHBOURHOODS THROUGH PLANNING INQUIRY – FINAL REPORT**

**RESPONSE TO RECOMMENDATIONS**

	<b>Recommendation</b>	<b>Response</b>
	<b><i>Houses in Multiple Occupation SPD</i></b>	
i	<p>That the Administration reconsider the HMO SPD thresholds once accurate and soundly based information on housing need and HMO numbers in Southampton, and the tipping point at which communities become unbalanced has been gathered. The Panel recommend that this happens as soon as possible, but no later than September 2015. The Panel believe that working with the universities in Southampton, perhaps through commissioning a specific investigation, e.g. as a student dissertation topic, could be a way forward here. Information gathered could be used in conjunction with the emerging details on location and HMO numbers emanating from the implementation of the Additional HMO licensing scheme in 4 Wards of the city. The Panel ask that a) early consideration be given to Freemantle when determining appropriate thresholds, and b) that a consultative task force is established consisting of council officers, universities, representatives of resident's associations and landlords to monitor progress and to advise on the exercise to accumulate evidence on the supply of, and demand for HMOs.</p>	<p>Accepted.</p> <p>An indicative programme for undertaking this work is as follows:</p> <p>November 2014 – May 2015: Empirical research and data collection, followed by formulation of draft revised HMO SPD. This will include discussions with the two universities.</p> <p>Any proposals for changes to current thresholds will seek to take account of the particular characteristics, demographics and needs of each Ward in the City.</p> <p>June 2015: formal consultation on the draft revised HMO SPD with all stakeholders, including universities, residents groups, amenity groups, Councillors and the public</p> <p>July/August 2015: Any revisions will be undertaken that are appropriate in response to the consultation exercise</p> <p>September 2015: Consideration of the revised HMO SPD by Cabinet</p>

ii	That the Executive give consideration to how the HMO SPD can be amended to reflect the population density of HMO occupants rather than just property density. The Executive may, for example, consider utilising information derived from planning applications since March 2012, from the Additional Licensing Scheme, the location of halls of residence and whether an HMO is C4 or Sui Generis.	This is accepted as one set of considerations to be taken into account in deriving a more rational methodology.
iii	That the Executive amend the HMO SPD to include no new HMOs which would 'sandwich' family homes.	This is accepted as one set of considerations to be taken into account in deriving a more rational methodology.
iv	That greater emphasis be placed on amenity and neighbourhood character when considering HMO applications.	These are already factors in the consideration of applications.
v	That the Council roll out the Additional HMO licensing scheme to areas within wards that have issues with HMOs as soon as legally and feasibly possible, and deals robustly with irresponsible landlords as the scheme moves into the enforcement phase, including prosecuting where appropriate.	Accepted in principle, subject to resource availability
vi	To address issues of the proliferation of To-Let signs the Panel supports the motion approved at the 19 March meeting of Council urging the Executive to make full use of all of the powers available to curb the excessive display of such signs, including consideration of the adoption of a Regulation 7 Direction under the Town and Country Planning (Control of Advertisements) Regulations, and a rigorous Lettings Board Code as adopted by Leeds City Council and others. The Council could, for example, consider the following easy and inexpensive proposals: a total ban in Conservation Areas, a ban on 'Let By / Sold By' boards, and a moratorium on 'Student Let' boards between (say) August and February.	<p>Accepted in principle – will undertake further research on measures implemented by other LPAs, including Nottingham and Leeds City Councils.</p> <p>The planning enforcement and HMO Licencing teams have been working closely together to progress this, alongside over 50 Lettings Agents and other stakeholders.</p> <p>In 2014/15 to date <a href="#">260 letting boards have been removed</a>. An additional HMO officer has been recruited in recent weeks, which will help maintain momentum.</p>



vii	<p>Development of new student accommodation benefits the wider market, as it frees up homes that are suitable for families and couples. It is therefore recommended that the Executive:</p> <ul style="list-style-type: none"> <li>a) Engage with the two universities in Southampton and encourages the development of additional appropriate purpose built student accommodation;</li> <li>b) Review the Council's existing policy with a view to adopting the approach whereby the City Council insist that any student numbers are matched by a proportionate increase in purpose-built student accommodation, and by setting a target for the overall number of students living outside of university provided accommodation at each institution.</li> </ul>	<p>Accepted.</p> <ul style="list-style-type: none"> <li>a) It is understood that these objectives are written into both university's plans. However, it is not possible for the City Council to insist on the development of further purpose built student accommodation. However, we can work with the universities to encourage this and to assist with the delivery on appropriate sites and locations</li> <li>b) This will be considered as part of the wider HMO SPD Review, in accordance with the programme and timetable set out in i) above</li> </ul>
viii	<p>That the Council seek agreement with letting agencies and the Universities not to offer unlicensed/unapproved student accommodation to let.</p>	<p>Accepted.</p> <p>Early discussions will be held between the City Council and the universities to establish the most appropriate actions for delivering this. Further discussions are then likely to be required with key letting agencies within the City</p>
ix	<p>That the Executive consult with landlords to identify ways of increasing the attractiveness of areas within Southampton in which HMOs are currently significantly underrepresented e.g. by improving transport links.</p>	<p>Rejected – this is a function of the market.</p>
x	<p>If it is legal it is recommended that the Council develops a closer alignment between Planning and HMO Licensing ensuring that an application for an HMO License is only determined after planning permission has been ascertained. If this is currently illegal then the Council should write to the Government recommending a change in the law.</p>	<p>As soon as a planning permission is granted, information is passed to HMO Licensing. This is, therefore, current practice.</p>

	<b>Planning Enforcement</b>	
i	That the planning enforcement action plan is fully implemented, including clear guidance and standards on planning enforcement and the audit plan is completed.	Accepted.  A revised and comprehensive Enforcement Policy, resulting from the audit, will be considered by Cabinet on 21 October 2014
ii	That, to act as a deterrent, successful enforcement action is publicised (may be included in Street CRED outcome publicity or through Stay Connected).	Accepted, but on a case-by-case basis.
iii	The Council makes direct representations to the Secretary of State at the DCLG and the Planning Minister requesting: <ul style="list-style-type: none"> <li>a) The introduction of stop notices to stop unauthorised residential uses;</li> <li>b) Shifting enforceability to proof of intent instead of actual occupation;</li> <li>c) Stopping the ability to appeal about a planning decision and a subsequent enforcement notice;</li> <li>d) An additional fee for those who have applied for retrospective planning permission;</li> <li>e) Permission to confiscate rent for unauthorised HMO occupancy;</li> <li>f) Power to charge fees for HMO applications and appeals.</li> </ul>	Accepted.
iv	The Council strengthens checks on established use, with published guidelines.	Rejected, on grounds of cost.
v	The Council makes fuller use of the Proceeds of Crime Act where possible and Section 215 (untidy sites) notices.	Accepted in principle.  This will be undertaken where it is expedient and effective so to do so and where resources permit.

	<b>Permitted Development Rights</b>	
i	To raise awareness, the Planning Service provides information to all Councillors about the Permitted Development Rights.	Accepted.  An all-Member briefing will be held in late October/Early November 2014
ii	That the Council monitors the impact of PDRs with a view to taking appropriate action if it is considered that they are having a detrimental impact of the city.	The impact will be taken note of on the basis of the Council's normal planning activities.
iii	That the Council makes direct representation to the Secretary of State at the DCLG and the Planning Minister requesting that the Government reconsiders their position regarding including HMOs within the PDRs for residential properties.	Accepted.
	<b>Educate, Engage and Enforce</b>	
i	The Council supports Neighbourhood Plans across Southampton.	Reject – this is a matter for localities.
ii	With Councillors taking the lead, the Council pilots working on a street-by-street basis, with local residents, residents associations and landlords to address the problems associated with HMOs in certain communities.	Accepted – as part of the on-going Street CRED programme.
iii	The Executive review the resources allocated to deliver the Planning Service, particularly for enforcement, to ensure that it is sufficient to deliver the service required by the City of Southampton.	This is done on an annual basis, through the budget setting process.  The issue of local fee setting will be raised in the letter to the Secretary of State.

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<b>DECISION-MAKER:</b>	CABINET		
<b>SUBJECT:</b>	*SOUTHAMPTON PERMIT SCHEME FOR THE MANAGEMENT OF ROAD AND STREET WORKS		
<b>DATE OF DECISION:</b>	21 OCTOBER 2014		
<b>REPORT OF:</b>	CABINET MEMBER FOR ENVIRONMENT AND TRANSPORT		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	<b>John Harvey</b>	<b>Tel:</b> 023 8083 3927
	<b>E-mail:</b>	<a href="mailto:john.harvey@southampton.gov.uk">john.harvey@southampton.gov.uk</a>	
<b>Director</b>	<b>Name:</b>	<b>Stuart Love</b>	<b>Tel:</b> 023 8091 7713
	<b>E-mail:</b>	<a href="mailto:stuart.love@southampton.gov.uk">stuart.love@southampton.gov.uk</a>	

## STATEMENT OF CONFIDENTIALITY

Appendix 1 of this report is not for publication by virtue of categories 3 (financial and business affairs), and 7A (obligation of Confidentiality) of paragraph 10.4 of the Council's Access to Information Procedure Rules as contained in the Council's Constitution.

It is not in the public interest to disclose this information as this appendix contains confidential and commercially sensitive information supplied by or agreed with the Council's Service Provider. It would prejudice the Council's ability to operate in a commercial environment and obtain best value in contract negotiations and would prejudice the Council's commercial relationships with third parties if they believed the Council would not honour any obligation of confidentiality

## BRIEF SUMMARY

Part 3 of the Traffic Management Act 2004 (TMA) introduced road works Permit Schemes as a new way in which activities in the public highway could be better managed and to improve Authorities' abilities to minimise disruption from street and road works.

The scheme being developed is a full scheme and applies to all works on all roads and requires a fee to be paid by Statutory Undertakers for all works on all roads (subject to operational matters as detailed in the Scheme document).

The scheme has been named the Southampton Permit Scheme (SPS) and a number of necessary documents have been prepared and consulted on in anticipation of an application to Secretary of State for Transport.

In order to begin operation of the SPS an application needs to be submitted to the Department for Transport (DfT) to seek approval of the scheme design prior to the Secretary of State (SoS) making an Order to give effect to the scheme.

## RECOMMENDATIONS:

- (i) To approve the submission of the Southampton Permit Scheme application (Scheme as set out in Appendix 1) to the Department of Transport requesting approval of the scheme design;

- (ii) To approve that the Southampton Permit Scheme should be a full scheme that applies to all works on all roads and requires a fee to be paid by Statutory Undertakers for all works on all roads per the fee schedule set out in the Scheme attached at Appendix 1;
- (iii) To delegate to The Head of Transport, Highways and Parking the ability to amend the scheme prior to submission and to take all decisions regarding the operational aspects of the project; and
- (iv) To note that a further report will be brought to Cabinet later in the year to consider the Department of Transport approval of the scheme design and approve the implementation of the scheme.

## **REASONS FOR REPORT RECOMMENDATIONS**

1. The Department of Transport requires a full submission in order that they can consider the scheme design prior to preparing a Statutory Instrument (SI) to empower the scheme.
2. A full scheme will ensure that the Council has control over the entire highways network and is able to manage all works and qualifying activities.
3. There are a number of operational and set up decisions required to implement the scheme.
4. The Department of Transport will give the Council 28 days to accept the approved scheme and agree a start date which must be before 31<sup>st</sup> March 2015.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

### **Option 1: Do Nothing.**

4. This would involve retaining the existing 'Notice' System with minimum statutory controls. This provides greater flexibility for statutory undertakers and works promoters to minimise their costs. This flexibility is due to the large window within which works promoters can plan to carry out their works. There is evidence that some over order so as to keep their labour busy and then cancel the notices they don't need. This leads to last minute changes with confusion and disruption.
5. The existing scheme has less coordination powers for works within the highway. Only limited information, which is subject to change without consent, is available to other road users. Works often disrupt bus services and lead to additional costs to run extra/replacement services as a result.

### **Option 2 : Permits and Notices**

6. This would involve having Chargeable Permits on 0, 1& 2 Category Roads and Traffic Sensitive Streets, whilst retaining Notices (as existing) for 3& 4 Category Roads and non Traffic Sensitive Streets.
7. This would provide greater control on the strategic road network, including all Principal Roads, Main Distributor, Local Access, HGV Access routes and all bus routes. This is likely to reduce the number of street works on the strategic road network, which will reduce disruption and burden to business and other road users. Permitted works would demand more detailed advance information enabling better assessment of the impact of the proposed works.
8. However, only partial cost recovery would be possible. Only costs associated

with dealing with Permits issued to statutory undertakers are recovered through fees. The Notice regime would still be non-chargeable.

9. With two systems in operation, road works on the majority of the road network, including nearly all urban roads would still only be coordinated by agreement with limited statutory powers available to the Council to improve coordination / communications etc.

### **Option 3 : Permits (Chargeable and Deemed)**

10. This would involve having Chargeable Permits required on 0,1,& 2 Category Roads and Traffic Sensitive Streets, with non-chargeable 'Deemed' Permits required on 3 & 4 category Roads and non Traffic Sensitive Streets.
11. One system would be in operation with Full Permit Powers (controls to force coordination, time / duration of works etc) available to the Council. This is likely to reduce the number of works on the road network, which will reduce disruption and burden to business and other road users.
12. However, some costs are still borne by the Council in relation to dealing with works on non hierarchy roads. Only partial cost recovery would be possible.

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

13. Currently, statutory undertakers, primarily Utility Companies (also known as Promoters), have rights to dig up and place their apparatus in the street subject to compliance with the notification requirements in the New Roads and Street Works Act 1991 (NRSWA).
14. The cost of the disruption caused by these essential Utility works to the UK economy is estimated to be £4.3bn per year at 2002.
15. A recent report shows the cost of idling to car-commuting households in the UK was £4.1bn in 2011 and further estimates from the CBI have put the total cost of road congestion to UK businesses at nearer £7-8bn per year.
16. Part 3 of the Traffic Management Act 2004 and associated Regulations (2007) give Councils the power to establish a new Permit Authority and operate a Permit Scheme requiring statutory undertakers (and Highway and Transport Authorities) to apply for a Permit before carrying out these works.
17. The fundamental change resulting from the introduction of a Permit Scheme is the need for all works promoters, including the Council itself, to apply for a Permit before working and for Utilities to pay a fee.
18. This new revenue will enable the Council to manage more effectively these works and impose working conditions to better control what happens, when and how it is undertaken.
19. Permit schemes cannot come into operation until the Secretary of State has made an Order giving effect to the scheme. The requirements, contents and way in which the Permit Schemes must operate are specified in the Permit Regulations and supplemented by statutory and operational guidance issued by the Department for Transport (DfT).
20. The proposed scheme will impose chargeable permits on all roads (Category 0, 1, 2, 3 & 4 and traffic sensitive streets) with a sliding scale of charges depending upon location and nature of the works.
21. One consistent system will be in operation with Full Permit Powers (controls to force coordination, time / duration of works etc) available to the Council.

Resources would be targeted to reduce the number of works on the road network, which will reduce disruption and burden to business and other road users.

22. The Council will have maximum control to coordinate works and ensure robust communications to other road users. The same controls will be imposed on all of the Council's own works, with an increase in resources to enable administration.
23. The scheme, if approved, will put in place a policy of a requirement to apply for a Permit, applicable to both statutory undertakers' work on adopted highways and to Highway Authorities' own highway works. There is a requirement in the regulations to demonstrate parity of treatment of Highway and Utility works and their Permit applications.

There will be increased staffing implications as new resources will be required that will be funded from the new Permit Fee revenue derived from statutory undertakers'.

The requirement is that overall fee income from statutory undertakers' should match the overall allowable growth in costs. In the event that there is a surplus in any given year the requirement is that the money should be applied towards the cost of the scheme in the next year and that fee levels are adjusted accordingly, so that taking one year with another, fees do not exceed the allowable costs.

The DfT guidance is very clear that schemes should not generate surplus revenue and that income should therefore only be used to meet allowable scheme costs.

24. The development of SPS has required a number of work themes and components be developed.
1. A Scheme Document – detailing how the scheme will operate and comply with legislation
  2. A formal consultation – detailing the proposals and seeking responses from relevant stakeholders
  3. An up to date Local Street Gazetteer and Associated Street Data designating certain streets (or parts of streets) as "Traffic-Sensitive" if they meet specific criteria under Section 64 of NRSWA
  4. Cost Benefit Analysis – detailing the Benefit to Cost Ratio (BCR) resulting from the introduction of the scheme

These works are in hand and will form part of the submission to DfT.

25. A further report will be brought to Cabinet later in the year which will seek approval to request the Secretary of State to make the necessary Order to implement the scheme. This report will have further details regarding the financial and operational arrangements of the scheme.

## **RESOURCE IMPLICATIONS**

### **Capital/Revenue**

26. One-off revenue funding of £114,000 was made available in the 2013-14 financial year from the On-Street operating surplus for initial consultant and feasibility design costs for the scheme. A proportion of this will be recoverable through the scheme
27. Further setup costs of approximately £150,000 will be required after the



scheme design is approved by the Department of Transport and agreed by Cabinet later in the year. These costs will be entirely recoverable through the permit scheme fee charges.

28. It is intended that the SPS will be self financing. Income from fees shall not exceed the total allowable costs prescribed in the Permit Scheme Regulations set by Central Government. In the event that fees and costs do not match, adjustments should be made to the fee levels for subsequent years so that taking one year with another, fee income does not exceed allowable costs. The maximum income for permits schemes fees are set by regulation.
29. Monitoring and permitting the Council's own highways work, will be met from existing revenue budgets. The equivalent activity is currently carried out by Balfour Beatty Living Places (BBLP) under the Highways Service Partnership (HSP).
30. The Network Management function including all NRSWA activities are carried out by BBLP. It is proposed that BBLP carry out most functions of the SPS on behalf of the Council. Accounting processes will be in place to demonstrate the level of income received and its use in delivering the service.

#### **Property/Other**

31. None

#### **LEGAL IMPLICATIONS**

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

32. The Council as Local Traffic Authority has powers under Part 3 of the Traffic Management Act 2004 (TMA) and The Traffic Management Permit Schemes (England) Regulations 2007 (the Permit Regulations) to implement and operate a scheme subject to the Secretary of State making the necessary Statutory Instrument.

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

33. Where the scheme is implemented on the specified streets, and in accordance with the Regulations, the Permit Scheme will result in the disapplication and modification of the following sections of the NRSWA:
  - Sections of NRSWA disappplied: s53; s54; s55; s56; s57; s66
  - Sections of NRSWA modified: s58; s58A; s64; s69; s73A; s74; s88; s89; s90; s93; s105; Schedule 3A
  - Regulations modified: The Street Works (Registers, Notices, Directions and Designations)(England) Regulations 2007 SI 2007/1951
34. Changes to Section 58 (restrictions on works following substantial road works) and Section 74 (charges of occupation of the highway where works are unreasonably prolonged) apply only to Statutory Undertakers activities.
35. The Permit Scheme makes arrangements so that similar procedures are followed for Highway Authority Promoter activities in relation to timing and duration, in order to facilitate the operation of the Permit Scheme and ensure there is parity of treatment for all Promoters.

#### **POLICY FRAMEWORK IMPLICATIONS**

36. The Southampton Permit Scheme is fully in line with The Local Transport

Plan. The objectives of the scheme will also reduce congestion with associated reductions on CO<sub>2</sub> and NO<sub>x</sub> levels. These will in turn assist general health levels.

**KEY DECISION?** Yes

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

**Appendices**

1.	Confidential Appendix 1
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**Documents In Members' Rooms**

1.	The Application Form for Southampton Permit Scheme
2.	Letter to the Secretary of State
3.	Additional Information
4.	Cost Benefit Analysis
5.	Cost Benefit Analysis Appendix A
6.	Cost Benefit Analysis Appendix B
7.	Cost Benefit Analysis Annex B
8.	Cost Benefit Analysis Consultation
9.	Final Draft Scheme
10.	Formal Scheme Consultation
11.	Consultation Letter – response
12.	Consultation Letter
13.	Consultation Draft
14.	Data

**Equality Impact Assessment**

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	Yes
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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)
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1.	None	
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<b>DECISION-MAKER:</b>	CABINET		
<b>SUBJECT:</b>	SOUTHAMPTON PERMIT SCHEME FOR THE MANAGEMENT OF ROADWORKS AND OTHER ACTIVITIES ON THE ROAD NETWORK		
<b>DATE OF DECISION:</b>	18 NOVEMBER 2014		
<b>REPORT OF:</b>	CABINET MEMBER FOR ENVIRONMENT AND TRANSPORT		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	John Harvey	<b>Tel:</b> 023 8083 3927
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## BRIEF SUMMARY

The Southampton Roadworks Permit Scheme (SoRPS) will ensure that future roadworks and activities on the road network are planned and coordinated under additional powers provided by The Traffic Management Act 2004.

The Department of Transport are considering a request for Southampton City Council to take on these additional powers and are expected to recommend technical approval in early November 2014.

This report seeks Council approval to the implementation of the Southampton Permit Scheme so that when the approval letter is received, the scheme can be implemented by 31<sup>st</sup> March 2015.

## RECOMMENDATIONS:

- (i) To approve the implementation of the Southampton Roadworks Permit Scheme (SoRPS) subject to the Department of Transport (DfT) providing technical approval of the scheme and subject to recommendations (ii) and (iii) of this report.
- (ii) To delegate authority to the Director, Place, following consultation

with the Cabinet Member for Environment and Transport and the Chief Financial Officer, to formally approve the implementation of the scheme to the DfT and in doing so, ask the DfT to make a Statutory Instrument to empower the scheme.

- (iii) To delegate authority to the Head of Contract Management, following consultation with the Cabinet Member for Environment and Transport, the Director, Place and the Chief Financial Officer, to approve changes to the Highways Service Partnership contract to allow the Council's Highways Service Provider Balfour Beatty Living Places Ltd to undertake works relating to the Permit Scheme on the Council's behalf, provided that commercial close and the contract amendments are in accordance with the parameters described in Confidential Appendix 1 of this report.

### **REASONS FOR REPORT RECOMMENDATIONS**

1. The Department of Transport (DfT) has agreed to carry out technical approval of the Council's submitted proposal and make a Statutory Instrument (SI) to provide new powers to operate the scheme.
2. The technical approval letter from the DfT should arrive in early November 2014. It will be necessary to respond to this letter within a four week window to meet their scheme implementation deadline of 31<sup>st</sup> March 2015.
3. The scheme will require additional staff and resources to manage the new process. These will be provided by Balfour Beatty Living Places (BBLP). The size of the change is enough to require an amendment to the Highways Service Partnership (HSP) contract. This is covered further in the confidential Appendix 1.

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

4. The Council could continue to manage the network using the existing New Roads and Street Works Act 1991 (NRSWA) legislation. However, this would not provide the same level of control or deliver the same benefits as the proposed Traffic Management Act 2004 (TMA 2004) Permit scheme.
5. The existing NRSWA legislation provides less coordination powers for works within the highway. Only limited information, which is subject to change without consent, is made available by works promoters. This leads to greater disruption on the network which affects all road users especially public transport services.
6. The existing scheme is currently fully funded by the Council. The new Permit Scheme seeks to be self-funding via a payment system for administration services by works promoters.
7. The Council could delay implementation of SoRPS until after March 2015. A scheme introduced after this date could be approved by the Council without the need to apply to the DfT for a SI. However, schemes that are approved by the DfT have the advantage of a robust technical appraisal by experts in the field at no cost to the promoting Council and is therefore considered less open to challenge. The submission is already with DfT and there is no benefit to delaying the scheme commencement.

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

8. Currently, Statutory Undertakers, primarily utility companies, have rights to dig up and place their apparatus in the street subject to compliance with the notification requirements of NRSWA.
9. The cost of the disruption caused by these essential utility works to the UK economy is estimated to be £4.3bn per year (at 2002 prices).
10. Part 3 of the TMA 2004 and associated Regulations (2007) give Councils the power to establish a new Permit Authority and operate a permit scheme requiring all works promoters, including the Council itself, to apply for permits before carrying out works or activities on the highway.
11. The proposed scheme for Southampton will impose chargeable permits on all roads with a sliding scale of charges depending upon location and nature of the works.
12. New permit fee revenue will be derived from statutory undertakers and other works promoters. This will fund the increased staff resources necessary to manage this aspect of the scheme.
13. This new revenue will enable the Council to manage road works more effectively and impose permit conditions to better control what happens, when and how it is undertaken.
14. The requirements, contents and way in which the Permit Schemes must operate are specified in the Permit Regulations and supplemented by statutory and operational guidance issued by the DfT.
15. The DfT guidance is very clear that schemes should not generate surplus revenue and that income should therefore only be used to meet allowable scheme costs.
16. The SoRPS has been the subject of consultation with interested parties during April / May / June 2014. The consultation document, comments received and officers' responses to these are included in the scheme application pack that was submitted to DfT on 31<sup>st</sup> July 2014. Copies of the pack are available in the Members Meeting Room or alternatively are available for inspection by calling at Reception at One Guildhall Square Southampton and asking for John Harvey, Highways Manager.

## **RESOURCE IMPLICATIONS**

### **Capital/Revenue**

17. One-off set up funding of £115,000 has been made available from the On Street Parking Reserve to design and implement the scheme. A proportion of this, approximately £70,000 will be eligible for recovery through the SoRPS during the first three years of operation. This expenditure is in accordance with the regulations that govern the use of the On Street Parking Reserve.  
  
Other set up costs will be incurred by BBLP and will also be recovered from the SoRPS over the same timescale.
18. It is intended that the SoRPS will be self-financing. Income from fees shall not exceed the total allowable costs prescribed in the Permit Scheme Regulations

set by Central Government. In the event that fees and costs do not match, adjustments are made to the fee levels for subsequent years.

19. The maximum charges for permits under the scheme are set by regulation.
20. Monitoring and permitting of the Council's own highways work will be met from existing revenue budgets. The equivalent activity is currently carried out by BBLP under the HSP.
21. The Network Management function including all NRSWA activities are carried out by BBLP. It is proposed that BBLP will carry out most functions of the SoRPS on behalf of the Council. Accounting processes will be in place to demonstrate the level of income received and its use in delivering the service.
22. The HSP contract with BBLP for most highways functions including those associated with the Network Management function will need to be amended to take into account the SoRPS. The details of these proposed changes are shown in the confidential appendix to this report.
23. The SoRPS will have minimum risks for the Council as the service will be managed by BBLP who will have the major risks associated with covering scheme costs through income generation.

#### **Property/Other**

24. BBLP will secure appropriate accommodation to run the SoRPS scheme.
25. There are no property implications for the Council.

#### **LEGAL IMPLICATIONS**

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

26. The Council as Local Traffic Authority has powers under Part 3 of the Traffic Management Act 2004 and The Traffic Management Permit Schemes (England) Regulations 2007 (the Permit Regulations) to implement and operate a scheme subject to the Secretary of State making the necessary Statutory Instrument.

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

27. Where the scheme is implemented on specified streets, and in accordance with the Regulations, the permit scheme will result in the disapplication and modification of the following sections of the NRSWA:
  - Sections of NRSWA disappplied: s53; s54; s55; s56; s57; s66
  - Sections of NRSWA modified: s58; s58A; s64; s69; s73A; s74; s88; s89; s90; s93; s105; Schedule 3ARegulations modified: The Street Works (Registers, Notices, Directions and Designations)(England) Regulations 2007 SI 2007/1951
28. Changes to Section 58 (restrictions on works following substantial road works) and Section 74 (charges of occupation of the highway where works are unreasonably prolonged) apply only to Statutory Undertakers activities.
29. The SoRPS will include arrangements so that similar procedures are followed for Highway Authority promoted activities in relation to timing and duration, in

order to ensure there is parity of treatment for all works promoters.

## **POLICY FRAMEWORK IMPLICATIONS**

30. The SoRPS will improve the coordination of roadworks carried out and therefore reduce the number of excavations. In addition, the charge for permits will encourage works promoters to carry out works right first time and hence avoid unnecessary permit charges. Over time SoRPS is expected to achieve a noticeable improvement in network condition
31. The SoRPS is fully in line with the Local Transport Plan. The objectives of the scheme will also reduce congestion through more robust management of the network with associated reductions on CO<sub>2</sub> and NO<sub>x</sub> levels. These will in turn assist general health levels.
32. The Transport Asset Management Plan (TAMP) for the City sets out the future investment levels for highway expenditure to maintain the network condition.

**KEY DECISION?** Yes

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

### **Appendices**

1.	Confidential Appendix 1
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### **Documents In Members' Rooms**

1.	Copy of full scheme application pack to DfT 31 <sup>st</sup> July 2014 (14 documents)
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### **Equality Impact Assessment**

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

**Equality Impact Assessment and Other Background documents available for inspection at: Reception One Guildhall Square Southampton – Ask for John Harvey Highways Manager.**

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	N/A

1.	None	N/A
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Document is Confidential

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<b>DECISION-MAKER:</b>	CABINET		
<b>SUBJECT:</b>	CHAPEL RIVERSIDE – APPOINTMENT OF A DEVELOPER		
<b>DATE OF DECISION:</b>	21 OCTOBER 2014		
<b>REPORT OF:</b>	LEADER OF THE COUNCIL		
<b>AUTHOR:</b>	<b>Name:</b>	<b>Alastair Dobson</b>	<b>Tel:</b> 023 80 917517
	<b>E-mail:</b>	<b>Alastair.dobson@southampton.gov.uk</b>	
<b>Director</b>	<b>Name:</b>	<b>Stuart Love</b>	<b>Tel:</b> 023 80 917713
	<b>E-mail:</b>	<b>Stuart.love@southampton.gov.uk</b>	

## STATEMENT OF CONFIDENTIALITY

Appendices 2 & 3 of this report are 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 and business information that if made public would prejudice the Council's ability to operate in a commercial environment and obtain best value during negotiations.

## BRIEF SUMMARY

This report advises on the outcome of marketing the former Town Depot Site, now known as Chapel Riverside, and seeks authority to appoint a development partner for the site. The site is shown edged red in Appendix 1.

## RECOMMENDATIONS:

- (i) To approve the sale of the site to the recommended bidder, Developer A, as set out in confidential Appendix 2 and to delegate authority to the Head of Development, Economy and Housing Renewal to negotiate the final terms and conditions, and;
- (ii) In the event that Developer A withdraws or does not complete a Development Agreement with the Council within an agreed timescale to approve the sale of the site to the reserve bidder, Developer B, set out in confidential Appendix 3, provided that the Head of Development, Economy and Housing Renewal, in consultation with the relevant Cabinet Member, considers this to be in the Council's best interests; and to delegate authority to the Head of Development, Economy and Housing Renewal to negotiate the final terms and conditions.
- (iii) To authorise the Head of Legal and Democratic Services and the Head of Property Services to make all necessary arrangements to make the site available for sale and to enter into the required legal documentation.

- (iv) To Authorise the Director of Place to take any further action necessary to give effect to the decision of Executive in relation to this matter.

### **REASONS FOR REPORT RECOMMENDATIONS**

1. The site is surplus to Council requirements and there is potential for major development which will have wide ranging economic, social and financial benefits.
2. There is the potential for the development to act as a catalyst for further regeneration of the Itchen waterfront in accordance with the emerging master plan for this area. This identifies a package of measures designed to grow and support the maritime sector and wider economic growth in Southampton.

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

3. Sell the site unconditionally for immediate capital receipt. It is most likely it would be used for open storage or industrial uses which would not respond to either City Centre Master Plan or City Centre Action Plan objectives.
4. Retain ownership and rent the site: As above, this would not offer a long term solution and the potential for wider economic, social and financial benefits.

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

5. Chapel Riverside has an area of 3.6ha and 500m of water frontage along the River Itchen. It was previously the site of the Town Depot which was moved to Dock Gate 20 in 2011. An area of the site remains occupied by the Street Cleansing and Community Payback Teams. The site is currently being rented for short term temporary parking associated with the port. This is a challenging site in terms of potential contamination, it also accommodates three large water tanks and a pump house which are managed by Southern Water. The plan in Appendix 1 shows the sale boundary in red, the area that remains occupied edged green and the water tanks/pump house edged purple.
6. In 2010, the site was marketed for a regional leisure facility. The developer withdrew from the project due to problems with scheme feasibility. In 2013, a new, alternative brief was prepared for residential and marine related uses as a catalyst for longer term regeneration of the Itchen Riverside.
7. Priorities for the site are public access to the waterfront, links to the surrounding area, high quality/ sustainable design and the need to overcome a significant number of constraints, notably, a solution for the water tanks so that new development can be sold around them. Following further marketing under an EU compliant process, 24 parties expressed interest, 4 responded to a pre-qualification questionnaire and 2 bid for the site.
8. The 2 bids have been evaluated and Heads of Terms for both an Exclusivity Agreement and Development Agreement have been discussed and agreed in principle with both parties. As part of the evaluation, discussions have taken place with key stakeholders such as Southern Water, The Environment Agency, Southampton Sea Scouts, Southampton Rowing Club, St Mary's Church and the owners of American Wharf, the historic grade 2

listed building to the north of the site.

9. It is recommended that the Council appoints Developer A (details set out in confidential Appendix 2) and proceeds to finalise the Exclusivity Agreement and Development Agreement. As developer B's proposals are similarly credible (confidential appendix 3), it is further recommended these are reconsidered and approved if developer A withdraws or fails to sign the Development Agreement within an agreed timescale, likely to be within one year. This would be subject to an assessment, in consultation with the relevant Cabinet Member that this was in the best interests of the Council. The signing of a new Exclusivity and Development Agreements with the Council would follow.
10. There are a number of significant abnormal development costs. Neither party has offered an upfront receipt, instead, there is the prospect of a share of any financial surplus once the development is completed. It is envisaged that LEP and DEFRA funding for flood mitigation will assist and other funding opportunities will need to be explored. The Council will seek to partner Developer A through the Development Agreement to maximise these opportunities when they arise.
11. It is expected that the site will be vacant and available to Developer A under a building lease from the end of October 2016. The Street Cleansing and Community Payback Teams that occupy part of the site will need to be relocated in advance of this date. The remaining part, currently let on a temporary basis for parking associated with the port, will be available from 31 October 2016.

## **RESOURCE IMPLICATIONS**

### **Capital/Revenue**

12. Due to the necessary commitment from the developer to pay heavy infrastructure costs to set the site up for development, including a solution for the water tanks, there is no upfront capital receipt available to the Council. Instead, any surplus amount once developer profit is taken into consideration, will be shared with the Council once the scheme is built.
13. The delivery of the scheme will be managed by the Council's in house City Development Team with support from Capita (Property and Procurement Services) and Pinsent Mason (Legal Services). A project budget has previously been agreed by Cabinet, totalling £116,000, to support the Council's external costs. However, the appointed developer will reimburse the Council's total projects costs (internal and external) up to a maximum of £250,000, and it is estimated that costs will not exceed this amount.
14. The site is currently let to Southampton Cargo handling on a temporary fixed term lease until 31 October 2016 generating a current income of £93,750 rising to £125,000 per annum from 1 November 2015.

### **Property/Other**

15. The disposal is consistent with the Corporate Property Strategy as the site is surplus to requirements. As the value of the site is driven by the obligations in the Development Agreement and there are no guarantees of any receipt to the Council, the sale could be deemed to be at less than best consideration.

The potential undervalue is not expected to trigger the need for Secretary of State approval but there will be a need to appropriate the land to the relevant holding powers such that it can be sold under the General Disposal Consent Order (England) 2003. Part of the site is held under the Public Health Acts and this will need advertising to appropriate to an alternative holding power.

16. Options for relocating the Street Cleansing and Community Payback Teams on alternative sites are currently being investigated, including City Depot. The implications of relocating these services will be addressed in a separate Cabinet report to be presented in early 2015.

## LEGAL IMPLICATIONS

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

17. The relevant powers for disposal will be either s.123 of the Local Government Act 1972 or s.233 of the Town and Country Planning Act 1990.

### Other Legal Implications:

18. The Procurement process for the site has been undertaken in accordance with EU procurement law

## POLICY FRAMEWORK IMPLICATIONS

19. The development of the site is in accordance with the Council's City Centre masterplan (Itchen Riverside) and the City Centre Action Plan, Policy AP 27 Town Depot.

**KEY DECISION?** Yes

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

### Appendices

1.	Site Plan
2.	Information on Developer A – Recommended appointment
3.	Information on Developer B

### Documents In Members' Rooms

1.	
2.	

### Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
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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.		
2.		

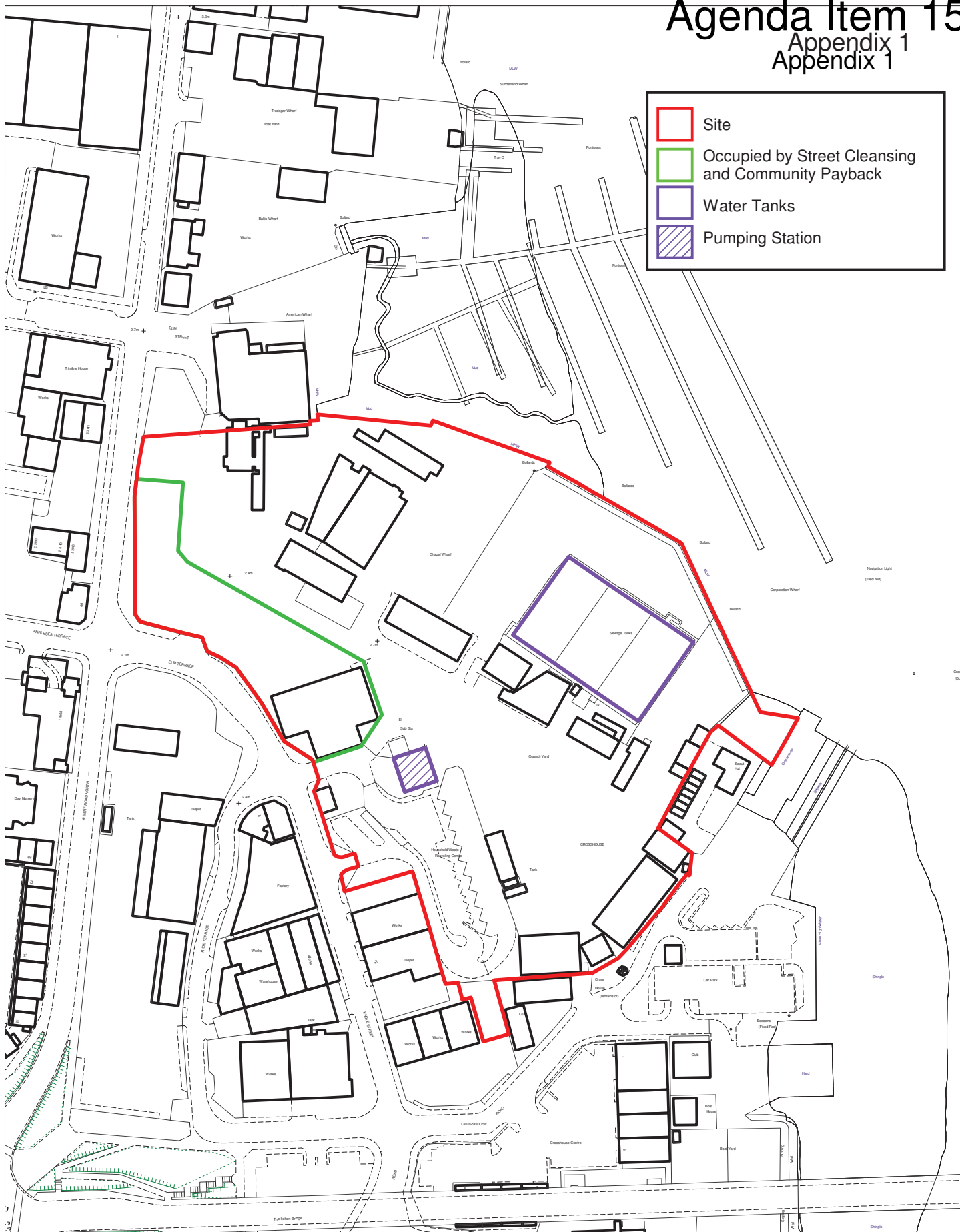
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# Agenda Item 15

Appendix 1  
Appendix 1

	Site
	Occupied by Street Cleansing and Community Payback
	Water Tanks
	Pumping Station



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**PROPERTY SERVICES**  
3rd Floor, One Guildhall Square,  
Above Bar Street, Southampton. SO15 1GW

SCALE (1):  
2000@A4

DATE  
23/09/14

Plan No  
V3457A

Appendix 1 Chapel Riverside  
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