

CABINET

DATE OF MEETING: 2 JANUARY 2020

TITLE OF REPORT: GARDEN COMMUNITY GOVERNANCE

Report of: Joint Chief Executive

Cabinet Member: Councillor Graham Cockarill, Place

I PURPOSE OF REPORT

- 1.1 This report provides an update on the governance arrangements for the Garden Community. This report was considered by the Overview and Scrutiny Committee at its meeting on 17 December 2019.

2 OFFICER RECOMMENDATION

- 2.1 That Cabinet approve the Governance approach as set out in Appendix I.

3 BACKGROUND

- 3.1 Members will recall that in September, Overview and Scrutiny Committee considered a report regarding the Garden Community. This report contained a series of recommendations, including consideration of a draft governance structure and Overview and Scrutiny were, subject to any comments, asked to recommend the document to Cabinet.

- 3.2 In consideration of the governance structure, Overview and Scrutiny resolved to

“Accepted [the Garden Community Governance] with modifications: Councillor Farmer to work with JCX to reword the Governance Approach to be amended with references to the: ‘evaluation phase’ rather than delivery. The Terms of Reference will also be reviewed.

- 3.3 The Joint Chief Executive and Cllr Farmer met and worked on the governance, and the amended version formed an appendix to the published Cabinet papers to October Cabinet.

- 3.4 The report was deferred and later considered at November Cabinet. At that meeting Cabinet resolved

“The proposed Governance approach be approved in principle, but a small working group, comprising of the three 3 Group Leaders and Portfolio Holder for Place, be tasked to look again at the proposed governance structure and the work streams over the next 12 months, and be asked to report back to Cabinet, at the latest by February, with any appropriate refinements to the proposed Governance structure or project plan.”

- 3.5 As part of a very wide debate around partnership of forums and board and details of representatives and responsibilities, Overview and Scrutiny Committee endorsed the governance approach at their meeting on 17 December 2019.

4 CONSIDERATION

- 4.1 The governance arrangements need to provide everyone interested in the Garden Community with a clear understanding of how they can take part in the project and how their views will shape the broader picture. To do this we need to establish a clear and accountable structure of how information will be gathered and will flow through the project and how decisions will be made.
- 4.2 In accordance with the resolution of Cabinet in November, the Group Leaders and Portfolio Holder for Place, met to consider and amend the Garden Community Governance arrangements on the 26th November 2019. Further refinements have occurred through online collaboration between all respective parties.
- 4.3 Appendix I sets out the Garden Community governance as now agreed by each of the Political Group Leaders and the Portfolio Holder for Place. It recognises the key strategic roles to be undertaken during this first phase of exploration of the opportunity for a Garden Community.
- 4.4 It has also provided some greater level of clarity around key stakeholders, providing examples, which will help support the creation of the Garden Community Opportunity Board as well as Stakeholder and Land Owners Forums.
- 4.5 It is key to note that the governance arrangement as set out, may need to develop and evolve as the project progresses through its various stages, to involve different people, groups and organisations and as the groups develop, make changes to terms of reference

5 EQUALITY IMPACT ASSESSMENT

No equality issues are identified for this report at this stage. An early scoping of stakeholders will need to consider the engagement of representatives from protected groups that the project has the potential to impact upon.

6 ACTION

Subject to Cabinet approval, next steps will be to set up the Garden Community Opportunity Board meeting, with respective key stakeholders

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APPENDICES

Appendix I Shapley Heath Garden Community

THE SHAPLEY HEATH GARDEN COMMUNITY OPPORTUNITY : BUILDING A COMMUNITY APPROACH

Hart District Council (“the Council”) recognises the significance of a potential Garden Community at Shapley Heath. Shapley Heath is the working title on a site at the very heart of the district.

The Council wants to ensure:

- The best possible communication between the community and all the organisations in the locality that may have a role to play in this project or be affected by it.
- Accurate information is available, any concerns can be raised, and solutions discussed.

KEY considerations:

As well as the Council’s interest in representing local people and as a custodian of the economic, environmental and social well-being of the District, it is also the local planning authority.

As the decision-maker for applications for the development of the Garden Community, the Council must ensure that applications are considered in accordance with statutory requirements and its own rigorous ethical standards.

Therefore, the governance arrangements set out in this document, for investigating the vision and then exploring the opportunity for a Garden Community is not and cannot be part of any decision making process on matters associated with the Councils role as a Local Planning Authority.

The formal arrangements in this document are necessary to demonstrate a separation in the roles the Council performs.

A Shapley Heath Opportunity Board will be established to ensure the involvement of local communities and other stakeholders in evaluating the opportunity for a Garden Community in accordance with the principles that have been adopted by the Council

THE SHAPLEY HEATH GARDEN COMMUNITY OPPORTUNITY BOARD

The Shapley Heath Garden Community Opportunity Board (the Board) will lead the evaluation of the Garden Community Opportunity. Reporting to the Council’s Cabinet, it will

- Be accountable for the project’s expenditure and the overall work of the project
- Develop a project plan to evaluate the opportunity with clearly defined milestones and outcomes
- Bring together the evidence, expertise and views of all work streams to provide a holistic view of the Garden Community and the opportunities it may bring whilst also recognising potential constraints – providing guidance, support and finding solutions where obstacles occur.
- Encourage and strengthen links between the evaluation project and other relevant communities and stakeholders,

FORUMS

Alongside the Board, it is proposed to establish two engagement forums – a landowner/ developer forum and a Stakeholder forum to enable the circulation and discussion of information and views amongst all of the key stakeholders. The terms of reference for each Forum will be agreed by the Board at its first meeting and will thereafter be annually kept under review by the Board.

THE STAKEHOLDER FORUM

The Stakeholder Forum will champion community and organisational engagement throughout the investigation of the vision that will underpin the evaluation of the Shapley Heath opportunity including the possibilities for community ownership (i.e. longer-term stewardship of assets).

As part of this, the Stakeholder forum will ensure engagement with the key community stakeholders, including business sector, public sector and third sector organisations.

It will also oversee community wide engagement; ensuring innovative approaches to reach unheard voices and as such, will offer local insight to the Shapley Heath Garden Community Opportunity Board.

Membership of the Stakeholder Forum will include

- Parish Council representatives from the following Parishes; Winchfield, Hook, Hartley Wintney, Dogmersfield, Odiham
- Community Stakeholder Organisation representatives e.g. the Diocese
- Business sector representatives
- Third sector (voluntary sector) representatives e.g. Hart Voluntary Action
- Public sector representatives (e.g. health, education, highways)
- Support from the Council's Shapley Heath Garden Community team
- Housing association representatives

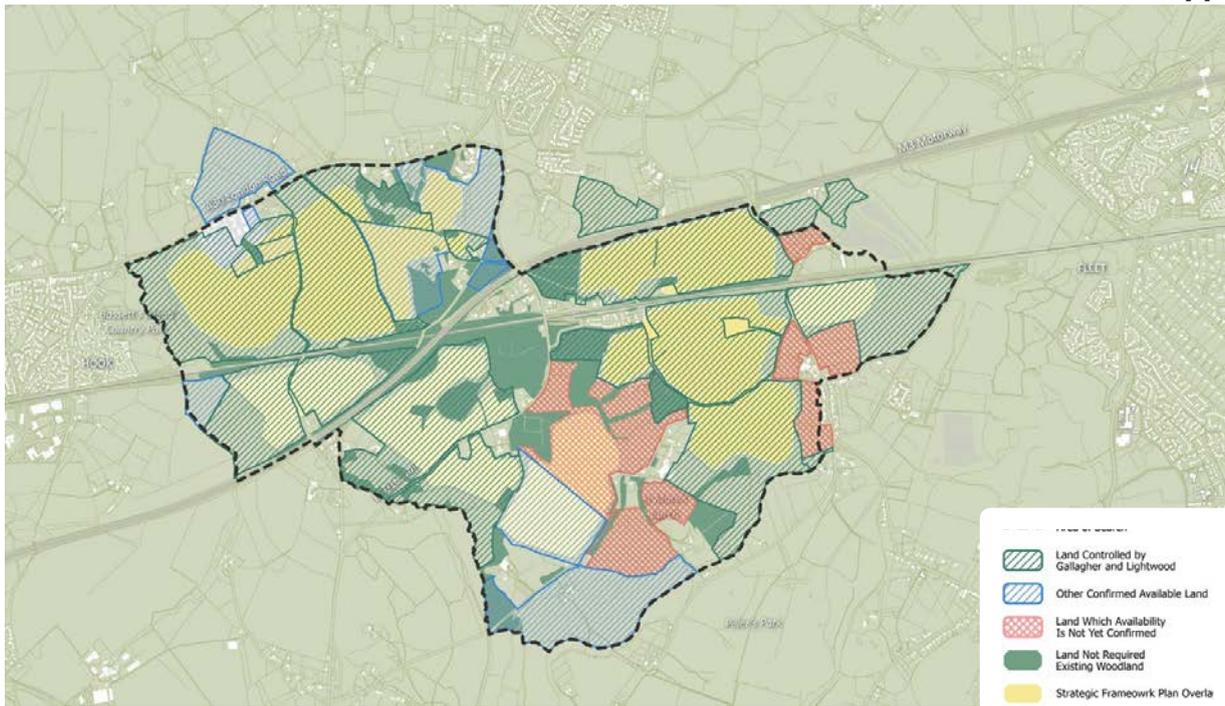
THE LAND OWNERS' FORUM

The Land Owners' Forum will provide a sounding board for those with significant land ownership (or their nominated representatives) within the area of the proposed Shapley Heath opportunity, whether seeking to take part in the project or not, as any future community will have broader impacts.

This Forum too will look at the future vision for a Shapley Heath Opportunity and how a characterful and distinctive community could be achieved that meets the guiding principles of the project.

It will also be a forum to seek to resolve though consensus landowner project related issues, finding solutions and ensuring an effective exchange of views and information.

Membership will include significant landowners or their representatives, within the area outlined below



THE DEDICATED SHAPLEY HEATH PROJECT TEAM

A small but dedicated team of professionals will be on hand to support the project; from inception to closure will be known as the Shapley Heath Project Team (the Project Team). Recognising the size of the ambition and the district wide opportunity, the team will be led by the Joint Chief Executive assisted by a small team of committed professionals.

The Project Team will focus on the day-to-day management and needs of the project and will manage and implement the project plan. It will identify and oversee any project Working Groups. It will report directly to the Board. The team's role will evolve as the project develops but will include a range of tasks such as

- Managing and controlling progress against the project plan, including key tasks and milestones.
- Identifying risks, benefits, and issues and reporting these to the Board, Stakeholder Forum or Land Owners Forum as appropriate
- Tracking and supporting all work streams, seeking technical research to enable evidence based decision making
- Analysing feedback from broad community engagement and providing this to all groups for consideration on next steps.
- Liaison, coordination and management of all groups and forums.
- Monitoring and reporting spend against budgets, identifying and applying for funding opportunities
- Appointing/commissioning organisations to deliver outcomes e.g. consultants, advisors etc.

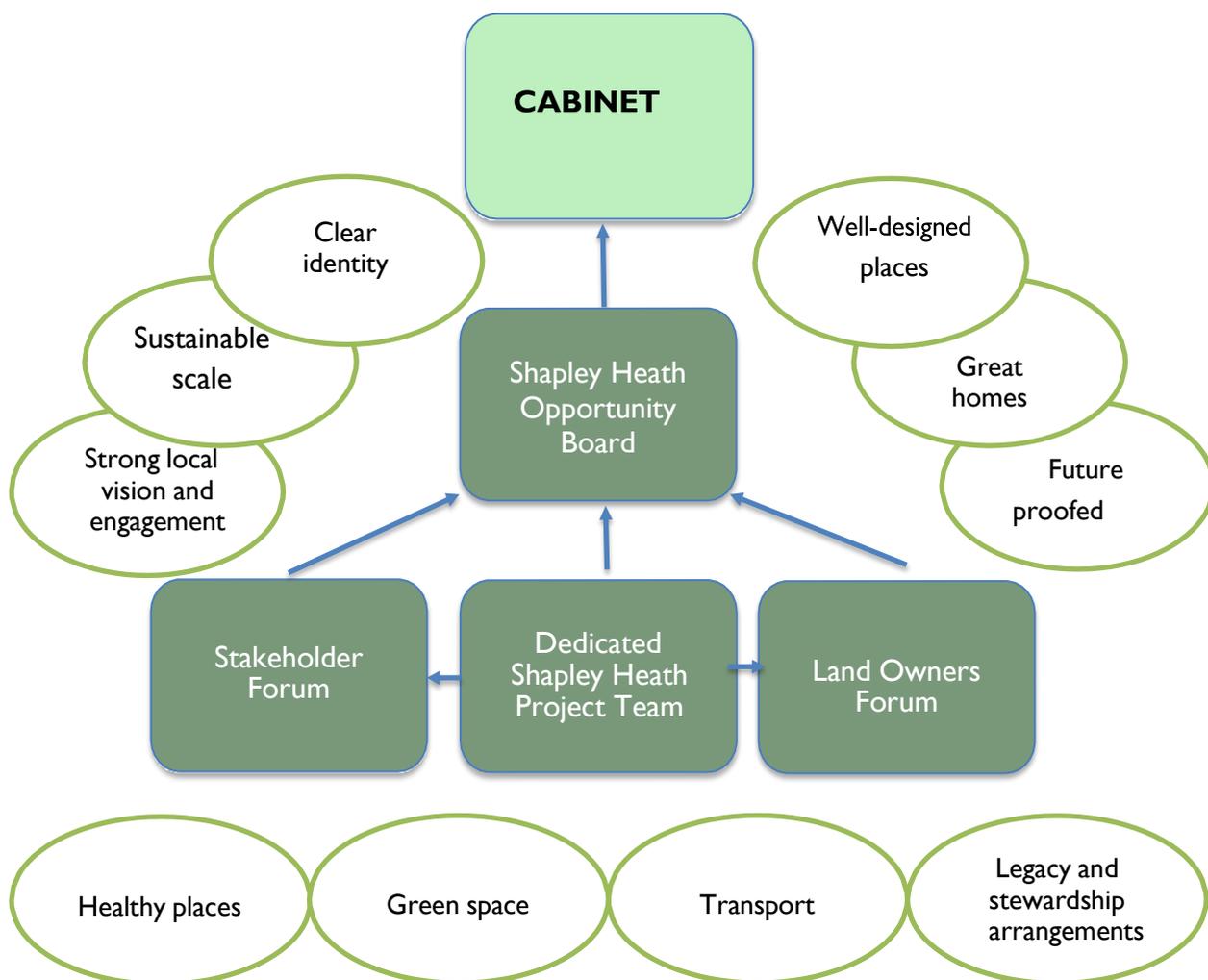
HOW THE BIGGER PICTURE IS CREATED

Flow of knowledge, expertise and evidence and realistic timescales is fundamental to a successful project.

To achieve this, a transparent and accountable structure which people can understand is required. Visually this can be represented below.

The Landowners' Forum, Stakeholder Forum and the Shapley Heath Project Team will all report to the Board albeit the terms of reference for each group will evolve. The Board itself is accountable to Cabinet who it will regularly report to.

The Board and the Forums will each be established under the provisions of Section 102(4) of the Local Government Act 1972 as advisory boards. As Advisory Boards, the Forum and Boards do not have to comply with the political balance rules in Section 15 of the Local Government and Housing Act 1989.



THE DETAILS

The Board and each Forum will develop its own role, as the project progresses. However, below are the proposed Shapley Heath Garden Community Opportunity Board's terms of reference upon which its inception will be based.

Shapley Heath Garden Community Opportunity Board –

Terms of Reference to be adopted at the first meeting

Purpose of the Shapley Heath Garden Community Opportunity Board

- The Shapley Heath Garden Community Opportunity Board (the Board) will have overall responsibility for steering the evaluation of the Shapley Heath Garden Community opportunity (the Opportunity); the project is to establish a vision for a Garden Community and evidence whether such a vision is both viable and deliverable. In due course, the overarching description of the project will be further defined through an agreed Vision and set of place shaping outputs.
- The Board will be accountable for the success of the project in meeting its objectives and programme.
- The Board will lead the evaluation of the Opportunity and will be a key forum to manage overall engagement, issues resolution and progress of the viability of the project.

Core Functions

1. To lead the Garden Community project against the Garden Community principles and report to the Council's Cabinet (and other respective corporate bodies as appropriate) and elected members to ensure corporate support and buy-in.
2. Be accountable for the project's expenditure and the overall work of the project to include setting the overall direction of the project/programme, its objectives and priorities; to monitor overall progress; and to review and update the objectives and priorities at least annually
3. Develop a project plan to evaluate the opportunity with clearly defined milestones and outcomes
4. Bring together the evidence, expertise and views of all work streams to provide a holistic view of the Opportunity and the opportunities it may bring whilst also recognising potential constraints
5. Encourage and strengthen links between the evaluation project and other relevant communities and stakeholders,
6. Oversee all work streams, providing guidance, support and find solutions where obstacles occur
7. Monitor and ensure implementation of the project engagement and consultation strategy.
8. To ensure that appropriate resources are in place to deliver against the agreed project plan and programme and to coordinate the public-sector contribution to the delivery of key elements of

the project in its earlier stages, including the use of available Garden Community capacity funding secured from Ministry of Housing, Communities, and Local Government (MHCLG).

9. To make decisions on strategic issues and seek to resolve any 'showstoppers'
10. To provide a coordinated position/response to consultations and policy announcements that impact or effect the evaluation of the Garden Community project and to co-ordinate and ensure 'upwards' high level liaison into existing and/or emerging sub-regional forums.

Membership of the Board

Membership will be:

- Cabinet Member for Place (Chairman) – HDC
- Cabinet Member for Housing - HDC
- Group Leaders - HDC
- Strategic Lead for Hampshire County Council - HCC
- A Ward Councillor representing
 - Hartley Wintney
 - Hook
- M3 Local Enterprise Partnership representative
- Homes England representative
- 2 representatives from the Landowner Forum
- 2 representatives from the Stakeholder Forum

The Board will be supported by the Shapley Heath Project Team

Roles and Responsibilities of Members

Board members should be able to:

- Implement the Core Functions of the Board;
- Have the responsibility to represent their organisation and to feedback information to other relevant individuals and parties within that organisation;
- Make recommendations on the prioritisation of activities, projects and resources;
- Make every effort to prioritise attendance at scheduled meetings but to ensure that a suitably senior substitute is nominated from the same organisation.

Chairmanship

The Chairman will be the Cabinet Member for Place. In the absence of the Chairman at any meeting, the Board may elect a Vice-Chairman who will preside at that meeting.

Meetings

A minimum of one meeting per quarter will be held throughout the year, with additional meetings to be scheduled as and when required.

Board meetings are constituted under Section 102(4) of the Local Government and Housing Act 1989. They are not public meetings but at the discretion of the Chairman, the intention is that in the interests of openness and transparency Board meetings should be held wherever possible in public so that the public can observe the meeting. There will however be instances when the Board may need to go into confidential sessions without the public present.

The Quorum for any meeting will be five members of the Board provided that at least three Members represent a different organization.

The agenda for each meeting will be prepared by the Shapley Heath Project Team and circulated to all Board members at least five working days in advance of the meeting. Draft minutes of the meeting will be circulated within two weeks of the meeting, with formal approval taking place at the next subsequent meeting.

Decision making and reporting lines

Whilst the Board has overall responsibility for overseeing the evaluation of the Shapley Heath Opportunity, it has no statutory decision making powers. Formal decision making (for example on planning applications; statutory plan making; funding allocations) will continue to take place through the existing decision making routes and structures of the organisations represented on the Board but with the added benefit of clear reporting and recommendations from the Board.

Board Members will be empowered to make activity and operational decisions on behalf of their respective organisations, subject to each representative organisation's scheme of delegation and management arrangements. The operational decisions of the Board are likely to fall within the following types of activity for the Project:

- Reviewing and agreeing the Project in terms of the:
 - Annual milestones and key activities for the next financial year
 - Detailed milestones and activities for the 3 months following the Board meeting
 - The risk assessment and proposed mitigation for the activities and milestones
 - Competitive bidding processes and allocation/prioritisation of funding for that financial year.
- Reviewing and agreeing the Engagement Strategy in terms of non-statutory stand-alone consultation exercises related to the Garden Community.
- Reviewing and agreeing further procurement related to reports, studies, expertise and services related to progressing the project.
- Be accountable for the project's expenditure and the overall work of the project

The Board will seek to make decisions and agree actions on a consensus basis. Where consensus is not achieved, the outcome will be noted and a report provided to Cabinet for decision.

In exceptional circumstances where an urgent decision, response or recommendation is required and it is not possible to convene a Board meeting in time, the Chairman may, in consultation with all other Board members (subject to quoracy requirements outlined above), make all such decisions, responses and recommendations as appear reasonable and necessary in the circumstances, having proper regard to any previous discussions of the Board. Consultation can take the form of virtual meetings, conference calls and email exchanges. All such decisions, responses or representations shall be reported to the next meeting of the Board in accordance with such requirements as the Board may determine.

The Board will receive reports and progress updates from the Project Team which will be focusing on the day to day management and needs of the project. The Board will also work closely with the Stakeholder Forum and Landowner Forum and will draw information from and feed this into their decision-making processes.

Review Dates

These Terms of Reference will be reviewed annually from the point of their first approval, or as required.
