



SUMMONS

NOTICE IS HEREBY GIVEN THAT A MEETING OF THE HART DISTRICT COUNCIL WILL BE HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, HARLINGTON WAY, FLEET ON THURSDAY 24 APRIL 2014 AT 7.00 PM

Geoff Bonner
Chief Executive

CIVIC OFFICES, HARLINGTON WAY
FLEET, HAMPSHIRE GU51 4AE

AGENDA

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1 MINUTES OF PREVIOUS MEETING

To confirm the Minutes of the Council Meeting held on 27 March 2014.

2 APOLOGIES FOR ABSENCE

3 DECLARATIONS OF INTEREST

To declare disclosable pecuniary, and any other, interests.

4 CHAIRMAN'S AWARD PRESENTATION

5 PRESENTATION – FREE SCHOOL

Presentation on the introduction of a Free School.

6 COUNCIL PROCEDURE RULE 12 – QUESTIONS BY THE PUBLIC

To receive any questions from members of the public submitted pursuant to Council Procedure Rule 12.

*Note: The text of any question under Council Procedure Rule 12 must be given to the **Chief Executive not later than noon on Wednesday, 16 April 2014.***

7 COUNCIL PROCEDURE RULE 14 – QUESTIONS BY MEMBERS

To receive any questions from Members submitted pursuant to Council Procedure Rule 14.

Note: The text of any question under Council Procedure Rule 14.3 must be given to the Chief Executive not later than 5pm on Thursday, 17 April 2014.

The text of any question under Council Procedure Rule 14.4 must be submitted to the Chief Executive before 10 am on Thursday, 24 April 2014.

8 CHAIRMAN'S ANNOUNCEMENTS

9 CABINET MEMBERS' ANNOUNCEMENTS

10 CHIEF EXECUTIVE'S REPORT

11 MINUTES OF COMMITTEES

The Minutes of the following Committees, which met on the dates shown, are submitted.

In accordance with Council Procedure Rule 14.1, Members are allowed to put questions at Council without Notice in respect of any matters in the Minutes to the Leader of the Council or any Chairman of the relevant meeting at the time those Minutes are received by Council.

Meeting	Date	Minute Numbers	For Decision
Overview and Scrutiny	18 March	96-104	
Audit	25 March	24-31	
Cabinet	3 April	128-140	137 – Food Safety Service Plan
Planning	9 April	72-78	77 - Planning Application No 13/02585/MAJOR – Land Adjacent to Reading Road, Hook (see below)
Staffing (to follow)	16 April	6-10	10 – Pay Policy: The Living Wage
Planning (Major Sites) Sub-Committee (to follow)	16 April	8-12	

12 PLANNING APPLICATION 13/02585/MAJOR – LAND ADJACENT TO READING ROAD, HOOK

To receive Planning Committee's response to the decision of Full Council to refer consideration of Planning Application, 13/02585/MAJOR – Land at Reading Road, Hook back to Planning Committee to consider and make a recommendation to Council on the issues of the site's sustainability. **Paper B**

RECOMMENDATION from Planning Committee

That Planning Permission should be granted on the terms as recommended by Planning Committee to Council in March 2014.

13 UPDATES TO THE CONSTITUTION

To recommend to Council proposed adjustments to clarify and update the Constitution and to reflect the new Council comprising 33 Members. **Paper C**

RECOMMENDATION

- 1 That the amendments to the Constitution as set out in the Schedule attached at Appendix 1 be adopted.
- 2 That the size of Planning Committee be amended (11 Members with the option of substitutes) and that the clarified terms of the purpose for which Departure Applications are referred to Full Council as set out in Appendix 2, be adopted.

This item has been referred from the Council meeting of 27 March 2014 under Council Procedure Rule 25.

Date of Despatch: 15 April 2014

COUNCIL

DATE OF MEETING: 24 APRIL 2014

**TITLE OF REPORT: PLANNING APPLICATION 13/02585/MAJOR – LAND
ADJACENT TO READING ROAD, HOOK**

Report of: CORPORATE DIRECTOR

I PURPOSE OF REPORT

- 1.1 To receive Planning Committee's response to the decision of Full Council to refer consideration of Planning Application, 13/02585/MAJOR – Land at Reading Road, Hook back to Planning Committee to consider and make a recommendation to Council on the issues of the site's sustainability.

2 RECOMMENDATION FROM PLANNING COMMITTEE TO COUNCIL

- 2.1 That Planning Permission should be granted on the terms as recommended by Planning Committee to Council in March 2014.

3 BACKGROUND

- 3.1 Planning Committee had resolved in March 2014 to grant planning permission for this development. In summary Planning Committee had found the development acceptable but, whilst there was no highway objection in principle, sought amendments to the access arrangement to move the point of access as far as was technically possible (subject to environmental considerations) northwards along Reading Road. This point of detail was to be agreed by Major Sites Sub-Committee. However, because the site fell outside the defined settlement boundaries, the resolution to grant permission was referred to Full Council as a departure from the adopted Local Plan.
- 3.2 Full Council in March, after 'call in' and subsequent debate, referred the application back to Planning Committee so that Planning Committee could consider and make a recommendation to Council on the policy issues raised by the application.

4 CONSIDERATIONS

4.1 Reading Road, Hook - Sustainability Assessment

At its meeting in April Planning Committee gave further consideration to the policy issues raised by the application (copy of report attached at Appendix 1). The conclusion was that having regard to the site's location and Hook's accessible services, the development of this site contributed to sustainable development through helping to meet the District's housing supply in a sustainable location. In particular it was considered that:

- 4.1.1 Hook is a sustainable settlement recognised by the Council through both development allocations and also through the recent consideration of individual planning applications (eg land at High Ridge Farm supported by Planning Committee and agreed by Council in February 2014 – planning application 13/02567/MAJOR).
 - 4.1.2 The site is a logical rounding off of the settlement. It is well enclosed, it does not intrude into the wider landscape, and the landscape itself has no special (designated) character. It has no special agricultural use designation either.
 - 4.1.3 The site is around 0.7 miles from the centre of Hook, or around 15 minutes walk - many communities in the District already have greater distances to walk to community facilities, including sites currently identified by the District Council itself as suitable for housing, and also many existing housing developments, both in Hook and elsewhere.
 - 4.1.4 No utility consultee raises an objection and neither is there a highway objection. The Transport Assessment submitted with the application has been agreed. Planning Committee does not raise a highway objection (the original point of access has passed a Safety Audit) but Planning Committee has asked that potential alternative access points be assessed. The developer has put forward four further options of which two are preferred and have passed safety Audits. Independent highway assessment confirms that they are satisfactory.
 - 4.1.5 The doctor's surgery is nearby and has recently been extended and includes a pharmacy. The local primary school has capacity and is within walking distance. There is therefore, no infrastructure sustainability issue.
 - 4.1.6 The County Council will be using the highway element of the S106 contribution to provide footpath links to the new Sainsbury's store on the east of Griffin Way North and the site lies within 300m of a main bus stop (HCC's preferred max distance is 400m but in rural areas they accept 800m).
- 4.2 The pressing need to meet the housing needs of the District is an important consideration. There is less than a 4 year land supply. This deficiency in land supply is not going to be met unless there is development on the edge of settlements and building rates are considerably increased. Policy RUR2 therefore, in terms of the NPPF, carries now very little weight. It is in effect overridden by circumstances.
- 4.3 **Wider implications for future development within Hart**

If Council were to refuse planning permission based upon the ad hoc use of walking distance as a measure of sustainability, this would have significant policy implications for the future pattern of development in the Local Plan. If the same criterion was applied to the whole of the District, there are very few locations, certainly not enough to meet the district's future housing needs, which would be "sustainable" in the terms put forward by the argument.

- 4.4 It would immediately rule out the development already being promoted by the Council at both North East Hook and also Edenbrook Phase II (both sites identified as being suitable for development in the Interim Housing Delivery Strategy and the latter being part of a Corporate Plan objective to deliver a new Leisure Centre).
- 4.5 Furthermore, it would in effect rule out nearly all small scale infill development within either the towns or villages and certainly would preclude any further rural exception sites. In effect, communities would start to become more unsustainable as a result because the District would not be able to plan to meet its future housing needs for both market and affordable housing. Certainly, the recently adopted Corporate Plan target to deliver 300 affordable homes over the next three years would become unachievable.

5 CONCLUSION

- 5.1 Hook is a recognised sustainable settlement where growth is considered appropriate. Planning Committee has already accepted this and acknowledged that the Reading Road site is suitable for development and is in a sustainable location.
- 5.2 Planning applications have to be viewed in their wider context. Accessibility is not simply determined by walking distances. The issue of accessibility is far more complex and includes ready access, even if by car, to shops, public transport, healthcare, community facilities etc. In any event, the site is well connected by walking and cycling and the distances are not great.
- 5.3 Planning Committee therefore recommends that planning permission should be granted.

Contact: Daryl Phillips, x4492, daryl.phillips@hart.gov.uk

APPENDICES

Appendix I – Report to Planning Committee 9 April 2014

PLANNING COMMITTEE

DATE OF MEETING: 9 APRIL 2014

**TITLE OF REPORT: PLANNING APPLICATION I3/02585/MAJOR –
LAND ADJACENT TO READING ROAD, HOOK**

Report of: CORPORATE DIRECTOR

I PURPOSE OF REPORT

- 1.1** The purpose of this report is to allow Planning Committee to respond to the decision of Full Council to refer consideration of Planning Application, I3/02585/MAJOR – Land at Reading Road, Hook back to Planning Committee to consider and make a recommendation to Council on the issues of the site's sustainability.

2 OFFICER RECOMMENDATION TO COUNCIL

- 2.1** Since Planning Committee last considered this matter in February and found this development to be sustainable, there has been no material change in circumstances in terms of this site's accessibility to local services and shops.

The recommendation to Council therefore, is that Planning Permission should be granted on the terms agreed by Planning Committee in March 2014.

3 BACKGROUND

- 3.1** Planning Committee has resolved to grant planning permission for this development. In summary Planning Committee had found the development acceptable but, whilst there was no highway objection in principle, sought amendments to the access arrangement to move the point of access as far as was technically possible (subject to environmental considerations) northwards along Reading Road. This point of detail was to be agreed by Major Sites Sub-Committee. However, because the site fell outside the defined settlement boundaries, the resolution to grant permission was referred to Full Council as a departure from the adopted Local Plan.
- 3.2** Full Council in March, after 'call in' and subsequent debate, referred the application back to Planning Committee so that Planning Committee could consider and make a recommendation to Council on the issues of the site's sustainability.
- 3.3** In support of the referral back to Planning Committee the Members involved in 'calling in' the application had advanced the argument:

"The NPPF states that a development site has to be sustainable and being on the edge of Hook village at quite some distance (details will come forward at Full Council) from the train station, doctors, dentist, chemist, bus stop and shopping areas it's considered not sustainable. This would condemn those that would live within the site, who could be old, disabled or on low income living within the affordable homes to own a car or have to

arrange alternative transport to visit Hook village for essential everyday needs as there is no nearby bus route."

This argument was put forward as the basis for a recommendation to refuse planning permission.

- 3.4** Before Council can reach a decision, Planning Committee is asked to give further consideration to the policy issues raised by the application, and to report back to the next meeting of Council with their conclusion. This of course requires some consideration of whether or not the sustainability argument is valid and could be successfully pursued in an appeal against refusal of planning permission.

Planning Committee

- 3.5** Planning Committee has explicitly considered the issue of sustainability as part of its consideration of the Reading Road planning application. In February 2014 Planning Committee agreed a report that specifically highlighted the balancing exercise required with regard to the economic and social sustainable development. The conclusion was having regard to the site's location and Hook's accessible services, the development of this site contributed to sustainable development through helping to meet the District's housing supply in a sustainable location. The agreed report specifically highlighted that the site's

"location is considered sustainable in that it provides access to the shops, services and public transport in Hook and is an appropriate extension to the settlement. The proposals are therefore considered to represent a form of development related to the existing pattern of development in Hook and therefore complies with Policies GEN1 and RUR2."

It is therefore, not the Planning Committee's position that the site is unsustainable or "too far" from local services. Since February there has been not material change in circumstances that change any assessment of the sites accessibility to local services.

4 SUSTAINABILITY

- 4.1** The Council has no adopted definition of sustainability and no guidelines that allow any new development to be tested for sustainability. The only guidance therefore, is the National Planning Policy Framework (NPPF).

The National Planning Policy Framework (NPPF)

- 4.2** The NPPF highlights a presumption in favour of "sustainable" development. It identifies three dimensions to sustainable development: economic, social and environmental. In particular the NPPF identifies the social role as being to support *"...strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being"*.

- 4.3** “At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.....

For decision-taking this means:

approving development proposals that accord with the development plan without delay;

and

where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted”.

(extract from paragraph 14 of NPPF).

Sustainability assessment of the Reading Road, Hook site

- 4.4** Hook is a sustainable settlement recognised by the Council (and the Planning Committee itself) through both development allocations and also through the recent consideration of individual planning applications (e.g. land at High Ridge Farm supported by Planning Committee and agreed by Council in February 2014 – planning application 13/02567/MAJOR).

The site is a logical rounding off of the settlement. It is well enclosed, it does not intrude into the wider landscape, and the landscape itself has no special (designated) character. It has no special agricultural use designation either.

No utility consultee raises an objection and neither is there a highway objection.

The Transport Assessment submitted with the application has been agreed. Planning Committee itself does not raise a highway objection (the original point of access has passed a Safety Audit) but Planning Committee has asked that potential alternative access points be assessed. The developer has put forward four further options of which two are preferred and have passed safety Audits. Independent highway assessment confirms that they are satisfactory.

The doctor's surgery is nearby and has recently been extended and includes a pharmacy. The local primary school has capacity and is within walking distance. There is therefore, no infrastructure sustainability issue.

The County Council will be using the highway element of the S106 contribution to provide footpath links to the new Sainsbury's store on the east of Griffin Way North and the site lies within 300m of a main bus stop (HCC's preferred max distance is 400m but in rural areas they accept 800m).

Sustainability/Accessibility

- 4.5** Planning Committee has already formed the view that the site is both sustainable and accessible to local facilities and shops. In effect Council is seeking to test the position. The assertion is that the site may be too far away from accessible services.
- 4.6** Walking distances are not in themselves a definition of sustainability. They are simply one indicator of relative "accessibility" which is a different point. There are no recognised standards as to what lengths of walking distance render a site unsustainable, albeit HCC consider that high accessibility is achieved if the walking

distance to the nearest bus stop is 400m (or 800m in rural areas), which, as set out above, is met.

- 4.7** Even within the narrow terms of the argument promoted to Full Council however, the assertion of unsustainability does not stand scrutiny. The site is around 0.7 miles from the centre of Hook, or around 15 minutes walk - many communities in the District already have greater distances to walk to community facilities, including sites currently identified by the District Council itself as suitable for housing, and also many existing housing developments, both in Hook and elsewhere.
- 4.8** It is also relevant that the site is very close to the Sainsbury's superstore site recently agreed by the council, meaning that by the time the houses are built they will be very close to shopping facilities, which will be of a wider range than currently available in Hook. Included with the current application for development at Reading Road is funding for a footpath link through to the new Sainsbury's site.
- 4.9** The site is also not appreciably different in access to services from other recent development that have taken place in and around Hook i.e. land west of Hook (High Ridge - agreed by Council in February), land allocated for development at NE Hook, and the development permitted some years ago at Holt Park. (See attached map and the schedule of walking distances). In addition, Council in March agreed elsewhere a similar proposal at Hatchwood Farm, Odiham (89 units) which lies in a less accessible/sustainable location in relative terms to access to local services than the Reading Road, Hook site.
- 4.10** The Council itself has already compared the accessibility indicators associated with the Reading Road site with other potential Hook growth options. This 2010 work for the then LDC ranked development of the Reading Road as being comparable in overall sustainability/transport accessibility terms as the final North East Hook development allocation site. Indeed it was actually scored better in terms of simple walking/cycling accessibility when compared with the land at North East Hook.
- 4.11** Furthermore, for any perceived objection on walking accessibility grounds to be given any weight, it has to be demonstrated that such an objection is so significant that it demonstrably outweighs the benefits of granting permission i.e. in this instance the pressing need to provide housing to meet the needs of the District, and in particular does it outweigh the pressing need to provide affordable housing (a Corporate Plan objective)?
- 4.11** As has already been agreed by Planning Committee, the pressing need to meet the housing needs of the District is an important consideration. There is less than a 4 year land supply. This deficiency in land supply is not going to be met unless there is development on the edge of settlements and building rates are considerably increased. Policy RUR2 therefore, in terms of the NPPF, carries now very little weight. It is in effect overridden by circumstances.
- 4.12** In these circumstances, a reason for refusal on a site that is only 0.7km (15 minutes) walking distance would be unsound unless one could show to an Inspector that the Council had a Plan in place that would both deliver now the 5 year land supply and through doing so would increase building rates to achieve that objective. Otherwise

it simply opens the way for the counter argument that the Council's approach is in itself unsustainable for not seeking to meet the housing needs of the District.

Wider implications for future development within Hart.

- 4.13** If Council were minded to change its position and decide to refuse based upon the *ad hoc* use of walking distance as a measure of sustainability, this would have significant policy implications for the future pattern of development in the Local Plan. If the same criterion was applied to the whole of the District, there are very few locations, certainly not enough to meet the district's future housing needs, which would be "sustainable" in the terms put forward by the argument.
- 4.14** It would immediately rule out the development already being promoted by the Council at both North East Hook and also Edenbrook Phase II (both sites identified as being suitable for development in the Interim Housing Delivery Strategy and the latter being part of a Corporate Plan objective to deliver a new Leisure Centre).
- 4.15** Furthermore, it would in effect rule out nearly all small scale infill development within either the towns or villages and certainly would preclude any further rural exception sites. In effect, communities would start to become more unsustainable as a result because the District would not be able to plan to meet its future housing needs for both market and affordable housing. Certainly, the recently adopted Corporate Plan target to deliver 300 affordable homes over the next three years would become unachievable.

5 FINANCIAL IMPLICATIONS

- 5.1** To determine the current application at Reading Road on the basis of a recommendation to refuse because the site is perceived to have limited walking accessibility to local facilities would be unsound. Such an arbitrary refusal would fall well short of the need to demonstrate that this outweighs the pressing need to provide more housing to meet the needs of the District. This would inevitably result in an unreasonable refusal of planning permission along with the associated claim for costs along with further hidden costs of opportunity lost in needing to devote resources to fight an unnecessary appeal. When the precedent set is replicated elsewhere with additional refusals of planning permission the cost to the Council is clearly substantial.

6 CONCLUSION

- 6.1** Hook is a recognised sustainable settlement where growth is considered appropriate. Planning Committee has already accepted this and acknowledged that the Reading Road site is suitable for development and is in a sustainable location.
- 6.2** Planning applications have to be viewed in their wider context. Accessibility is not simply determined by walking distances. The issue of accessibility is far more complex and includes ready access, even if by car, to shops, public transport, healthcare, community facilities etc. In any event, the site is well connected by walking and cycling and the distances are not great.

Contact Details: Daryl Phillips Ext 4493, email daryl.phillips@hart.gov.uk

BACKGROUND PAPERS:

Planning Application 13/02585/MAJOR

COUNCIL

DATE OF MEETING: 24 APRIL 2014

TITLE OF REPORT: UPDATES TO THE CONSTITUTION

Report of: Monitoring Officer

1 PURPOSE OF REPORT

To recommend to Council proposed adjustments to clarify and update the Constitution and to reflect the new Council comprising 33 Members.

2 OFFICER RECOMMENDATION

- 2.1 That the amendments to the Constitution as set out in the Schedule attached at Appendix 1 be adopted.
- 2.2 That the size of Planning Committee be amended (11 Members with the option of substitutes) and that the clarified terms of the purpose for which Departure Applications are referred to Full Council as set out in Appendix 2, be adopted.

3 BACKGROUND

- 3.1 The Council's Constitution was agreed in 2003. It has been amended over time but the changes have never been consolidated into a single refreshed document. The opportunity has therefore been taken to refresh the document and also to make amendments that reflect legislative requirements and address the forthcoming change in the Council, in light of the reduction to 33 Members in 11 Wards.

4 COMMENTARY

- 4.1 The proposed amendments and adjustments are summarised in the Schedule attached at Appendix 1.
- 4.2 The Schedule has been discussed by Standards Committee who recommended that it be adopted by Council.
- 4.3 In principle nothing within the Schedule seeks to alter the nature of the Constitution as approved in 2003 albeit that adjustments and amendments are required to reflect legislative and other changes. There are however, two important alterations:

Planning Committee

- 4.4 In view of the reduction in the number of Councillors the opportunity has been taken to reflect upon the size of Planning Committee. The recommendation is that the size of the Committee should be reduced to reflect the introduction of 3-Member wards across the whole District. Furthermore it should be made easier for Group Leaders to nominate substitutes provided that the substitute has undergone

appropriate planning training. The suggested functions and arrangements for the new Planning Committee is set out in Appendix 2

Delegation Arrangements to Planning Committee

- 4.5 Under the Council's Scheme of Delegation, all decisions on planning applications are delegated to Planning Committee,
- 4.6 Sometimes a part of the decision would contravene the Local Plan, and in these instances the decision is referred to Full Council in case it raises any significant policy issues which may require Council either to change the policy, or alternatively to refuse the application because of its policy implications. In these circumstances it should be clarified that the role of Full Council is to consider the policy issues that gave rise to the referral to Council only, rather than to seek to review or change other aspects of the Planning Committee's decision which do not have a policy impact. The proposed adjusted wording is reflected in Appendix 2.

5 CONCLUSION

- 5.1 The Schedule does not seek to alter the terms of the Constitution as adopted in May 2003 but it does seek to refresh the Constitution and also consolidate a number of changes. The proposed changes to the size of Planning Committee reflects the change in the size of Council whilst the adjustments to the referral of Departure Applications to Full Council seeks to give greater clarification for the purpose for having such a provision.

Contact: Daryl Phillips, Corporate Director, x4492, daryl.phillips@hart.gov.uk

APPENDICES

- Appendix 1 Proposed Changes to the Constitution
- Appendix 2 Planning Committee Functions and Responsibilities

NB This report was presented to Council on 27 March 2014 and subject to Council Procedure Rule 25 has been referred to the next meeting of the Council.

CONSTITUTION REVIEW

Proposed Changes March 2014

*	General
	Deletion of all references to Policy Panel
	Scrutiny Committee renamed as Overview and Scrutiny Committee
	Deletion of all references to Standards Board for England
	Standards Committee – now an advisory committee so no references to Act etc
	Amendment of phrase re declaration to include ‘pecuniary’ in accordance with the new Members Code of Conduct.
	Deletion of all references to Council’s Support unit
	Deletion of all references to the Monitoring Officer being the Solicitor to the Council
	Substitution - Chief Executive replacing references to head of paid service, head of support
	All references to the Local Development Framework superceded by the term Local Plan
	All references to dispensations – now granted by the Monitoring Officer
	References to publishing information on the website added
	Correcting errors eg renumbering of paragraphs and reformatting of pages
	Deletion of references to unparished areas
	Changes reflecting the Local Government Act 2012
Part 2 pg 2.4	Change of number of members of Council from 35 to 33 with effect from May 2014
Pg 2.7 *	4.1.1.1 – Addition to Policy framework to include Health and Safety Service Plan
Pg2.10	Para 6.2 – footnote added re exclusions The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008 No 3261 excludes: (a) any matter relating to a planning decision; (b) any matter relating to a licensing decision; (c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment; (d) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee or at a meeting of a sub-committee of that committee.
Pg2.28 *	11.1.2 Deletion of ‘Solicitor to the Council’, replaced with Corporate Director
Pg 2.29	Deleted paras 11.3.4 and 11.3.5 11.3.4 – Receiving reports. The monitoring officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals. 11.3.5 – Conducting investigations. The monitoring officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.

Pg 2.31	Para 12.3.1 inclusion of words 'the Minutes' and deletion of extraneous words
Part 3A Pg 3.3 *	Standards Committee – changes and deletions regarding the Standards Committee to reflect that it is now an advisory committee (and not statutory).
Part 3b *	References to unparished areas of Fleet and Church Crookham (eg regarding Special Expenditure) deleted.
Part 3c *	Changes to Scheme of Delegation to reflect management changes – insertion of Head of Regulatory Services replace Head of Planning/Environmental Health Manager etc
Part 4.1	Add para 19.4a to reflect changes to legislation – “Immediately after any vote is taken at a budget decision meeting “
Part 4.2	Para 4 - Additional para: 4.2 Where a meeting is convened at shorter notice, publication must be as early as possible before the meeting.
	Para 10 - Addition of para 10.5 to meet provisions of Regulations 2012
	<p>Para 14 Extraneous details regarding the forward plan deleted:</p> <p>14.1 — Period of forward plan Forward plans will be prepared by the Leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.</p> <p>14.2 — Contents of forward plan The forward plan will contain matters which the Leader has reason to believe will be the subject of a key decision to be taken by the Cabinet, a committee of the Cabinet, officers, or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:</p> <p>14.2.1 the matter in respect of which a decision is to be made;</p> <p>14.2.2 where the decision taker is a body, its name and details of membership;</p> <p>14.2.3 the date on which, or the period within which, the decision will be taken;</p> <p>14.2.4 the identity of the principal groups whom the decision taker proposes to consult before taking the decision;</p> <p>14.2.5 the means by which any such consultation is proposed to be undertaken;</p> <p>14.2.6 the steps any person might take who wishes to make representations to the executive or decision taker about the matter in respect of which the decision</p>

	<p>is to be made, and the date by which those steps must be taken;</p> <p>14.2.7 a list of the documents submitted to the decision taker for consideration in relation to the matter.</p> <p>14.3 The forward plan must be published at least 14 days before the start of the period covered. The Head of Support will publish once a year a notice in at least one newspaper circulating in the area, stating:</p> <p>14.3.1 that key decisions are to be taken on behalf of the Council;</p> <p>14.3.2 that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;</p> <p>14.3.3 that the plan will contain details of the key decisions to be made for the four month period following its publication;</p> <p>14.3.4 that each plan will be available for inspection at reasonable hours free of charge at the designated office;</p> <p>14.3.5 that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan;</p> <p>14.3.6 the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan are available;</p> <p>14.3.7 that other documents may be submitted to decision takers;</p> <p>14.3.8 the procedure for requesting details of documents (if any) as they become available; and</p> <p>14.3.9 the date in each month in the following year when a forward plan will be published and available to the public at the Council's offices.</p> <p>And replaced with simpler wording:</p> <p>14.1 The forward plan will be published each month and will include Key Decisions.</p> <p>14.2 Exempt information need not be included in a forward plan, and confidential information cannot be included.</p>
<p>*</p>	<p>Para 15.4 - Change from 'after 3 clear days have elapsed' to 'after 5 clear days have elapsed'</p>
	<p>Para 16 - Extended to include provisions of Regulations 2012</p>
	<p>Para 16.3 – Moved from 17.3 and reference deleted to 'quarterly report' - the Leader to report any instance under Rule 16 (Special Urgency) as soon as is practicable</p>

	Para 19 extended to include decisions made by Cabinet members as well as officers.
Part 4.3	No changes
Part 4.4	No changes
Part 4.5 *	Addition of Section 2.6 – Minutes
Part 4.6 *	Addition of footnote re exclusions at para 1.1 The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008 No 3261 excludes: (a) any matter relating to a planning decision; (b) any matter relating to a licensing decision; (c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment; (d) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee or at a meeting of a sub-committee of that committee.
	10.1 deletion of line: The agenda for the Cabinet meetings will include an item entitled ‘Issues arising from the Overview & Scrutiny Committee’.
*	Scheme of Delegation <ul style="list-style-type: none"> • changes to reflect new Head of Regulatory Services position, eg replacement of Environmental Health Manager and Head of Planning and any combination of those roles • changes to reflect new legislation and bodies, eg Public Health England, Health Protection (Notification) Regulations 2010 etc
Part 4.7	No changes
Part 4.8	No changes
Part 4.9	No changes
Part 5 *	Changes to ‘Guidance to Members and Officers Dealing with Planning Matters’ to reflect management changes (see Part 3c above)
Part 6	Current – updated every year (outside bodies etc)
Part 7	Current – updated every year (Management Structure etc)
Part 8	Current – updated every year (Councillors details etc)

* These minor changes will be dealt with by the Monitoring Officer.

Committee	Sub Committee	Membership	Functions
<p>Planning Committee</p>		<p>11 Members appointed by Council (Political balance under S15 LGHA 1989)</p> <p>Substitution of Members: Substitution of members will be for individual meetings only, and substitutes will be appointed by group leaders or their representative for that political group. Only members who have attended annual Planning Committee training during the previous twelve months will be eligible to attend as a substitute.</p> <p>Notice of the substitution by a group leader or his/her representative must be submitted to the Chief Executive by noon on the day of the meeting.</p> <p>Substitute members will have all the powers and duties of any ordinary member of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting (this relates to a situation where the person substituted is</p>	<p>All functions relating to the development control aspects of town and country planning, including determination of planning applications, enforcement action, listed building consent, conservation area consent, control of advertisements, etc. EXCEPT the making or confirmation of by-laws, the promotion of a local Act or any other matter reserved to Full Council by law or this Constitution; Any other function relating to town and country planning will be the responsibility of the Executive, e.g. preparation and adoption of a Development plan (or Development Plan Document) or the making of an Article 4 Direction.</p> <p>The determination of planning applications is NOT delegated to the Committee where the Committee propose a determination that is contrary to the Development Plan (or policy approved by Council) in which case the Committee's recommendations will be placed before Council for Council to consider the policy issues that gave rise to the referral to Council. Council should not seek to review or change other aspects of the Planning Committee's decision where in themselves they have not specifically given rise to the referral to Council. Recommendations will be deemed to be accepted by Council and no debate allowed thereon at Council unless five Members give notice in writing that they wish the recommendation to be debated to the Chief Executive two clear days before the meeting of Council (where Council is on a</p>

		<p>currently the Chairman or Vice-Chairman of the Committee).</p> <p><i>Substitute members may attend meetings in that capacity only to take the place of the ordinary member for whom they are the designated substitute, and where the ordinary member will be absent for the whole of the meeting.</i></p>	<p>Thursday this means notice must be given by 5.00pm on the preceding Monday) and where such notice is given the Council shall receive a presentation on the application before the recommendation is debated.</p>
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COUNCIL

Date and Time: Thursday, 24 April 2014 at 7.00 pm

Place: Council Chamber, Civic Offices, Fleet

Present:

COUNCILLORS –

Gorys - (Chairman)

Ambler	Cockarill	Lit
Appleton	Collett (7.10 pm)	Morris
Axam	Crampton	Neighbour
Bailey	Crookes	Oliver
Barrell	Evans	Parker
Bennison	Gani	Radley JR
Billings	Glen	Radley JE
Blewett	Ive	Simmons
Burchfield	Kennett	Southern
Butler	Kinnell	Wheale
Clarke	Lewis	

Officers:

Geoff Bonner	Chief Executive
Daryl Phillips	Monitoring Officer/Corporate Director
Gill Chapman	Business Support - Committee Services

118 MINUTES OF PREVIOUS MEETING

The Minutes of the Meeting held on 27 March 2014 were confirmed and signed as a correct record.

119 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Harward and Murphy.

120 DECLARATIONS OF INTEREST

No declarations were made.

121 CHAIRMAN'S AWARDS

The Chairman presented awards to Susan Way, Fleet Infants School Association, Owen Durrett and Edward Sherwell.

Councillor Collett entered the meeting during this item.

I22 PRESENTATION – FREE SCHOOL

James Eagle and Jules Norman gave a presentation on the proposed establishment of a Free School in the area. He explained the need for more schools in the district, and the advantages of a free school, citing the Bramshill Police College as a possible site. It was planned to hold a public meeting in Hartley Wintney on 15 May to engage public support.

Members queried the need for a free school in the area, increased housing, the restrictions of a two form entry, a large catchment area and Bramshill's suitability as a school site. Discussions centred around funding, maintenance etc of listed buildings, economies of lower class sizes, transport issues, and the County Council's planned expansion of schools in the area.

The Chairman thanked James and Jules for attending, and Councillors looked forward to further information as the application progressed.

I23 COUNCIL PROCEDURE RULE 12 – QUESTIONS BY THE PUBLIC

A question was received from Mr Dermot Smith, details of which are set out in Appendix A attached to these Minutes.

I24 COUNCIL PROCEDURE RULE 14 – QUESTIONS BY MEMBERS

Questions put by Councillors are detailed in Appendix B attached to these Minutes.

I25 CHAIRMANS ANNOUNCEMENTS

The Chairman had attended the following events on behalf of the Council.

2 April	Mayor of Gosport Civic Day
10 April	Twofold Trust lunch at the Cross Barn Odiham
11 April	Mayor of Winchester Ball at the Winchester Guildhall
15 April	Hook Townswomens Guild talk at the Scout Hut, Hook
22 April	Association of Chief Police Officers – visit to ACPO Criminal Records Office
23 April	Chairman of Hampshire County Council Civic Day

The Vice Chairman attended the following events on behalf of the Council.

29 March	Pelly Concert Orchestra at Church on the Heath, Elvetham Heath
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The Chairman reminded members of his Awards Dinner which would be held on 8 May at the Cross Barn in Odiham.

I26 CABINET MEMBERS ANNOUNCEMENTS

The Leader of the Council, **Councillor Crookes**, announced:

Good news on supporting local small businesses - In the Autumn Statement, the Government announced that it will provide rates relief of up to £1,000 to all

occupied retail properties with a rateable value of £50,000 or less in each of the years 2014-15 and 2015-16. The Department for Communities and Local Government (DCLG) has now published guidance to Local Authorities on how the scheme will operate.

At Hart's April Cabinet we agreed to approve the introduction of our Discretionary Business Rates Retail Relief scheme in accordance with the DCLG guidance and have since written to more than 1000 local businesses advising them of the scheme and how to apply for this relief, if they think they are eligible (as certain retail types are excluded from the scheme). We have had an excellent response with over 100 expressions of interest already.

The Cabinet Member for Planning, **Councillor Parker**, announced:

Along with leisure services officers and my Cabinet colleague Councillor Kinnell, planning policy officers held a stakeholders meeting on Tuesday to discuss open space, sport and recreation in order to inform work on the local Plan.

On 7th April I attended a meeting hosted by the District Councils Network primarily on Duty to Cooperate at which I was able to stress to Department of Communities and Local Government officials the issues caused by lack of proper guidance on the National Planning Policy Framework until last month, two years after the NPPF was published.

The Cabinet Member for Housing & Health, **Councillor Crampton**, had no announcements.

The Cabinet Member for Leisure & Recreation, **Councillor Kinnell**, announced:

Many of you will know that over the past two and a half years the Fleet Pond restoration project has been supported by a number of organisations. To date the Leisure Department has drawn down over £1m in external grant aid. Last Autumn the Council committed itself to a further expenditure of £70k towards visitor facility improvements over the next twelve months and this has been recognised by Natural England as proof of this Council's commitment to the project. I am delighted therefore to announce that in recognition of this, Natural England has offered a further sum of £48k to carry out some additional works not included in the original project plan. This is a vindication of the Council's decision to protect and improve this well loved site of special scientific interest, and I would like to pay tribute to Mr Westby and his team for bringing this project so far in such a short space of time.

Yesterday I attended the inaugural meeting of partners and stakeholders who will helped us to develop a long term strategic plan for open spaces and indoor sports facilities. Led by planning officers in conjunction with the leisure department, it was clear that this is the way forward towards a new Leisure Strategy and Strategic Planning document, such that the Council can maximise the involvement of voluntary and statutory bodies, whilst benefitting from the financial contributions associated with the delivery of new housing over the coming years. This is a fine example of this Council working in a cohesive manner to ensure that the community not only benefits from investment but actually has an input into the long term plans of the Council.

The Cabinet Member for Environment, **Councillor Glen**, announced:

The central government supported Repair and Renew/Council Tax Reduction/ Business Rate Support grant scheme is available to property and business owners who suffered internal flooding between 1 December 2013 and 31 March 2014 and details are available on the Hart website. A hundred properties requested sandbags and they are being allowed to apply for a reduction in the Council Tax. Any enquiries should go to the Infrastructure team on 01252 774222 or email infrastructure@hart.gov.uk

The Project Integra Action Plan has been considered by the Overview and Scrutiny Committee, and will be considered at the May Cabinet meeting.

The Cabinet Member for Community Safety, **Councillor Kennett**, had no announcements.

The Cabinet Member for Corporate Services, **Councillor Burchfield**, reported:

As members have heard me say many times before in my Cabinet updates, we continue to examine our procurement spend looking to find more efficiencies in the goods and services we procure as a Council.

To that point, Members may recall in February Cabinet authorised the re-procurement of the cleaning services we use in the district, bringing the Council's three main sites, Frogmore and Hart Leisure Centres as well as the Civic Offices, under one cleaning contract for the first time. At that time, we hoped for a saving of 10-15% on the existing contract price.

However, I am pleased to announce that through economies of scale and effective tendering by our officers, we have today been able to reduce the Council's costs on cleaning by over 25% and, more importantly still, retaining the services of a local cleaning company who deliver a great service and provide jobs to the local community. I would like to thank those involved in this process for their efforts.

The Cabinet Member for Fleet Town Centre, **Councillor Evans**, had no announcements.

127 CHIEF EXECUTIVE'S REPORT

The Chief Executive circulated a list of nominations for district council seats in the forthcoming elections.

128 MINUTES OF COMMITTEES

Committee Meeting	Date
Overview and Scrutiny	18 March 2014

No questions asked

Audit**25 March 2014**

No questions asked

Cabinet**3 April 2014**

Minute 134 - Councillor Appleton asked for assurance that the all weather pitch would be available for public use. It was confirmed that this was the intention.

Minute No 137 – Food Safety Service Plan

RESOLVED

That the Food and Health and Safety Service Plan be approved.

Planning**9 April 2014**

No questions asked. See Minute 129 below.

Staffing**16 April 2014**

Councillor Appleton suggested an amendment, that a sentence be added to the resolution: “and require that future contractors do likewise”.

Members debated the amendment, supporting the spirit but agreeing that this issue needed further debate and information.

The Chief Executive agreed to bring a paper to Cabinet that could address the issues and implications in full, and Councillor Appleton agreed to withdraw his amendment.

RESOLVED

That the Pay Policy be amended with effect from 1 April 2014 to incorporate the Living Wage as the Council’s lowest salary point for all employees other than apprentices and interns.

Planning (Major Sites) Sub-Committee**16 April 2014**

No questions asked.

129 PLANNING APPLICATION 13/02585/MAJOR – LAND ADJACENT TO READING ROAD, HOOK

Members considered the response of the Planning Committee to the decision of Full Council to refer consideration of Planning Application, 13/02585/MAJOR – Land at Reading Road, Hook back to Planning Committee to consider and make a recommendation to Council on the issues of the site's sustainability.

Debate centred around land supply, NPPF, infrastructure planning and development planning, and the implications of any refusal.

A vote was held and the recommendation was agreed. Councillors Burchfield, Glen, Morris and Simmons asked that their vote against the recommendation be recorded.

RESOLVED

That Planning Permission should be granted on the terms as recommended by Planning Committee to Council in March 2014.

130 UPDATES TO THE CONSTITUTION

Members considered the proposed adjustments to clarify and update the Constitution and to reflect the new Council comprising 33 Members.

RECOMMENDATION

- 1 That the amendments to the Constitution as set out in the Schedule attached at Appendix 1 be adopted.
- 2 That the size of Planning Committee be amended (11 Members with the option of substitutes) and that the clarified terms of the purpose for which Departure Applications are referred to Full Council as set out in Appendix 2, be adopted.

This item had been referred from the Council meeting of 27 March 2014 under Council Procedure Rule 25.

The Chairman closed the meeting by thanking those Councillors that were not standing at the coming elections for their contributions to the Council and its work. Members commented on Councillor Appleton's intensity and enthusiasm, and his ferocious advocacy for those he represented, and Councillor Murphy's commitment to his residents in Yateley. The Council thanked Councillors Murphy and Appleton for their sterling work over the years and wished them well for the future.

The meeting closed at 915 pm

COUNCIL PROCEDURE RULE 12

QUESTIONS BY THE PUBLIC

Mr Dermot Smith asked:

Tonight you are once again faced with considering the planning application for 70 houses at Reading Road in Hook. Before I ask my questions I must summarise this case for councillors who quite understandably may not have been able to follow the process so far.

In February the Planning committee considered the application and recommended approval for location and access, subject to “further discussions” on access. Members were not satisfied with the access arrangements.

The application was placed before full council in February for determination but could not be discussed since it had not been “called in” by members for debate. However, the case was returned to the planning committee due to a drafting error in the recommendation. In March the Planning Committee corrected the drafting error and referred the site access issue to the Planning (Major Sites) subcommittee which has only just been scheduled to meet to consider it, next week.

The application was then put before full council for determination despite the access still not being settled. The application was called in for debate by councillors on grounds of “sustainability”. Full Council did not determine the application but instead resolved “That Planning Committee be requested to give further consideration to the policy issues raised by the application, and to report back to the next meeting of Council with their conclusions” In April the planning committee refused to consider “policy issues raised by the application” since they are not permitted to consider policy issues. Full Council had therefore resolved that the planning committee act beyond their remit. Planning committee could only deal with the case before them and they had already recommended approval and so must do so again since they were not permitted to consider the application a second time.

So Full Council have still not carried out their duty under Hart’s constitution to **determine** this planning application, since the planning committee do not have delegated powers to approve it when it is outside of policy – in this case because it is a development in open countryside contrary to the existing and proposed Local Plan. The previous referral by Full Council back to the Planning Committee was invalid.

My first question is will Full Council now actually determine the planning application before them? By this I do not mean “let it pass through without discussion”, I mean **actively determine it** as per the constitution, since powers are not delegated. This should not require five councillors to call for a debate, since Full Council already has the power to determine this planning application. To not do so tonight will mean that Hart District Council have failed to carry out their statutory duties in accordance with their own constitution. In addition the resolution passed at last Full Council was an invalid one so the sustainability issue must surely be considered again here.

Secondly, how is it possible for the Planning Committee and Full Council to approve an outline planning application for location and access, when the access has not been decided to the satisfaction of the planning committee and, by extension, Full Council?

Councillor Parker responded.

Question 1 - Will Full Council now actually determine the planning application before them? This item is on the agenda as item 12, supported by a report from the Corporate Director. In due course the Chairman of Council will call the item for debate, and the Corporate Director may make some further comments by way of introduction. It will then be open for debate by members taking account of the development plan, currently the National Planning Policy Framework supported by the guidance issued last month by the Department for Communities and Local Government together with the saved provisions of the Local Plan 1996-2006 as amended. I cannot, however, compel them to any particular course of action; I cannot pre-empt members' comments. They are separately democratically elected, and they each may have a different view both of their electors' interests and the interests of the district as a whole, both aspects of which they have a duty to consider.

Question 2 - Secondly, how is it possible for the Planning Committee and Full Council to approve an outline planning application made on the grounds of location and access, when the access has not been decided to the satisfaction of the planning committee...

This is a matter of procedure. Where Planning Committee are satisfied on the bulk of an application but have reservations on some details, they can approve subject to the satisfactory resolution of those details by way of a "pre-condition". This may be merely discharged by the applicant, or it may involve return to Planning Committee, or more usually to the Chairman of Planning Committee together with one or more other members, usually the ward member on Planning Committee. In this instance it was referred to the Major Sites Sub-Committee, which comprises a subset of Planning Committee members experienced in examining proposals in detail, usually where an application is for reserved matters for a part of a large site being developed in phases. Their combined experience will fit them well to achieve an optimum result for the location of the access for the proposed site. The Planning Committee resolution is clear in who should deal with it, and the matter they must decide, so there is no issue in the process.

Mr Smith asked a supplementary question:

Why, when Planning Committee wanted the access moved as far as possible to the North is the officer recommendation for the original access?

Councillor Parker responded:

The Major Sites Sub-Committee report considers four options. Officers will recommend the option that in their professional opinion is the best available. The Sub-Committee will judge the best available option balancing the officer recommendation against their knowledge of local circumstances using their considerable expertise and experience.

COUNCIL PROCEDURE RULE 14

QUESTIONS BY MEMBERS

Councillor James Radley asked:

Does the cabinet member agree that Hart is inconsistent at best (if not hypocritical) in that while requiring a new build 4-bedroom house in Fleet to provide 3.5 car parking spaces our own resident's parking permit policy will only allow 2 parking spaces for a 5-bedroom house?

Councillor Crookes responded.

I have chosen to answer the question as it is a cross district question and not related to any particular town or village. Residents' parking schemes are in operation in both Fleet and Hartley Wintney and being implemented in Odiham. The policy about parking provision for new homes is a district wide planning policy.

The short answer to the question is NO, there is no inconsistency as the policies whilst both being about parking, address totally different issues.

Councillor Radley asked a supplementary question:

In what way are they different?

Councillor Crookes responded:

Policy on parking provision for new build is designed to ensure that developments keep parking off the street and on site. Existing development on already built houses is controlled by different policies.