



## NOTICE OF MEETING

<b>Meeting:</b>	<b>Overview and Scrutiny Committee</b>
<b>Date and Time:</b>	<b>Tuesday, 16 April 2019 at 7.00 pm</b>
<b>Place:</b>	<b>Committee Room 1, Civic Offices, Fleet</b>
<b>Telephone Enquiries to:</b>	<b>01252 774141 (Mrs Gill Chapman) <a href="mailto:committeeservices@hart.gov.uk">committeeservices@hart.gov.uk</a></b>
<b>Members:</b>	<b>Axam, Burchfield, Collings, Crookes, (Chairman), Delaney, Drage, Harward, Quarterman, Wheale, Worlock, Wright</b>

Joint Chief Executive

CIVIC OFFICES, HARLINGTON WAY  
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## AGENDA

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AND BRAILLE ON REQUEST**

- 1 At the start of the meeting, the Lead Officer will confirm the Fire Evacuation Procedure.**
- 2 The Chairman will announce that this meeting may be recorded and that anyone remaining at the meeting has provided their consent to any such recording – please see our protocol on [Attending and Reporting Meetings](#).**

## **I MINUTES**

The minutes of the meeting of 19 March 2019 are attached to be confirmed and signed as a correct record. **Paper A**

## **2 APOLOGIES FOR ABSENCE**

## **3 CHAIRMAN'S ANNOUNCEMENTS**

## **4 DECLARATIONS OF INTEREST**

To declare disclosable pecuniary, and any other, interests.

## **5 PUBLIC PARTICIPATION (ITEMS PERTAINING TO THE AGENDA)**

Anyone wishing to put a question or statement to the Committee should contact the Committee Services Officer by phone or email (see front page of this Agenda) at least two clear working days prior to the meeting. Further information can be found at

[https://www.hart.gov.uk/sites/default/files/4\\_The\\_Council/Council\\_meetings/Public%20Participation%20leaflet%202018%20A4.pdf](https://www.hart.gov.uk/sites/default/files/4_The_Council/Council_meetings/Public%20Participation%20leaflet%202018%20A4.pdf)

## **6 FEEDBACK FROM SERVICE BOARDS**

## **7 REGULATION OF INVESTIGATORY POWERS (RIPA) – ANNUAL UPDATE**

There has been no use of the RIPA provisions (Covert Surveillance Policy) in the year 2018/19.

## **8 FLY TIPPING UPDATE**

At the Overview and Scrutiny meeting in September 2018, the Portfolio Holder agreed to bring back to Committee an update report on the testing of the Council's arrangements for managing fly-tipping. The purpose of this report is to give feedback on the camera trials and also to recommend an adjustment to Hart's Fly-Tipping Strategy. **Paper B**

## **RECOMMENDATION**

- 1 That the report be noted
- 2 That the Committee provides views on the current arrangements for managing fly-tipping in Hart and endorses a request that Cabinet agrees to increase the resources available to combat fly-tipping.
- 3 That the updated Fly-Tipping Strategy be considered by Cabinet for approval.

## **9 REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES**

To inform the Committee of members' work in 2018/19 as representatives of the Council on outside bodies via a summary of reports from the Council's representatives on external bodies for 2018/19. **Paper C**

### **RECOMMENDATION**

Members are requested to consider the effectiveness of current partnerships and external representation in meeting the Council's priorities, and to note the information.

## **10 REVIEW OF THE WORK OF OVERVIEW AND SCRUTINY COMMITTEE OVER THE PAST YEAR 2018/19**

To review the work of Overview and Scrutiny Committee over the past year 2018/19. **Paper D**

### **RECOMMENDATION**

That Members note the report and subsequent actions taken.

## **11 CABINET WORK PROGRAMME**

The Cabinet Work Programme is attached for information. **Paper E**

## **12 OVERVIEW AND SCRUTINY WORK PROGRAMME**

The Overview and Scrutiny Work Programme is attached for consideration and amendment. **Paper F**

Members to consider whether a recommendation from the Licensing Committee on the draft vision for the Shared Service be considered. (Proposed June)

**Date of Despatch: 9 April 2019**

## **OVERVIEW AND SCRUTINY COMMITTEE**

**Date and Time:** Tuesday, 19 March 2019 at 7pm

**Place:** Committee Room 1, Civic Offices, Fleet

**Present:**

### **COUNCILLORS**

Burchfield, Collings, Crookes (Chairman), Delaney, Drage, Harward, Quarterman, Wheale, Worlock, Wright

**In attendance:** Councillor Parker

#### **Officers Present:**

Andrew Vallance	Head of Corporate Services
Neil Carpenter	Internal Audit Manager
Philip Sheppard	Infrastructure Team Manager

### **I 13 MINUTES**

The minutes of the meeting of 19 February 2019 were confirmed and signed as a correct record.

### **I 14 APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillor Axam.

### **I 15 CHAIRMAN'S ANNOUNCEMENTS**

None.

### **I 16 DECLARATIONS OF INTEREST**

None declared.

### **I 17 PUBLIC PARTICIPATION (ITEMS PERTAINING TO THE AGENDA)**

None.

### **I 18 FEEDBACK FROM SERVICE BOARDS**

Only Environmental & Technical Services Service Board had met. Corporate Services Service Board had been postponed due to a clash with a special Cabinet meeting.

## **119 MULTI AGENCY AND PARISH FLOOD FORUM UPDATE**

Members were updated on the Multi Agency and Parish Flood Forums, the Council's Flood Alleviation Schemes, and were given a brief note to clarify the Environment Agency process for delivering a project to reduce the impacts of flooding.

### **DECISION**

That the arrangement for ensuring the Council and key partners are engaged as part of a wider strategic discussion around flooding, be noted.

## **120 CORPORATE RISK REGISTER**

As part of the Council's governance framework, it is essential that it identifies and manages risk that it is exposed to. Members were asked to review the Corporate Risk Register.

Members suggested some improved formats for the risk register, which would be considered for future reports.

### **DECISION**

That the Corporate Risk Register be noted.

## **121 DRAFT SERVICE PLANS 2019/2020**

Overview and Scrutiny Committee considered the draft Service Plans for 2019/20 as set out in Appendix I.

Members suggested two possible additions to the Environmental and Technical Services plan.

### **DECISION**

- 1 That prior to consideration by Cabinet in April, the draft Service Plans for 2019/20 had been considered by Overview and Scrutiny having regard to the agreed Budget for 2019/20.
- 2 That the intention to ask Service Boards to set Key Performance Indicators (KPIs) and risks be noted.

## **122 CABINET WORK PROGRAMME**

The Cabinet Work Programme was considered.

## **123 OVERVIEW AND SCRUTINY WORK PROGRAMME**

The Overview and Scrutiny Work Programme was considered.

The meeting closed at 8.17pm.

**OVERVIEW AND SCRUTINY**

**DATE OF MEETING: 16 APRIL 2019**

**TITLE OF REPORT: FLY-TIPPING UPDATE**

**Report of: Head of Regulatory Services**

**Cabinet member: Councillor Sara Kinnell, Regulatory Services**

**I PURPOSE OF REPORT**

- 1.1** At the Overview and Scrutiny meeting in September 2018, the Portfolio Holder agreed to bring back to Committee an update report on the testing of the Council's arrangements for managing fly-tipping.
- 1.2** The purpose of this report is to give feedback on the camera trials and also to recommend an adjustment to Hart's Fly-Tipping Strategy. In summary, as with any testing, it has raised a number of issues particularly around resourcing, the challenge to secure sufficient evidence to meet the legal test for prosecution, monitoring, and practical issues associated with the use of the hardware (ie the cameras).

**2 OFFICER RECOMMENDATION**

- 2.1** That the report be noted.
- 2.2** That the Committee provides views on the current arrangements for managing fly-tipping in Hart and endorses a request that Cabinet agrees to increase the resources available to combat fly-tipping.
- 2.3** That the updated Fly-Tipping Strategy be considered by Cabinet for approval.

**3 BACKGROUND**

- 3.1** Tackling fly-tipping is a corporate priority. The Council has powers to investigate fly-tipping incidents and to prosecute those who are found to have broken the law. The Council is responsible for clearing fly-tipping from public land and can investigate incidents on private land and require landowners to remove accumulated material. The Council works in partnership with Hampshire County Council (who are responsible for clearing fly-tipped material from the highway) and the Environment Agency, who are responsible for clearing watercourses.
- 3.2** By its very nature, fly-tipping is a difficult crime to detect and also, because of the nature of the evidence that needs to be gathered, it is a very often challenging to secure a prosecution. A person who breaks the law can, upon conviction, be sentenced to 5 years and/or an unlimited fine (this is only in Crown Court), or fined up to £50,000. The challenge for the Council is that to secure a prosecution it must first demonstrate that there is appropriate and sufficient evidence to a criminal

standard of proof, to support any prosecution<sup>1</sup>. This in itself can be both costly and time-consuming.

- 3.3** Further information on the roles and responsibilities for fly-tipping can be found in Appendix 1, whilst information on potential penalties for fly-tipping are attached in Appendix 2.

**Resources**

- 3.4** A new post of Environmental Health Technical Assistant was created in 2018 on the basis of 2 days per week dedicated to investigating fly-tipping. A Fly-Tipping Strategy was adopted by Cabinet in October 2018. The Vision for the Strategy is to reduce the incidence of fly-tipping through effective:

- Enforcement;
- Publicity;
- Partnership working; and
- Education

It was also agreed in October that the Council would seek to conduct 2 CCTV pilots within the financial year.

**Investigation outcomes**

- 3.5** Much of the fly tipping investigated in 2018/2019 was, based on the criteria as set out in the Fly-Tipping Strategy (see Appendix 3), of a low priority, associated with recyclable materials at recycling points, particularly at Elvetham Heath. Some of the material deposited was associated with commercial waste, but the bulk of the material deposited was household waste.

- 3.6** Details of fly-tipping complaints received by Environmental Health in 2018/2019 are detailed in Table I below:

**Table I**

<b>Complaint Type</b>	<b>Number</b>
Fly-Tipping Public	64
Fly-Tipping Private	57
Fly-Tipping Advice	9
<b>Total</b>	<b>130</b>

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<sup>1</sup> The evidence must establish the facts beyond a reasonable doubt. If there is reasonable doubt then the defendant cannot be found guilty. When deciding whether there is enough evidence to charge, Shared Legal Services must consider whether the evidence can be used in court and is reliable and credible, and there is no other material that might affect the sufficiency of evidence. Shared Legal Services also must be satisfied there is enough evidence to provide a "realistic prospect of conviction" against each defendant.

- 3.7 Details of fly-tipping enforcement actions taken by Environmental Health in 2018/19 are detailed in Table 2 below:

**Table 2**

<b>Enforcement Actions</b>	<b>Number</b>
Formal Warning Letters	31
Community Protection Warnings	2
Fixed Penalty Notice – Fly-Tipping (Domestic waste)	1
Fixed Penalty Notices – Household Duty of Care	1
<b>Total</b>	<b>35</b>

## **4 THE FLY-TIPPING ENFORCEMENT TRIALS**

- 4.1 The advantage of testing any solution seeking to combat fly-tipping is that it gives the opportunity to establish what works, what doesn't work, and what measures are most cost effective. In this regard there are mixed results and so the trials need to continue to enable sufficient monitoring of all options to be considered. What is clear however, is that the Council needs to be very clear about the available resources and that it concentrates its resource effectively. The key message is that we need to focus on the most serious issues – the cases that NEED to be dealt with as a priority.

### **Fixed Penalty Notices (FPNs)**

- 4.2 FPN's provide an opportunity for first time non-habitual offenders to avoid court and a possible criminal record. They can offer a more efficient and proportionate response to tackling small-scale fly-tipping incidents and help ease the burden on the court system. However, it must be recognised that the evidential test required to support a prosecution in the event of failure to comply with a FPNs is the same as if a direct prosecution were to be pursued right from the outset. This has significant resource implications, which means that the effort may be disproportionate to the outcomes.
- 4.3 One case taken via the FPN route was a notice served on a householder who dumped laminated flooring on the side of the road, where a member of the public witnessed the event and provided a statement, including car registration details. This was a relatively straightforward case.
- 4.4 A second FPN was served on a member of the public who failed in their duty of care to ensure that waste was disposed of correctly. Their name and address were found in two separate fly-tips. This however required time consuming investigation before sufficient evidence had been gathered to justify the serving of the FPN.
- 4.5 Whatever the circumstances, the testing of options confirms that in itself, serving FPNs would not be appropriate for serial or professional fly-tippers. Where there is sufficient evidence to prove an offence beyond reasonable doubt, a direct prosecution would be recommended in these circumstances. The other issue with FPNs is that without discretion they can seem like a very blunt heavy handed tool

which could criminalise residents simply because they were not aware of the consequences of their actions.

### **Community Protection Warning (CPWs)**

- 4.6** There are alternative options to the servicing of FPNs. Section 43 of the Anti-Social Behaviour, Crime and Policing Act 2014 allows the Council issue Community Protection Warnings (CPWs). These flexible powers can be used to deal with a wide variety of anti-social behaviour issues including, for example, the leaving of cardboard outside bins at recycling centres or leaving waste at the gates of an amenity site. Should we have evidence that a person has breached the warning letter, we would then serve a CPN (Community Protection Notice). If the CPN is breached, we would prosecute and there is a fine of up to £2,500. Local Authorities, such as Rugby Borough Council and Wakefield Metropolitan District Council have successfully used these powers with a 95% rate of compliance.
- 4.7** The key benefits of the CPW approach is that at face value this perhaps could be a more effective and low cost solution to anti-social behaviour. It would also offer a proportionate response to residents who have tried to dispose of their waste correctly by not seeking to criminalise them. The use of CPWs/CPNs is now being tested (2 notices have already been served) but it is too early to give any meaningful comment on their success.

### **Fly-Tipping Camera Trial**

- 4.8** It has proved possible only to deploy one camera at Elvetham Heath due to difficulties getting authorisation to access an electrical supply. At the moment Morrison's have stepped in and are supplying electricity and it would appear that the camera, coupled with publicity and increased collections by Serco, has resulted in the site being better managed. The issues however, have not gone away and more needs to be done. The Serco response has been a bit inconsistent and we also perhaps need to have greater engagement with local residents to explain the purpose and working of the site so as to avoid unintentional fly-tipping at the site. Monitoring is also time consuming (it drains our resources) and a further problem is that it is not viable to retain the current CCTV camera in this location indefinitely, particularly as it is not targeting the professional and persistent fly-tippers as outlined in the Fly-Tipping Investigation Criteria in Appendix 3. It simply draws resources away from higher category fly-tipping cases.
- 4.9** The trial proposed at Hook has not been a great success. This is because in rural areas it has proven difficult to find a secure location and, in the absence of street lighting, a connection to any form of electricity supply. An additional difficulty with the current CCTV solution is that fly-tipping hotspots are often located in rural locations, where there is a poor WIFI signal to transmit the recorded footage. Therefore it is difficult to monitor activity in real time.
- 4.10** The CCTV trial has also confirmed that whilst overall the CCTV solution offers good quality footage and good software for reviewing footage, the current system is not cost effective and agile enough for our needs. The Council needs to respond promptly to intelligence regarding new fly-tipping sites and to install cameras straight away to deter further fly-tipping. This cannot be achieved with the current camera.

- 4.11** A new approach to CCTV is now being contemplated. It is proposed to purchase an “Acorn” camera, which costs £268, to test its suitability with a view to purchasing more. The benefit of the Acorn camera is that it is battery operated so does not rely on an external power supply and it is more agile so that it can be readily deployed anywhere in the District as required. The main disadvantages are that the footage is recorded on a Secure Digital (SD) card and the battery will have a limited life; both would likely need to be changed on a weekly basis. Monitoring of the film footage therefore again is labour intensive.
- 4.12** We will continue to research other products to find the best technology as it becomes available.

### **Publicity and Education**

- 4.13** A further strand that requires development is publicity and education. Leaflets about fly-tipping were sent out with the recent Council Tax letters and we are also looking to run a local campaign to educate residents on how to dispose of waste and the key checks to make when transferring waste to a third party. An article is also proposed in the next edition of Hart News This could lead to a reduction of fly-tipping through safe transfers of waste and the prosecution of offenders that continue to fly tip.

Campaign key messages to include:

#### Responsibilities

- All of us have a duty of care to ensure waste from our property is disposed of correctly.
- When waste originating from your property is found fly-tipped after you have given it to a third party you could receive a fine for not making the correct checks.
- Even when you do not pay for removal and it is taken with your consent; including scrap metal, you are still responsible to make these checks.

#### Checks

- Ask the carrier to show proof that they are a registered waste carrier;
- Take the details of the carrier's name including the company name and contact details;
- Make a note of the vehicle used including colour, make and registration;
- Ask for a receipt in the form of a waste transfer note which details a description of the waste, the amount paid for waste removal, the date removed, and the company/carriers name and contact details;
- Ask where your waste is going.

- 4.14** Another strand must be to work more closely with the respective Town and Parish Councils in helping to identify both serious hotspots as well as ensuring greater publicity and re-education. This will be raised through the Hart District Association Parish and Town Councils (HDAPTC).

## **5 CONSIDERATIONS**

- 5.1** Members are asked to consider and comment on the information contained within this report and updated Fly-Tipping strategy.

## **6 FINANCIAL AND RESOURCE IMPLICATIONS**

- 6.1** To continue with the current CCTV solution is approx. £6,000 per year. The Acorn cameras cost £268 each, with additional cost for SD cards. It would be envisaged that the Service would need 2 cameras initially with a view to purchasing more as required in the future. This will be the subject of a report to Cabinet once the trials are complete.

The other point is that the trial has demonstrated that to be more proactive and effective the Council needs more resources to combat fly-tipping. With Committee's endorsement this too will be the subject of a further report to Cabinet.

## **7 ACTION**

- 7.1** Fly-tipping is an ongoing problem; this strategy aims to reduce the incidence of fly-tipping in Hart through proportionate and effective enforcement; raising awareness of how to dispose of waste responsibly; partnership working; and publicising successful prosecutions.

**Contact Details: Dymphna Sanders – Environmental Health Team Leader, Extension 4286, Email: [dympna.sanders@hart.gov.uk](mailto:dympna.sanders@hart.gov.uk)**

## **APPENDICES**

Appendix 1 – Fly-Tipping Roles and Responsibilities  
Appendix 2 – Penalties for Fly-Tipping  
Appendix 3 – Fly-Tipping Investigations Strategy  
Appendix 4 – Draft Update to Fly-Tipping Strategy

## **BACKGROUND PAPERS:**

Hampshire County Council's Fly-Tipping Strategy

## FLY-TIPPING ROLES AND RESPONSIBILITIES

<b>Organisation:</b>	<b>Responsible for:</b>
Hart District Council	<p>Hart is responsible for investigating and clearing fly-tipping on the public highway and all public land within its ownership.</p> <p>The Council also has powers that enable it to take enforcement action against anyone caught fly-tipping, or land owners who fail to clear fly-tipping when the fly-tipping can be considered as prejudicial to health or a statutory nuisance.</p>
Hampshire County Council	<p>As the Waste Disposal Authority HCC is responsible for the disposal of any fly-tipped waste collected by District and Borough Councils.</p> <p>As the Highways Authority HCC is also responsible with the Local Authorities for clearing waste from the Highway for roads which it is responsible.</p> <p>As a land owner HCC is also responsible for clearing fly-tipping from any land it owns.</p>
Hampshire Constabulary	<p>Hampshire Constabulary will adopt a risk based approach to responding to any report of fly-tipping. In general terms reports of fly-tipping will not routinely result in the deployment of a police unit and the information will be passed on to the appropriate Local Authority. There may, however, be instances whereby nature of the incident poses a hazard to the safety of the public and in these circumstances a police unit may be deployed. All such reports will be individually assessed.</p>
Forestry Commission	<p>Responsible for clearing fly-tipping incidents on the land they manage.</p>
Highways England	<p>Responsible for clearing litter and fly-tipped material from motorways and major trunks roads.</p>
Environment Agency	<p>Responsible for investigating large-scale incidents of fly-tipping (more than a lorry load), hazardous waste fly-tipping, and waste that is dumped in a way that is a threat to human health or to the environment.</p>

Network Rail	Responsible for all land between the tracks, as well as up to 100 metres from the end of a station platform. Responsible for all railway land in urban areas and key stations. Remaining stations are managed by train operating companies. In Hart this is South Western Trains.
Land managers, farmers, land owners and occupiers of private land.	Responsible for clearing fly-tipping on private land. This includes private landowners, farmers, housing associations and other occupiers of private land.
Hampshire Residents & Businesses	Responsible for understanding their Duty of Care with regards to wastes they produce, to ensure that this is disposed of in a legal manner.

## **PENALTIES FOR FLY-TIPPING**

Fly-tipping is a criminal offence that is punishable by a fine of up to £50,000 or 12 months imprisonment if convicted in a Magistrates' Court. The offence can attract an unlimited fine and up to five years imprisonment if convicted in a Crown Court. There are also a range of other possible penalties including:

### **Fixed Penalty Notices**

Local authorities can issue fixed penalty notices of £400 for small scale fly-tipping under the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016.

### **Duty of Care**

Anyone who produces, imports, keeps, stores, transports, treats or disposes of waste must take all reasonable steps to ensure that waste is managed properly. This duty of care is imposed under section 34 of the Environmental Protection Act 1990 and includes a statutory Code of Practice. A breach of the duty of care could lead to a penalty of up to £5,000 if convicted in the Magistrates Court or an unlimited fine if convicted in the Crown Court.

New powers to serve FPNs under Section 34(2A) of the Environmental Protection Act 1990 in England were introduced for breaches of household waste duty of care in January 2019. The duty of care requires occupiers of domestic property to take all reasonable measures available to them in the circumstances to ensure that they only transfer household waste produced on that property to an authorised person. This reduces the chance of waste ending up in the hands of those who would fly-tip it.

### **Seizing Property**

The Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015 came into force on 6 April 2015. These regulations establish the procedures which a waste collection authority, the Environment Agency and Natural Resources Wales, must follow once they have seized a vehicle and/or its contents because of suspected involvement concerning the transport or disposal of waste (such as fly-tipping).

### Fly-Tipping Investigation Criteria

The table below is intended as a guide to prioritising the investigation and enforcement of fly-tipping offences. The guide takes into the level of staffing resource available to the Council and is designed to ensure a proportionate and graduated approach to enforcement.

**Fly-tipping is a criminal offence, therefore, the outcome of each fly-tipping investigation will be determined by whether it meets the standard of evidence to prove the offence beyond reasonable doubt. It should also be noted that to serve a Fixed Penalty Notice, there must be sufficient evidence to justify a prosecution as, should the alleged offender fail to pay, we must proceed to prosecution. CPWs will be considered for less serious offences or where there is insufficient evidence to justify a prosecution or the service of a Fixed Penalty Notice.**

The following key should be applied to the investigation criteria:

<b>Green</b>	<b>Priority 1.</b> An investigation will be carried out in all instances
<b>Amber</b>	<b>Priority 2.</b> An investigation will be carried out where there are available resources
<b>Red</b>	<b>Priority 3.</b> An Investigation will not be carried out unless there is an ongoing enforcement case already open against the perpetrator and sufficient evidence exists to warrant action being taken.

Nature of Offence	Comments	Proposed action
Commercial fly-tipping of building waste in a public place	The fly-tipping activity was carried out for commercial gain and therefore investigation is appropriate	Prosecution will be considered.
Fly-tipping of building waste by a member of the public in a public place	The fly-tipping activity was premeditated and therefore investigation is appropriate	Service of a FPN for fly-tipping will be considered.
Company failing in duty of care to dispose of waste properly (Section 34 EPA 1990)	Where evidence exists of repeat offences or continual disregard to dispose of waste appropriately. For larger scale fly-tipping offences or a disregard for the duty of care exists.	Prosecution will be considered.
Commercial fly-tipping of household waste in a public place	The fly-tipping activity was carried out for commercial gain and therefore investigation is appropriate	Prosecution will be considered.
Commercial Waste fly-tipped in a public place	The fly-tipping activity was carried out for commercial gain and therefore investigation is appropriate	Prosecution will be considered.

Household goods public place	Multiple items, or where the act was considered to be premeditated but not part of a commercial activity.	Service of a FPN for fly-tipping will be considered.
Domestic refuse public place	Commercial activity or premeditated act	Prosecution will be considered (Commercial activity) Service of an FPN will be considered (Domestic activity)
Fly-tipping of Green/Garden waste in a public place	The fly-tipping activity was carried out for commercial gain OR large quantities of waste are tipped away from the location where the waste was generated and therefore investigation is appropriate	Prosecution will be considered (Commercial activity) Service of an FPN will be considered (Domestic activity)
Household goods public place	Small quantities of household waste tipped as part of a non-commercial activity	Action will be dependent on sufficient available resource
Domestic refuse public place	Member of the Public – single item	Action will be dependent on sufficient available resource
Recyclable materials fly-tipped in a public place	Where the dumping of waste was premeditated or part of a commercial activity	Action will be dependent on sufficient available resource
Recyclable materials fly-tipped outside a bring site or recycling point	Multiple incidents linked to the same household or individual	Action will be dependent on sufficient available resource
Green/Garden waste fly-tipped in a public place	Single incident of non-commercial fly-tipping tipped away from the location where the waste was generated OR Repeat offences of non-commercial fly-tipping where the waste is placed over boundary fence	Action will be dependent on quantity of waste, sufficient available resource
Green/Garden waste fly-tipped in a public place	Single incident of non-commercial fly-tipping where the waste is placed over boundary fence	Action will be dependent on quantity of waste, sufficient available resource
Recyclable materials fly-tipped outside a bring site or recycling point	Single Incident	CPW will be sent and details held for action should a subsequent offence be committed

**Definitions:**

Commercial fly-tipping	The unlawful disposal of waste for remuneration or economic gain.
Building waste	Items generated by the construction, redecoration or refurbishment of a property or site
Garden/green waste	Biodegradable waste that can be composed of garden waste, such as grass or flower cuttings and hedge trimmings
Domestic refuse	Waste that is generated as a result of the ordinary day-to-day use of a domestic premise and would typically be taken from a domestic property on behalf of the resident by the Council's refuse contractor.
Household goods	Equipment, appliances, tools, machines, furniture, toys and other waste items typically found in a domestic premises



# **HART FLY-TIPPING STRATEGY**

## **I Introduction**

### **1.1 Vision of the strategy**

This strategy has been developed to support Hart District Councils Corporate Plan 2017-2022 vision of a Clean, Green and Safe Environment by:

- 1. Reducing the likelihood of crime and the perception of crime; and,**
- 2. Promoting a Clean Environment**

The vision of the strategy is to reduce the incidence of fly-tipping in Hart through effective enforcement, publicity, partnership working and education.

We will do this by:

1. Targeting resources where they will have the maximum impact and assist in keeping Harts streets and open spaces clean and safe;
2. Evaluating the use of surveillance equipment such as CCTV to prevent and detect fly-tipping offences;
3. Work with and support Parish and Town Councils to deal with fly-tipping throughout the District;
4. Implement enforcement initiatives to combat fly-tippers;
5. Improve awareness of what constitutes fly-tipping, how to prevent fly-tipping and how to report fly-tipping within the District;
6. Working closely with neighbouring authorities, the Police, County Council and other partners to share information, resources and ensure a consistent approach to enforcement.

This strategy also aims to align with and support the delivery of the Hampshire County Council Fly-Tipping Strategy to deliver the vision of *“A future for Hampshire where we work together to ensure that all parties take responsibility for their waste, so as to bring about a significant reduction in the unacceptable social, economic and environmental harm caused by fly-tipping”*.

### **1.2 What is fly-tipping?**

Fly-tipping is the common term used to describe waste illegally deposited on land without an environmental permit. The offence of fly-tipping and the additional offences of ‘knowingly causing’ or ‘knowingly permitting’ fly-tipping are set out in Section 33(1)(a) of the Environmental Protection Act 1990. The waste can be solid or liquid and can vary in scale from the size of a bin bag of rubbish to large scale dumping of construction and demolition waste. Fly-tipping may be found anywhere, including on roadsides, in lay-bys or on private land.

Fly-tipping differs from littering in that it involves the removal of waste from premises where it was produced with the deliberate aim of disposing of it unlawfully. There is no official statutory definition of litter, but it is most commonly assumed to include materials that are improperly discarded and in smaller volumes.

Fly-tipping impacts upon local environmental quality in a way that is immediately visible. It can have an impact upon house prices and local businesses and often can be viewed alongside other environmental crimes such as graffiti, whereby it is associated with a general decline in local standards. In Hampshire it is also particularly associated with a damaging impact upon the highly valued countryside. These are all reasons why it is an issue of concern to the public, and one which needs to be addressed.

### **1.3 Responsibilities and powers**

The powers for enforcement of fly-tipping on open spaces or land owned, managed or maintained by the District lie with Hart District Council and are discharged by the Regulatory Services Department. Where there is large scale, hazardous or waste which is a threat to human health, the Environment Agency may take the lead enforcement role. Waste dumped on private land is the responsibility of the landowner to remove and dispose of at a cost to them.

More details on the obligations of the various parties can be found in Appendix 3.

The relevant legislation for fly-tipping is:

#### **a. Environmental Protection Act 1990 (EPA)**

**Section 33** - refers to the “illegal deposit of waste” (fly-tipping)

**Section 33ZA** - introduction of Fixed Penalty Notices for contravention of section **33(1)(a)**

**Section 34** - requires waste holders to have a ‘Duty of Care’ towards the items that are to be disposed of, and is a test of diligence and care in ensuring the waste is disposed of responsibly.

**Section 34ZA** - introduction of Fixed Penalty Notices for contravention of section 34(2)(a) on 7 January 2019

**Section 59** – Provides the power to require a land owner to clear waste from their land if it has been deposited there.

#### **b. Control of Pollution (Amendment) Act 1989 (COPA)**

Sections 2 & 5 – Make it a legal requirement for anyone transporting waste for monetary gain to possess a waste carrier’s licence, and produce it on request.

#### **c. Anti Social Behaviour, Crime and Policing Act 2014**

Contains powers to issue Community Protection Notices which can be considered for a wide range of anti-social behaviour.

### **1.4 Penalties for fly-tipping**

Fly-tipping is a criminal offence that is punishable by a fine of up to £50,000 or 12 months imprisonment if convicted in a Magistrates' Court. The offence can also attract an unlimited fine and up to five years imprisonment if convicted in a Crown Court. There are also a range of other possible penalties for fly-tipping, which can be found in Appendix 4.

In 2014 the Sentencing Council issued new guidelines for magistrates on sentencing for environmental offences. Importantly, this guidance states that it should not be cheaper to offend than to take the appropriate precautions. Magistrates should ensure that the combination of financial orders imposed (compensation, confiscation if appropriate, and fine) remove any economic benefit derived from offending.

**I.5 Current situation – scale of the problem**

The annual budget for Hart’s street cleaning service is £405,000 which includes funding for the clearance of fly-tips. Whilst there is no absolute figure for clearing fly-tips within Hart, the annual estimated cost is approximately £60,000. In addition, Hart contributes £20,000 towards the Environmental Health Technical Assistant post assigned to carry out fly-tipping enforcement.

Details of the number of fly-tips cleared by the Hart street care team since 2012 are provided below. Whilst this does not show much variation in the amount of fly-tipping in recent years, the perception of the street cleaning manager is that the team are now dealing with more commercial / bulk fly-tips.

<b>Date</b>	<b>Total for year</b>
<b>2018/19 (Q1- Q3)</b>	<b>458</b>
<b>2017/18</b>	<b>709</b>
<b>2016/17</b>	<b>582</b>
<b>2015/16</b>	<b>641</b>
<b>2014/15</b>	<b>460</b>
<b>2013/14</b>	<b>639</b>
<b>2012/13</b>	<b>639</b>

The total number of reported fly-tipping occurrences across Hampshire by local authority area is shown in Appendix 2.

The consequence of fly-tipping is not only a significant risk to local communities, but also a considerable draw on the Council’s budgets which could be better directed elsewhere.

*“Fly-tipping is a significant blight on local environments; a source of pollution; a potential danger to public health; a hazard to wildlife and a nuisance. It also undermines legitimate waste businesses where unscrupulous operators undercut those operating within the law” – Department of Environment, Food and Rural Affairs (DEFRA)*

**2 Scope**

This strategy mirrors some of the objectives of the Hampshire County Council Fly-Tipping Strategy (The County Strategy), identifies the actions which Hart will take to tackle fly-tipping within the District and work collaboratively to help address the issue across both Hampshire and our neighbouring Counties.

The County Strategy looks to address the following common issues:

- a) Education of residents and businesses
- b) Data recording
- c) Management of incidents on the highway
- d) Partner enforcement resources and working with land owners
- e) Cross-border working with neighbouring local authorities

## **2.1 Aims of the District Strategy**

The aims and objectives of the District Strategy will align with the aspirations of the County whilst having regard for the unique nature and needs of Hart as a district. The District Aims and Objectives are shown in Appendix I.

## **3 Monitoring progress of the District Strategy**

The aims, objectives and actions to be delivered during 2018/19 detailed in Appendix I will be routinely monitored through the Regulatory Services Service Board to ensure that the target dates are achieved. Periodic reports will also be placed before the Council's Overview and Scrutiny Committee as required or requested to ensure there is proper oversight.

## **4 Costs and funding**

The delivery of the District Strategy will be met through existing staff resources. Currently a Full Time Equivalent (FTE) resource of 0.4 (2 days per week) is allocated to the investigation and enforcement of fly-tipping offences. Should there be a need to provide additional staff resource or finance to implement the District Strategy, Cabinet approval will be sought. This resource is located within the Environmental Health Team to add the most value, support to the post holder and access to existing intelligence, resources and enforcement partnerships. The Environmental Health Technical Assistant in conjunction with the Head of Regulatory Services will lead on the delivery and reporting of the aims, objectives and actions of the strategy.

Appendix I - Action Plan

<p><b>Aim One: Communications</b></p>	<p><b>Stimulate and maintain a change in behaviour amongst residents, businesses and landowners that helps reduce the amount of fly-tipping in Hart</b></p>		
<p><b>Objectives</b></p>	<p><b>Actions</b></p>	<p><b>Timescale</b></p>	<p><b>Action Updates April 2019</b></p>
<p><b>Development</b></p>			
<p>1. Creating awareness of the financial and environmental impacts of fly-tipping.</p> <p>2. Educating residents and businesses about their “duty of care” responsibilities when disposing of waste.</p> <p>3. Encouraging and enabling the reporting of fly-tipping incidents.</p> <p>4. Participation in fly-tipping area forums.</p>	<p>1. Development of interim communication plan to include:</p> <ul style="list-style-type: none"> <li>a. Increased use of Facebook and Twitter posts</li> <li>b. Parish newsletter articles</li> <li>c. Leaflet for circulation to complainants, Parishes and displayed in the Council Offices</li> <li>d. Press releases including publicity relating to successful prosecutions</li> <li>e. Specific communication to local businesses regarding duty of care.</li> <li>f. Hart to collaborate in the development of campaign material</li> <li>g. Development of targeted communications to residents, businesses and those who have obtained planning consent or building regulations approval.</li> <li>h. Review of engaged organisations including housing associations and Town and Parish Councils.</li> </ul>	<p>October 2018</p> <p>HDC has developed fly-tipping materials and is awaiting release of the materials developed by the County.</p> <p>HDC to consider whether they should be tailored to suit Hart or remain as a developed by the County.</p> <p>Engagement with Parishes at HDAPTC and individually by October 2018.</p> <p>Communication with Housing Associations will be aligned with County to avoid duplication.</p>	<p>Facebook link to Hampshire CC’s video on householders duty of care</p> <p>Fly-tipping leaflet online and Hart DC reception. Enclosed with every warning letter and FPN.</p> <p>2 press releases issued:</p> <p>Oct – CCTV being used to detect and deter fly-tipping</p> <p>Dec 2018 – tips on how to dispose of extra waste</p> <p>Offer advice to Housing Associations and Parish Councils in relation to fly-tipping.</p>

Aim Two: Reporting, Collection and Disposal	Develop an efficient process to simplify the reporting, collection and disposal of illegally dumped waste.		
Objectives	Actions	Timescale	Action Updates April 2019
<p>1. Establish and agree agency responsibilities and a common understanding of the fly-tipping legislation to help define roles and ensure effective responses to reported incidents.</p> <p>2. Improve the reporting and recording of fly-tipping incidents to ensure a consistent and comprehensive approach.</p> <p>3. Agree investigation criteria which match the level of staffing resources available to the Council</p> <p>4. Work with neighbouring authorities and wider partners to improve reporting and information sharing.</p>	<p>1. Liaison with colleagues across the county and Hart's shared legal service to ensure consistent interpretation and enforcement of fly-tipping legislation</p> <p>2. Engagement with relevant organisations to define roles and responsibilities and disseminate this information to relevant organisations / groups / public.</p> <p>3. Ensure accurate data and enforcement activity is recorded the council's own back-office system and the WasteDataFlow system. Consider ways to streamline the uploading of enforcement data to WasteDataFlow.</p> <p>4. Work in partnership with other enforcing authorities including those outside of Hampshire (such as Surrey Heath, Wokingham, Bracknell Forest &amp; Waverley) to ensure consistent reporting of fly-tipping whilst avoiding duplication in reporting and data entry for customers and officers of the council.</p>	<p>September 2018</p> <p>September 2018</p> <p>Ongoing. Initial liaison with neighbouring authorities and County has been made. Awaiting invitation to County liaison group.</p> <p>Ongoing. Initial introductory contact has been made.</p>	<p>Shared services legal training with Basingstoke and Deane's Fly-Tipping Officer</p> <p>Quarterly returns made via Waste Data Flow</p> <p>Member of Hampshire fly-tipping liaison group.</p> <p>Intelligence Re: persistent fly-tippers coordinated by Hampshire County Council fly-tipping officer</p>

Aim Three: Investigation and Enforcement	Work to deliver improved enforcement outcomes whilst minimising the use of resources.		
Objectives	Actions	Timescale	Action Updates April 2019
<ol style="list-style-type: none"> <li>1. Share intelligence on fly-tipping incidents, best practice and resources on prevention and enforcement with partner organisations.</li> <li>2. Better use of technology to assist with intelligence gathering and enforcement activities.</li> <li>3. Ensure enforcement activities are efficient and targeted to ensure the best use of the council's resources.</li> <li>4. Work with neighbouring authorities to investigate and bring enforcement action against serial offenders.</li> <li>5. Ensure enforcement is used to good effect with maximum penalties and fines to help serve as a deterrent to future incidents.</li> </ol>	<ol style="list-style-type: none"> <li>1. Continue to participate in county-wide liaison groups to explore options for communications tools for information sharing networks and protocols.</li> <li>2. Contribute to the formation of a county-wide 'enforcement panel' to ensure consistent enforcement of fly-tipping between partner agencies.</li> <li>3. Review the mechanism, cost and benefit of mobile CCTV for evidence gathering including the trial of different CCTV systems within the district.</li> <li>4. Support mechanisms to secure additional funding to prevent and enforce against fly-tipping within Hart.</li> <li>5. Liaison with registered waste carriers and other relevant businesses to support intelligence gathering and investigation of offences.</li> </ol>	<p>Awaiting contact from County group.</p> <p>October 2018</p> <p>2 trial locations to be identified and equipment tested by April 2019</p> <p>November 2018</p> <p>October 2018</p>	<p>Member of Hampshire fly-tipping liaison group.</p> <p>Development of internal procedures in line with guidance and partner agencies</p> <p>CCTV camera erected at Elvetham Heath recycling site. Unable to secure permission to erect second camera.</p> <p>No funding opportunities available to date</p> <p>Meeting with local waster carrier in January 2019 to share intelligence</p>

	6 Work in partnership with Hampshire County Council's Accredited Financial Advisor to seek recovery of income generated through the illegal disposal of waste material under the Proceeds of Crime Act (POCA).	Appointment of the AFA will be on a case-by-case basis.	Not required to date
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## Appendix 2 - Instances of reported Fly-tipping by Local Authority area

Total Number of Incidents	2011 - 12	2012 - 13	2013 - 14	2014 - 15	2015- 16	2015-16 change on year		2015-16 change from 2011-12	
						No.	%	No.	%
<b>Basingstoke &amp; Deane</b>	2,391	2,198	1,798	1,308	1,036	-272	-21%	-1,355	-57%
<b>East Hampshire</b>	286	404	442	437	509	72	16%	223	78%
<b>Eastleigh</b>	554	428	529	604	614	10	2%	60	11%
<b>Fareham</b>	626	300	404	338	325	-13	-4%	-301	-48%
<b>Gosport</b>	436	321	423	511	500	-11	-2%	64	15%
<b>Hart</b>	602	702	711	602	749	147	24%	147	24%
<b>Havant</b>	930	1,167	1,239	1,503	1,130	-373	-25%	200	22%
<b>New Forest</b>	821	742	896	875	770	-105	-12%	-51	-6%
<b>Rushmoor</b>	913	1,314	1,147	1,102	901	-201	-18%	-12	-1%
<b>Test Valley</b>	1,257	785	523	536	851	315	59%	-406	-32%
<b>Winchester</b>	541	614	628	603	746	143	24%	205	38%
<b>Hampshire CC Area</b>	9,357	8,975	8,740	8,419	8,131	-288	-3%	-1,226	-13%
<b>Portsmouth</b>	626	646	1,029	923	1,099	176	19%	473	76%
<b>Southampton</b>	7,355	7,819	6,203	5,569	8,100	2,531	45%	745	10%
<b>Hampshire Economic Area</b>	17,338	17,440	15,972	14,911	17,330	2,419	16%	-8	0%

### Appendix 3 - Fly-tipping Responsibilities in Hampshire

Organisation	Responsible for:
11 District and Borough Councils (Basingstoke & Deane, East Hants, Eastleigh, Fareham, Gosport, Hart, Havant, New Forest, Test Valley, Rushmoor, Winchester)	Responsible for investigating and clearing fly-tipping on all public land within their boundaries. Both the Highways Authority (Hampshire County Council ) and these local authorities have a responsibility for clearing waste from the Highway for roads which it is responsible for (not motorways or major trunk roads in Hampshire which Highways England are responsible for).
Forestry Commission	Responsible for clearing fly-tipping incidents on the land they manage across the County. Specifically, within the New Forest National Park, this also includes Crown land.
Hampshire County Council	As the Waste Disposal Authority it is responsible for the disposal of any fly-tipped waste collected by District and Borough Councils. As the Highways Authority it is responsible with the Local Authorities for clearing waste from the Highway for roads which it is responsible for (not motorways and major trunk roads in Hampshire which Highways England are responsible for). As the Waste Planning Authority it also plays a role in enforcement on large-scale illegal waste dumping. Also responsible for clearing fly-tipping on its own land.
Hampshire Constabulary	Hampshire Constabulary will adopt a risk based approach to responding to any report of Fly-Tipping, in general terms reports of fly-tipping will not routinely result in the deployment of a police unit and the information will be passed on to the appropriate Local Authority. There may, however, be instances whereby the nature of the incident poses a hazard to the safety of the public and in these circumstances a police unit may be deployed. All such reports will be individually assessed.
Highways England	Responsible for clearing litter and fly-tipped material from motorways and major trunks roads.
Environment Agency	Responsible for investigating large-scale incidents of fly-tipping in Hampshire (more than a lorry load), hazardous waste fly- tipping, and waste dumped in a way that is a threat to human health or to the environment.
Network Rail	Responsible for all land between the tracks, as well as up to 100 metres from the end of a station platform. Responsible for all railway land in urban areas and key stations. Remaining stations are managed by train operating companies. In Hampshire this is South West Trains and First Great Western.
Land managers, farmers, land owners and occupiers of private land.	Responsible for clearing fly-tipping on private land. This includes private landowners, farmers, housing associations and other occupiers of private land in Hampshire.
Hampshire Residents & Businesses	Responsible for understanding their Duty of Care with regards to wastes they produce, to ensure these are disposed of in a legal manner.

## **Appendix 4 - Penalties for fly-tipping**

Fly-tipping is a criminal offence that is punishable by a fine of up to £50,000 or 12 months imprisonment if convicted in a Magistrates' Court. The offence can attract an unlimited fine and up to five years imprisonment if convicted in a Crown Court. There are also a range of other possible penalties including:

- **Duty of care failure:** Anyone who produces, imports, keeps, stores, transports, treats or disposes of waste must take all reasonable steps to ensure that waste is managed properly. This duty of care is imposed under section 34 of the Environmental Protection Act 1990 and includes a statutory Code of Practice. A breach of the duty of care could lead to a penalty of up to £5,000 if convicted in the Magistrates Court or an unlimited fine if convicted in the Crown Court.
- **Fixed penalty notices:** Local authorities can issue fixed penalty notices of £400 for small scale fly-tipping under new powers granted under the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016.
- **Seizing property:** the Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015 came into force on 6 April 2015. These regulations establish the procedures which a waste collection authority, the Environment Agency and Natural Resources Wales must follow once they have seized a vehicle and/or its contents because of suspected involvement concerning the transport or disposal of waste (such as fly-tipping).

## OVERVIEW AND SCRUTINY COMMITTEE

**DATE OF MEETING:** 16 APRIL 2019

**TITLE OF REPORT:** **REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES**

**Report of:** Joint Chief Executive

**Cabinet Member:** Councillor David Neighbour, Leader

### **I PURPOSE OF REPORT**

To inform the Committee of members' work in 2018/19 as representatives of the Council on outside bodies.

A summary of reports from the Council's representatives on external bodies for 2018/19 is attached for consideration as Appendix I.

### **2 OFFICER RECOMMENDATION**

Members are requested to consider the effectiveness of current partnerships and external representation in meeting the Council's priorities, and to note the information.

Contact: Daryl Phillips, x4492, [daryl.phillips@hart.gov.uk](mailto:daryl.phillips@hart.gov.uk)

## **APPENDICES**

Appendix I – Summary of Reports from Representatives on Outside Bodies

**HART REPRESENTATIVES ON OUTSIDE BODIES 2018/19**

**SUMMARY OF COMMENTS FROM REPRESENTATIVES - APRIL 2019**

<b>Outline of Organisation</b>	<b>Input from Representative</b>	<b>Benefit to Council</b>	<b>Comments</b>
<b>Basingstoke Canal Joint Management Committee</b>			
Management of the canal, its facilities, upkeep and infrastructure throughout Surrey and Hampshire	3 meetings attended. Part of decision making process with voting rights.	Representation does strengthen partnerships with other riparian authorities, the two County Councils as well as Hart Parish Councils and commercial users. The canal is important both ecologically and as a leisure facility. Much of the work either carried out directly by the Canal Authority or by volunteer groups. The work is led by the two County Councils, but there is opportunity for input from member representatives who have equal voting rights at the meetings.	Yes.
<b>Blackbushe Metals Liaison Panel</b>			
To check environmental issues.	No response.		
<b>Blackbushe Airport Consultative Committee</b>			
Looks at complaints from the public on low flying aircraft and helicopters.	No response.		
<b>Blackwater Valley Advisory Committee for Public Transport</b>			
Working in partnership with other local councils to discuss and recommend proposals for the	Meets quarterly. The Council provides input and gains insight into public transport development. We are part of the	Key stakeholders in the public transport sector are invited to participate in the meetings, which allows us to hear about about the introduction or variation of existing services as well as issues faced.	Yes

<p>improvement of existing and new services.</p>	<p>decision making process, thus informed and consulted.</p> <p>2) To engage with major public transport service providers to raise matters of concern to local residents. Attended 4 meetings HDC is part of the decision making process, thus informed and consulted. Representatives attend from Rushmoor, Surrey Heath, Waverley, Guildford and Hart Councils plus Hampshire and Surrey County Councils. Members of the committee are involved in decision making processes and they do have voting rights. However the bulk of the meetings involves report and updates from the transport operators and discussions about local requirements and issues.</p>	<p>(2) HDC is able to benefit from this committee through the active engagement of both South Western Railways and Stagecoach. It is therefore informative as well as giving Hart an effective channel back into these key transport providers. We are both informed and consulted on decisions. Enables the Council to provide community leadership as well as providing an ideal forum for gaining an insight to the providers plans. It allows the chance to discuss ongoing cut-backs and changes to public/ passenger transport services in order to encourage the transport operators and county council contributors to provide all necessary transport services to those residents who rely on these services. It is also important to ensure that new and improved measures are considered for those who are willing and able to use alternative modes of travel, rather than private motorised vehicles Important to support even if ability to make changes is limited.</p>	
<p><b>Blackwater Valley Recreation and Countryside Management Committee</b></p>			
<p>A partnership project between HCC, local authorities and community organisations, working to maintain and improve the River Blackwater and the open green spaces alongside.</p>	<p>(1) Attended annual AGM. We have voting rights at the AGM and informed and consulted on decisions.</p> <p>(2) Voting rights, informed and consulted on decisions</p>	<p>(1) This is an example of partnership working at its best where both bodies benefit from the work each does. I also sit on the Trust, representing the partnership. It meets monthly and I attend these meetings.</p> <p>(2) Partnership working for both organisations. Has been of long term benefit to the North-East of Hart DC for many years.</p>	<p>Yes</p>

<b>Citizens Advice Hart</b>			
Providing Hart's Citizens with free, impartial and confidential advice	3 plus additional meetings outside their regular schedule No voting rights but kept up to date on decisions and issues.	CAB is a key partner on issues affecting residents and also working with Hart on specific projects which support our Corporate objectives and services.	Yes
<b>Crookham Almshouse Charity</b>			
The charity "provides almshouse accommodation for poor persons of good character" who are inhabitants of the district of Hart , with preference for those resident in Crookham Village, Ewshot, Church Crookham, Pondtail, Courtmoor and Fleet West.	The Committee meets twice a year but as Chair of Trustees I have regular, ad hoc contact with the Clerk as and when issues arise. The clerk, Chairman and Treasurer undertake the bulk of the day to day running of the Almshouses, relating their decisions via email and at committee meetings. More significant decisions are made at committee. I have voting rights and am involved in interviewing applicants when a unit becomes vacant. The charity "provides almshouse accommodation for poor persons of good character" who are inhabitants of the district of Hart , with preference for those resident in Crookham Village, Ewshot, Church Crookham, Pondtail, Courtmoor and Fleet West.	Representation on this body provides an important link with a well established and long standing local charity which offers a help in hand to vulnerable people in our community. It enables a group of local trustees and Hart officers to work together to provide much needed housing in this part of the district, particularly as housing is so expensive here. In 2018 the charity was very impressed with the assistance given by housing officers at Hart. One of our residents had mental health issues which were becoming more severe and impacting directly upon other residents. Penny Saunders bid for housing for this gentleman and was successful in securing a unit for him at Rosefield Court in Hartley Wintney, where his needs will be catered for in a more appropriate way. The charity provides a link between the local authority and a little piece of history.  On a personal level, it gives me the opportunity to be directly involved (for instance in interviewing applicants for vacant units) and to make a positive contribution to the running of the almshouses. All our residents are vulnerable in some shape or form	Yes. Council input is positive and should be continued.

		and it is hugely satisfying to be able to give them a roof over their head and security. Last summer we took all the residents out for afternoon tea. They are all extremely grateful for the accommodation they have at the almshouses.	
<b>District Councils' Network</b>			
Lobbies on behalf of District Councils.	Attended AGM and Conference. Informed of decisions and consultation is the usual method of decision making.	Good for Council's partnerships, community leadership, gaining knowledge and experience with an input into the organisation's work.	Yes
<b>District Health and Wellbeing Forum</b>			
To lead collaborative working across the Hart District, to deliver added value in improving health and wellbeing and reducing health inequalities through working in partnership, to identify key issues within Hart's Health profile and develop actions to address them, to assist in the delivery of the outcomes and priorities of the Hampshire Health and Well Being Board Strategy.	Attended all 4 meetings. All members and attendees have the opportunity to fully participate and contribute.	This group helps ensure that everyone in Hart has access to the information and support they need to improve their health and wellbeing. In addition engagement from a range of relevant groups.	Yes.
<b>Enterprise M3 Leaders Board</b>			
Oversees public sector economic development.	Meets six times a year. All meetings attended by Leader and/or CEO. Much of the work is done by the full board. The Leaders Board represents the district and county councils.	Good for Council's partnerships, community leadership, gaining knowledge and experience with an input into the organisation's work.	Yes

<b>Farnborough Aerodrome Consultative Committee (FACC)</b>			
The FACC is a body designated to scrutinise the operation of Farnborough Aerodrome in respect to its impact on local residents and business community. It is made up in equal ratio of aviation stakeholders, public organisations and local authorities.	Meets around 3 times a year. Involved in decision making, informed and consulted on decisions.	Aircraft movements in and out of Farnborough can have an impact on residents across a wide range of the district but by far it affects more those directly under the flight path in Ewshot and Church Crookham. This is an ideal forum to raise their concerns and to maintain a constructive dialogue with the airport operator TAG. There is also an educational element to these meetings in that the committee invite industry experts to come and give presentations on noise, safety and airspace regulation.	Yes, but representatives should continue to be selected from wards which sit directly under the flight path.
<b>Fleet Business Improvement District (BID)</b>			
Formal BID funded by levy on businesses (within BID area) to promote and support Levy Payer activity. Constituted through BID legislation and formed through Referendum in 2016	Meets monthly, of which 10 attended. Fully informed and consulted, with voting rights, and involved in developing action plans and events to promote and support the Fleet BID objectives.	To ensure co-ordination and advice on events and activities within the BID area. Key partnership for the Fleet business community. BID are open to ideas and advice from HDC, similarly HDC gain from understanding the issues and opportunities for partnership working with Fleet BID levy payers. Hart should continue as required through legislation to support BID and collect levy payments. Important for Hart to engage in partnership with BID to help develop and maintain Fleet High Street and business community.	Yes.
<b>Fleet Pond Society</b>			
Works in partnership with HDC to maintain and improve Fleet Pond	Monthly meetings attended by Cllrs Wheale and/or Parker Observer status, no voting rights. However, it is rare for there to be a divided vote and member input is listened to. Informed and consulted on decisions.	Fleet Pond Society also funds and sponsors many of the important works on the SSI including construction, access, regeneration of plants etc. Works very closely with HDC on improvements. Works together with the Environment Agency and without this partnership HDC would have difficulty maintaining the pond and nature reserve.	Yes

<b>Hampshire Partnership</b>			
HCC	Meets quarterly. Not part of the decisions making process, not informed or consulted on decisions.	Representation strengthens partnerships and gains knowledge nad experience, but with no input in the work of the organisation	Not really
<b>Hampshire Police and Crime Panel</b>			
The panel holds the Police and Crime Commissioner to account on behalf of the public.	The full panel meets quarterly, but there are also working groups. All decisions are made by the full Panel at its quarterly meetings, with a full agenda published in advance, just like a Council meeting.	This panel gives Hart a voice and influence on police and crime issues across Hampshire and the Isle of Wight comprising, as it does, of a network of representatives of every district, unitary and county council across the two counties. We gain much knowledge and experience and there is every opportunity to make a meaningful input to its work.  I was proud to support the P&CC's initiative to introduce over 200 new beat officers in the coming financial year. A commitment to addressing the growing fear of crime.	Yes. It is essential Hart continues to be represented on the Panel.
<b>Hart Voluntary Action</b>			
Supports the voluntary and community sector in Hart in a range of ways - Provides advice and information, help with finding grants, run networking events, various training courses, volunteer recruitment	About 6 meetings a year, plus informal meetings.  Participate in meetings and kept up to speed on projects and management performance.	Hart gains knowledge of the local voluntary groups and their wide range of activities.  There are a number joint projects and it's important to work closely with HVA to assist in delivering some of the Hart Corporate objectives.	Yes

<b>HARAH (Hampshire Alliance for Rural Affordable Housing)</b>			
	No response.		
<b>Inclusion Hampshire</b>			
An alternative education provider, helping young people through small structured teaching groups, to learn in a way that works for them.	Organisation has met once this year, but this clashed with a Council meeting.		Yes
<b>Local Government Association (HLOWLA)</b>			
An umbrella organisation for Hampshire local authorities to come together on issues of importance.	(1) Meets every week. Informed and consulted on decisions. As an individual am on various boards and committees.  (2) An umbrella organisation for Hampshire local authorities to come together on issues of importance.	(1) Good for Council's partnerships, community leadership, gaining knowledge and experience with an input into the organisation's work.  (2) All of the above. I am the current Chairman. The representative has a vote for the Chairman, and the Association discusses matters of common interest and hears guest speakers. HLOWLA is well placed to inform and promote council working throughout this county. It facilitates working together with other authorities on a wide variety of matters, and was instrumental in starting the process which led to the current waste collection contract.	Yes. The most important outside body we have representation on.
<b>LGA General Assembly (Annual)</b>			
The Confederation of Local Government	General Assembly is annual. Many other board and forum meetings. Informed of decisions made at the AGM, day to day decisions by the Executive Board. HDC votes		Yes

<b>Military Covenant Group</b>			
The Armed Forces Community Covenant is a voluntary statement of mutual support between a civilian community and its local Armed Forces Community.	Councillor Morris gave regular updates to Council.		Yes
<b>North East Hampshire CPRE</b>			
The CPRE seeks to use its national profile to 'enable people to recognise and enjoy the diverse natural environment by protecting exceptional countryside assets'.	The approx. quarterly 'Exec' group (evening) meetings that I used to attend no longer take place. The monthly 'Planning' group' (daytime) meetings continue, in different locations. I was not on circulation for the Planning group, but I have now established contact and attended their March meeting. I hope to receive Agendas and Minutes going forward. HDC rep is an observer with no voting rights.	It is a useful opportunity to understand perceived issues, answer questions of a planning nature, make personal input or to explain my understanding of the council's position.	Yes
<b>North Hampshire Road Safety Council</b>			
A forum to look into improving the safety on North Hampshire's roads. Promoting and encouraging road safety through campaigns and education.	Meets half-yearly. Involved in decision making, informed and consulted on decisions. The Road Safety Council meetings are intended to help promote and raise awareness of countywide road safety education campaigns delivered by HCC, Hampshire Police and the Hampshire Fire and Rescue Service. Meetings include officers from those organisations plus county and	These meetings are informative and offer the opportunity to influence and lobby for specific programmes to be implemented in our district. Cut backs in HCC's budget are a real concern in terms of what programmes may continue into the future. It is useful to receive updates and reports from the various council members and a forum for discussion on national road safety statistics. It would be useful to include a representative for local schools as much	Yes

	district members, together with other representatives, including representatives from cycling groups, driving organisations, pedestrians and equestrians. We mainly receive updates on work done by HCC Road Safety, Hants Fire and Rescue and the Police. Members of the council do have voting rights but rarely have the need to make decisions.	of the education and road safety promotions are targeted at local schools and communities.	
<b>Project Integra Strategy Board</b>			
Partnership with all the local Councils in Hampshire to ensure a combined approach to waste disposal and recycling (marketing, education and innovation).	Meets quarterly.  Fully informed and consulted, with voting rights, and involved in developing strategies such as fly tipping, replacement/ refurbishment of MRFs and responding to Central Government consultations on waste strategy.	Sharing information on industry evolution permits us to innovate our service and agree strategies with partnering councils. Hart officers also help to develop key new strategies on recycling and education. Provides a forum for officers to share best practice.  This is critical to services delivered to all residents and to delivering cost effective services - plus initiatives to reduce waste, increase recycling and reduce fly tipping.	Yes.
<b>Safer North Hampshire Community Safety Partnership</b>			
The Partnership oversees community safety issues across Hart, Rushmoor and Basingstoke.	No response.		
<b>South East England Councils (SEEC)</b>			
To provide a regional view of our interests to government.	(I) Twice a year, AGM and one other. Attended the AGM. Our only voting rights are at the AGM. We are kept informed and are consulted on decisions.	Cllr Parker - SEEC representation facilitates our working with sister authorities in pressing the interests of the South East with particularly	(I) Not a big fan but relatively harmless.

	<p>Cllr Parker - I attend as Vice Chairman of South East District Leaders. Six meetings attended. As a member of the executive I have full input into SEEC's work.</p>	<p>Government in ensuring our region receives its fair share of investment.</p> <p>I gain considerable knowledge from service on the SEEC executive which i seek to share under the report back from outside bodies.</p>	
<b>Thames Basin Heaths – Joint Strategic Partnership</b>			
<p>A body set up to advise on mitigation measures for protecting the SPA from the adverse effects of development. In particular in regards to managing SANGS policy and monitoring the effectiveness of SANGS.</p>	<p>Once or twice per year depending on need – it can meet more often if there are issues to be resolved. It also spins out a number of working groups to tackle particular issues.</p> <p>We are kept informed and are consulted on decisions. Hart have (throughout my involvement) been an active positive contributor to this body. There is also a parallel officer's committee again in which Hart have made a major contribution. Not least because of the extensive SPA &amp; SANG lands which we own and manage.</p>	<p>SANGS are vital to the effective delivery of housing in this district, without them all housing would need to be rammed into the southwestern corner of the district. SANGS also provide a wonderful in perpetuity resource of much needed public open space. Engagement in the TBH-JSPB is of strategic importance to Hart.</p>	<p>Yes definitely</p>
<b>Thames Basin Heaths – Strategic Access</b>			
<p><b>Management and Monitoring Board</b></p> <p>This is the body tasked with monitoring the use made by communities of SPA land which may have a deleterious effect on the ecology.</p>	<p>No notification of meeting this year.</p>		

<b>Vivid Housing Association</b>			
	No response.		
<b>The Vine Day Centre</b>			
The Vine Day Centre is the only charity which provides shelter and learning facilities to those over 25 years old in the District (across Rushmoor as well).	I am a Board Trustee and help to define the strategy for the organisation. We meet as a Board of Trustees minimum of every two months.	Stregthening partnerships, community leadership and gaining knowledge and experience. We as a Council contributed funds to the Vine (as does Rushmoor) to provide these services.	Yes

*(1), (2) etc - Indicates first,second or reserve member's comments*

## OVERVIEW AND SCRUTINY COMMITTEE

**DATE OF MEETING:** 16 APRIL 2019

**TITLE OF REPORT:** REVIEW OF THE WORK OF OVERVIEW AND SCRUTINY COMMITTEE OVER THE PAST YEAR 2018/19

**Report of:** Chairman of the Overview & Scrutiny Committee

### **1 PURPOSE OF REPORT**

**1.1** To review the work of Overview and Scrutiny Committee over the past year 2018/19.

### **2 OFFICER RECOMMENDATION**

**2.1** That Members note the report and the subsequent actions taken.

### **3 WHAT IS OVERVIEW AND SCRUTINY?**

**3.1** All local authorities operating a Cabinet and Scrutiny model have a Cabinet made up of the Leader of the Council and up to nine other members. All executive decisions (ie those needed to implement the Policy Framework and Budget approved by the County Council) are taken by the Cabinet.

**3.2** Overview and Scrutiny bodies are not “decision making” bodies but are bodies which monitor and influence those that are. The Overview and Scrutiny role, carried out by non-Cabinet members, is designed to support the work of the Council in the following ways:

- Reviewing and scrutinising decisions taken by the Cabinet (acting as a “critical friend”)
- Considering aspects of the Council’s performance
- Assisting in research, policy review and development
- Involving itself with external organisations operating in the District to ensure that the interests of local people are enhanced by collaborative working
- Providing a means of involving the communities in the Council’s work

The Committee reviews and scrutinises decisions made or actions proposed in connection with the Council functions, including that of budget monitoring and service delivery.

Service Boards which comprise Lead Service Portfolio Holders and a small number of O&S members are appointed to look in depth at particular issues and their recommendations, which may suggest a change in policy or service provision. These are submitted to O&S for consideration and onward recommendation is appropriate.

## **4 REVIEW OF 2018/9 AND THE ACTIONS TAKEN**

### **4.1 Regular reports -**

Quarterly performance/budget monitoring /RIPA/Flooding

### **4.2 Regular annual one off reports -**

Treasury Management/ 2017/18 Outturn Position/ MTFS/ Draft Budget / Service Plans/ Corporate Risk Register/Local Government Ombudsman Annual Review Letter.

### **4.3 Individual Items of Note**

#### **4.3.1 June 2018**

BIODIVERSITY ACTION PLAN 2018-23 - considered before Cabinet approval was sought.

#### **4.3.2 July 2018**

DRAFT TREE RISK MANAGEMENT STRATEGY - considered before Cabinet approval was sought

COMMERCIALISATION AT HART - Members considered the presentation of a 'strategic business case' for progressing the Commercialisation project across the Council as part of its project management programme, and supported the draft recommendation to Cabinet.

#### **4.3.3 August 2018**

PUBLIC SPACE PROTECTION ORDER IN FLEET TOWN CENTRE - Members agreed that it would not be appropriate to pursue a PSPO in Fleet Town Centre at this time, and supported the use of alternative tools and powers to tackle antisocial behaviour.

#### **4.3.4 September 2018**

FLY TIPPING UPDATE - Members received an update on the Council's arrangements for the enforcement of fly-tipping offences and the Hart Fly Tipping Strategy.

REVIEWING THE OUTCOME OF THE LITTER AND DOG FOULING ENFORCEMENT TRIAL - The Committee was updated on the outcomes of the litter and dog fouling enforcement trial operated by East Hampshire District Council (EHDC). The Committee recommended that Cabinet delegate to East Hampshire District Council the enforcement functions for littering and dogs.

ASSESSMENT OF AVAILABILITY OF SUITABLE ALTERNATIVE NATURAL GREEN SPACE (SANG) - Members were updated on the latest position regarding Suitable Alternative Natural Green Space (SANG) capacity within Hart.

**4.3.5 October 2018**

FLY TIPPING FIXED PENALTY NOTICES - Members were informed of the provisions for fixed penalty notices for fly tipping and support was sought, through a recommendation to Cabinet, for authority to serve Fixed Penalty Notices for fly-tipping offences.

NEW SETTLEMENT DPD GOVERNANCE AND RESOURCING ARRANGEMENTS - Members considered some of the possible first stages in delivering a new settlement in the District, including draft proposals for a governance framework for the development of the new settlement and for additional resources to take the project forward. It was agreed to request that Cabinet include the Chairman of Overview and Scrutiny on the proposed Member New Settlement Working Group and also to provide some input into the Garden Communities funding bid.

**4.3.6 November 2018**

TENANCY STRATEGY 2018 – 2023 - The Committee considered the Tenancy Strategy 2018-23, before Cabinet approval was sought for its adoption.

TRAFFIC MANAGEMENT PROGRAMME – 2018/19 & 2019/20 - Prior to consideration by Cabinet, the Committee's views were sought on a proposed draft priority traffic management programme to be delivered by 31 March 2020.

HART DISTRICT COUNCIL VISION 2040 - The Committee was given an opportunity to have an input into the draft Vision 2040, which had been put together by a cross party Member sub-group. The Committee did not feel that the existing Vision 2040, as presented, achieved its objectives, and recommended that it did not go forward to Cabinet until more work has been done.

**4.3.7 December 2018**

OMBUDSMAN COMPLAINT - Members were informed of the outcome of a complaint which had been lodged with the Local Government Ombudsman.

UPDATED PRIVATE SECTOR RENEWAL POLICY - Members considered the updates to the Council's Private Sector Renewal Policy.

PROGRESS REPORT ON THE PEER REVIEW ACTION PLAN - Members considered the progress that the Council had taken in response to the key findings from the LGA Peer Review undertaken in March 2018. Members discussed the proposal to reduce the number of Council meetings and queried why statistics of Member attendance at meetings and training events were no longer published.

**4.3.8 January 2019**

HART AND SKY OCEAN RESCUE - Members' views were sought on a proposed joint initiative with Sky Ocean Rescue to eliminate single use plastic in Hart prior to the proposal being considered by Cabinet.

**CIVIL PARKING ENFORCEMENT AND TRAFFIC MANAGEMENT AGENCY UPDATE** - Members considered the proposals to renew the agency agreements for Civil Parking Enforcement and Traffic Management prior to this being considered by Cabinet.

**SHARED SERVICES REVIEW AT HART** - The Committee considered a 'strategic business case' for progressing a shared service review as part of its Commercialisation Strategy, and the proposed scope of the shared service review.

**4.3.9 February 2019**

**LOCAL DISCRETIONARY BUSINESS RATE RELIEF SCHEME 2018/19** - Members were asked to consider the Local Discretionary Relief Scheme for 2018/19, and it was suggested that the Fleet Business Improvement District could be engaged to help their businesses apply for the discretionary business rate relief.

**DOG CONTROL PUBLIC SPACE PROTECTION ORDER** - Members considered a proposed Dog Control Public Spaces Protection Order (PSPO) across the District prior to the proposal being considered by Cabinet.

**4.3.10 March 2019**

**DRAFT SERVICE PLANS** - Members considered draft service plans for 2019/20. It was disappointing that two service plans were not included in the agenda papers but presented on the evening of the meeting. The Chair of Scrutiny attended the subsequent Cabinet meeting and suggested that the format and content of the Service Plans could be improved.

**5 ACTION**

No further action is required by Overview and Scrutiny Committee as any outstanding follow ups will be incorporated into the 2018/19 Overview and Scrutiny Work Programme

To enable Council to consider the work of the Overview and Scrutiny Committee this report will be presented to Council on 26 April 2018.

**Contact Details:** Daryl Phillips, x 4492, [daryl.phillips@hart.gov.uk](mailto:daryl.phillips@hart.gov.uk)

## CABINET

### KEY DECISIONS/ WORK PROGRAMME AND EXECUTIVE DECISIONS MADE

June 2019

Cabinet is required to publish its Key Decisions and forward work programme to inform the public of issues on which it intends to make policy or decisions. The Overview and Scrutiny Committee also notes the Programme, which is subject to regular revision.

Report Title	Ref (Note 1)	Outline/Reason for Report/Comments	Original Due Date	Revised Due Date	Key Decision Y?	Cabinet Member (Note 2)	Service (Note 3)
Outside Bodies	Annual	To confirm representatives on Outside Bodies.	June 19			DN	JCX
Hart Food Bank		To consider the rent/service charge payments due for Harrington House		June 19		AO	TS
Public Space Protection Order - dog fouling		To ensure the consistent enforcement and control of dog fouling and anti-social behaviour associated with dogs. Post consideration by Overview and Scrutiny Committee.	Nov 18	June 19		SK	RS
Commercialisation Strategy: Strand B (Digitalisation)	Sept 18	Post consideration by Overview & Scrutiny Committee, to consider a draft strategy for the Council's approach to the development of a digital infrastructure to enable the Council to become more efficient and respond to the public's needs.	Nov 18	July 19		DN	JCX
Bring Site Review	July 18	Post consideration by Overview & Scrutiny Committee, review and agree	Dec 18	July 19		AO	TS

PAPER E

<b>Report Title</b>	<b>Ref (Note 1)</b>	<b>Outline/Reason for Report/Comments</b>	<b>Original Due Date</b>	<b>Revised Due Date</b>	<b>Key Decision Y?</b>	<b>Cabinet Member (Note 2)</b>	<b>Service (Note 3)</b>
		policy for future management and provision of bring banks					
Revenue and Capital Outturn 2018/19	Annual	Annual report on outturn.	Aug 19			DN	F
Treasury Management 2018/19	Annual	Annual report on Treasury Management Activities 2018/19	Aug 19			DN	F
Budget Monitoring	Quarterly	Report on Quarterly Budget Monitoring	Sept 19 Dec 19 Mar 20			DN	F
Housing Strategy 2020-2025	Feb 19	Post consideration by Overview & Scrutiny Committee, to seek approval for the district Housing Strategy 2020-2025	Nov 19			SB	H
Medium Term Financial Strategy	Annual	Post Consideration by Overview and Scrutiny	Dec 19			DN	F
Treasury Management 2019/20	Annual	Half Year review report on Treasury Management Strategy 2018/19	Dec 19			DN	F
Update on Peer Review further to revisit of LGA	Dec 18	Post consideration by Overview and Scrutiny - to consider the outcomes of the revisit of the LGA.	Jan 20			DN	JCX
2020/21 Revenue Budget, Capital Programme and Council Tax Proposals	Annual	Approval post consideration by Overview and Scrutiny. Recommendation to Council.	Feb 20			DN	F
Capital Strategy	Annual	To present the draft Capital Strategy and the Treasury Management Strategy Statement for 2020/21	Feb 20			DN	F

Report Title	Ref (Note 1)	Outline/Reason for Report/Comments	Original Due Date	Revised Due Date	Key Decision Y?	Cabinet Member (Note 2)	Service (Note 3)
Service Plans	Annual	Post consideration by Overview & Scrutiny Committee, agree Service Plans 2019/20	April 20			DN	All
Food and Health and Safety Service Plan	Annual	Recommend to Council that the annual Food Safety Plan be approved	June 20			SK	RS
The Long Term Vision for Hart	Sept 18	Post consideration by Overview & Scrutiny Committee, consideration of the Vision further to public consultation	TBA			DN	JCX
Future of Harlington	Nov 18	To consider next steps	TBA			DN	F
Future High Street Fund	Feb 19	Consideration of a potential funding application to the Future High Street Fund.	TBA			DN	F
Dogmersfield Neighbourhood Plan	Feb 19	To agree the examiners modifications and agree to go to referendum.	TBC			GC	RS
Fleet Neighbourhood Plan	Feb 19	To agree the examiners modifications and agree to go to referendum.	TBC			GC	RS
Hartley Wintney Neighbourhood Plan	Feb 19	To agree the examiners modifications and agree to go to referendum.	TBC			GC	RS

Notes:

1 Cabinet Members

DN Leader and Finance

SK Regulatory Services

SA Partnerships

AO Technical Services

GC Planning Services

JR Contracts & Community Safety

SB Community

2 Service:

JCX Joint Chief Executive

CS Corporate Services

RS Regulatory Services

CSF	Community Safety	PP	Planning Policy	TS	Environmental & Technical Services
F	Finance	H	Community Services		
SLS	Shared Legal Services	MO	Monitoring Officer		

**EXECUTIVE DECISIONS** - None

## OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME – April 2019

Issue and Description of Topic	Current Position Objective	Original Due Date	Revised Due Date	Resources Required	Contact
<b>Fly Tipping</b>	Update on arrangements for the enforcement of fly-tipping offences and the Hart Fly Tipping Strategy	April 19			
<b>Outside Bodies</b>	Reports from Representatives on Outside Bodies on their involvement in the organisations and any recommendations to Cabinet regarding the value of these partnerships.	Annual	April 19	Report	Joint Chief Executive
<b>RIPA</b>	Annual monitoring of usage of the RIPA regulations.	Annual	April 19	Report	Monitoring Officer
<b>Annual Review</b>	The Chairman's end of year report from Committee to full Council on the work of the Committee 2017/18	Annual	April 19	Report/ Discussion	Committee
<b>Annual Review of Commercial Strategy</b>	Consideration of performance of Commercial Strategy	Annual	June 19	Report	Joint Chief Executive
<b>Body Worn Video</b>	Annual monitoring of usage	Annual	June 19	Report	Environment & Technical Services
<b>Bring Site review</b>	Review draft policy for future management and provision of bring banks, prior to Cabinet consideration	Jan 19	June 19	Report	Head of Environment & Technical Services
<b>Commercialisation Strategy: Strand B (Digitalisation)</b>	To consider a draft strategy for the Council's approach to the development of a digital infrastructure to enable the Council to become more efficient and respond to the public's needs	Feb 19	June 19	Report	Joint Chief Executive
<b>Nominations to Service Boards</b>	Member nominations to Service Boards	Annual	June 19		Chairman O&S Committee

**OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME – April 2019**

Issue and Description of Topic	Current Position Objective	Original Due Date	Revised Due Date	Resources Required	Contact
<b>2018/19 Performance Information – Annual Outturn</b>	Annual report on outturn.	Annual	June 19	Report	Performance and Innovation Officer
<b>Peer Review</b>	Half yearly monitoring on the implementation of the Peer Review Action Plan, prior to Cabinet to review the action taken so far, and any further actions or recommendations proposed by Overview and Scrutiny and subject to those comments	June 19		Report	Joint Chief Executive
<b>Public Space Protection Order</b>	To consider option for the consistent enforcement and control of dog fouling and anti-social behaviour associated with dogs, prior to Cabinet consideration	Mar 19	June 19	Report	Head of Regulatory Services
<b>Treasury Management Outturn</b>	Annual report on outturn	Annual	July 19	Report	Head of Finance
<b>2018/19 Revenue and Capital Outturn</b>	Annual report on outturn	Annual	July 19	Report	Head of Finance
<b>Ombudsman Annual Review letter</b>	Consideration of complaints statistics forwarded by the Ombudsman	Aug 19			Joint Chief Executive
<b>Performance Information</b>	Quarterly highlight reports.	Aug 19 Nov 19 Feb 20		Report	Performance and Innovation Officer
<b>Quarterly Budget Monitoring</b>	Quarterly update on budget	Aug 19 Nov 19 Feb 20		Report	Head of Corporate Services

**OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME – April 2019**

<b>Issue and Description of Topic</b>	<b>Current Position Objective</b>	<b>Original Due Date</b>	<b>Revised Due Date</b>	<b>Resources Required</b>	<b>Contact</b>
<b>Corporate Risk Management Report</b>	Half-yearly update on corporate risk profile	Sept 19 Mar 20		Report	Audit Manager
<b>Housing Strategy 2020-2025</b>	Prior to consideration by Cabinet, to consider the Housing Strategy 2020-2025	Oct 19		Report	Head of Community Services
<b>Flooding</b>	Update from Parish Flood Forums and twice yearly meeting of Agencies	Oct 19 Mar 20		Report	Environment & Technical Services
<b>Medium Term Financial Strategy</b>		Annual	Nov 19	Report	Head of Finance
<b>Treasury Management Strategy</b>	Annual report setting out the treasury management strategy for the council	Annual	Jan 20	Report	Head of Finance
<b>Draft Budget 2020/21</b>	Report	Annual	Jan 20	Report	Head of Finance
<b>Service Plans</b>	To make recommendations to Cabinet on the Draft Service Plans 2019/20	Annual	Mar 20	Report	Joint Chief Executive
<b>Procurement Process</b>	Report on the process and its fitness for purpose	None	TBC		Joint Chief Executive
<b>Car Park Ticket Machines</b>	6 month review after implementation - meeting objectives, learning lessons etc	None	TBC		Environment and Technical Services

## **OVERVIEW AND SCRUTINY COMMITTEE**

**Date and Time:** Tuesday, 16 April 2019

**Place:** Committee Room 1, Civic Offices, Fleet

**Present:**

### **COUNCILLORS**

Axam, Crisp (substituting for Quarterman), Collings, Crookes (Chairman), Delaney, Wheale, Worlock

**Officers Present:**

Daryl Phillips                      Joint Chief Executive

### **I24 MINUTES**

The minutes of the meeting of 19 March 2019 were confirmed and signed as a correct record.

### **I25 APOLOGIES FOR ABSENCE**

Apologies had been received from Councillors Burchfield, Drage, Quarterman and Wright.

### **I26 CHAIRMAN'S ANNOUNCEMENTS**

None.

### **I27 DECLARATIONS OF INTEREST**

None declared.

### **I28 PUBLIC PARTICIPATION (ITEMS PERTAINING TO THE AGENDA)**

None.

### **I29 FEEDBACK FROM SERVICE BOARDS**

There had been no recent Service Board meetings.

### **I30 REGULATION OF INVESTIGATORY POWERS (RIPA) – ANNUAL UPDATE**

There had been no use of the RIPA provisions (Covert Surveillance Policy) in the year 2018/19.

## **131 FLY TIPPING UPDATE**

At the Overview and Scrutiny meeting in September 2018, the Portfolio Holder agreed to bring back to Committee an update report on the testing of the Council's arrangements for managing fly-tipping. Members considered the feedback on the camera trials and the adjustment to Hart's Fly-Tipping Strategy.

The Committee considered the current arrangements for managing fly-tipping in Hart, and the proposal to increase the resources available to combat fly-tipping.

In a wide ranging discussion Members noted the effort of the officers to test both the adopted Fly-tipping Strategy and also the use of cameras and enforcement powers. The general consensus however was that despite best endeavours the testing had demonstrated that perhaps a more radical approach to tackling fly-tipping should be explored before further expenditure was considered. Members asked that:

- More informed data be provided on the rates and costs of fly-tipping in Hart:
  - Consistent data on what is described as a fly-tipping incidence;
  - What is the true cost to the Council of investigating and clearing up fly-tipping;
  - What is the nature of incidence of fly-tipping – e.g. was it 'household waste' (bulky waste items, such as mattresses, furniture, whitegoods, children's toys, etc.), or commercial waste such as building material/rubble, tyres etc.
  - More information on 'hot spots'
- In light of more informed data on fly-tipping what was good practice in dealing with fly-tipping (e.g. LGA advice, experience from other countries within the UK, or Europe?)

### **DECISION**

- 1 That the report be noted
- 2 More informed data be provided on the nature, rates and costs of fly-tipping in Hart
- 3 In light of more informed data, Officers should look to explore and report back to Committee on what was good practice in dealing with fly-tipping.

## **132 REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES**

The Committee were informed of members' work in 2018/19 as representatives of the Council on outside bodies via a summary of reports from the Council's representatives on those external bodies.

Members asked that in future the names of the respective representatives be included in the report.

### **DECISION**

Committee noted the responses that had been received but expressed disappointment that not all the representatives appointed by the Council to serve on outside bodies had provided any feedback.

### **133 REVIEW OF THE WORK OF OVERVIEW AND SCRUTINY COMMITTEE OVER THE PAST YEAR 2018/19**

Members considered the Chairman's review of the work of Overview and Scrutiny Committee over the past year 2018/19.

Members expressed disappointment at both the format and content of the respective Services Plans this year. The formatting was inconsistent and the content did not make clear as to what normal 'business as usual' was and what were additional 'projects' that the respective services were bringing forward over the next year. It was therefore difficult to establish what service improvements were being contemplated and how that related to service cost and resources. The format and content of Service Plans therefore needed to be reviewed early in the municipal year by both Overview and Scrutiny Committee and Cabinet.

With regard to Service Boards, members acknowledged that the current arrangements were not working, with Boards being cancelled essentially due to lack of Member engagement and feedback. The recommendation to next year's Committee was that it should review Service Board arrangements to enable more effective arrangements to be put in place to monitor performance and scrutinise progress against Service Plans.

#### **DECISION**

That the draft report be adjusted and subsequent actions taken be noted.

### **134 CABINET WORK PROGRAMME**

The Cabinet Work Programme was considered and it was highlighted that, as agreed by Council, a review of the Council's strategy for its car parks needed to be added to the work programme and also the submission of the Hook Neighbourhood Plan.

### **135 OVERVIEW AND SCRUTINY WORK PROGRAMME**

The Overview and Scrutiny Work Programme was considered and amended as follows:

- Draft Vision for shared Licensing Service (June 2020)
- Reflections on approaches to reducing the incidences of fly-tipping in light of more informed data (provisional date set for August 2020)
- Review of the Council's strategy for its car parks prior to consideration by Cabinet (date to be advised)

Meeting closed at 8.40pm