



SUMMONS

NOTICE IS HEREBY GIVEN THAT A MEETING OF THE HART DISTRICT COUNCIL WILL BE HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, HARLINGTON WAY, FLEET ON THURSDAY 26 SEPTEMBER 2019 AT 7.00 PM

Joint Chief Executive

CIVIC OFFICES, HARLINGTON WAY
FLEET, HAMPSHIRE GU51 4AE

AGENDA

**COPIES OF THIS AGENDA ARE AVAILABLE IN LARGE PRINT 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](#).**

1 MINUTES OF PREVIOUS MEETING

To confirm the Minutes of the Council Meeting held on 25 July 2019.
Paper A

2 APOLOGIES FOR ABSENCE

3 DECLARATIONS OF INTEREST

To declare disclosable pecuniary, and any other, interests.

4 PRESENTATION – VICTORIA’S PROMISE

Fiona Eastman, Chief Executive Officer, to present.

5 COUNCIL PROCEDURE RULE 12 – QUESTIONS BY THE PUBLIC

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

*Note: The text of any question under Council Procedure Rule 12 must be given to the Chief Executive not later than **Noon on Friday, 20 September 2019.***

6 COUNCIL PROCEDURE RULE 14 – QUESTIONS BY MEMBERS

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

*Note: The text of any question under Council Procedure Rule 14.3 must be given to the Chief Executive not later than **5.00 pm on Monday, 23 September 2019.***

*The text of any question under Council Procedure Rule 14.4 must be submitted to the Chief Executive before **10.00 am on Thursday, 26 September 2019.***

7 CHAIRMAN’S ANNOUNCEMENTS

8 CABINET MEMBERS’ ANNOUNCEMENTS

9 CHIEF EXECUTIVE’S REPORT

10 MINUTES OF COMMITTEES

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

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

Meeting	Date	Page Numbers	For Decision
Overview and Scrutiny	16 July 2019	8-13	
Overview and Scrutiny	20 August 2019	14-18	
Audit	30 July 2019	4-7	
Licensing	6 August 2019	4-5	
Cabinet	1 August 2019	12-17	
Cabinet	5 September 2019	18-20	
Planning	11 September 2019	21-22	

I1 OUTSIDE BODIES - FEEDBACK FROM MEMBERS

To receive any updates from Members who are representatives of the Council on an Outside Body.

I2 DOGMERSFIELD NEIGHBOURHOOD PLAN – BRINGING INTO LEGAL FORCE

Following a positive referendum result for the Dogmersfield Neighbourhood Plan, the purpose of this report is to bring the Neighbourhood Plan into legal force to form part of the statutory development plan for Hart District. **Paper B**

RECOMMENDATION

That under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 the Dogmersfield Neighbourhood Plan be ‘made’ (brought into legal force) to form part of the statutory Hart Development Plan with immediate effect.

Date of Despatch: 17 September 2019

COUNCIL

Date and Time: Thursday, 25 July 2019 at 7.00 pm

Place: Council Chamber, Civic Offices, Fleet

Present:

COUNCILLORS –

Wheale - (Chairman)

Ambler	Davies	Neighbour
Axam	Dorn	Oliver
Bailey	Drage	Quarterman
Blewett	Farmer	Radley
Butler	Forster	Smith
Clarke	Kennett	Southern
Cockarill	Kinnell	Wildsmith
Crampton	Lamb	Wright
Crookes	Makepeace-Browne	

Officers Present:

Daryl Phillips	Joint Chief Executive
Gill Chapman	Committee Services
Sabrina Cranny	Committee Services

13 MINUTES OF PREVIOUS MEETING

The Minutes of the Meeting held on 16 May 2019 were confirmed and signed as a correct record.

14 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Collings, Crisp, Delaney, Tomlinson and Worlock.

15 DECLARATIONS OF INTEREST

No declarations were made.

16 COUNCIL PROCEDURE RULE 12 – QUESTIONS BY THE PUBLIC

Questions had been received from Mr Tristram Cary, Mr David Turver and Mr Christopher Riley, details of which are set out in Appendix A attached to these Minutes.

17 COUNCIL PROCEDURE RULE 14 – QUESTIONS BY MEMBERS

Questions from Members are detailed in Appendix B.

18 CHAIRMAN'S ANNOUNCEMENTS

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

- 8 June Party in the Park – Victoria's Promise Cancer Charity at Hartletts Park, Hook
- 27 June Mayor Winchester Civic Day, Abbey House, Winchester
- 27 June 3 Royal School of Military Engineering Regiment, Minley Station cocktail party and beating retreat
- 29 June Odiham Parish Council Armed Forces Day Celebrations
- 29 June Annual Poppy Appeal Garden Party (Royal British Legion), Roughwood House, Fleet
- 30 June Lions Funfest at Yateley Manor School, Yateley
- 1 July St Michaels Hospice and Odiham Cottage Hospital celebrating 5 years of befriending service and commitment of volunteers at Odiham Cottage Hospital
- 3 July Lord Mayor Portsmouth Civic Head's Dinner at Lord Mayor's Suite, Guildhall, Portsmouth
- 6 July Fleet Carnival
- 10 July Robert May's School Founder's Day Service at Parish Church of All Saints, Odiham followed by afternoon tea

The **Vice Chairman** attended the following events on behalf of the Council:

- 13 June Hampshire Food Festival Launch at Newlyn's Farm Shop, Hook
- 5 July Duke of Edinburgh's Award 2019 Gold Award Holders' Reception, The Great Hall, Winchester
- 14 July East Hants Civic Service at St Mary's Church, Liss

The Chairman announced that her Charities for the year would be The Base Youth Centre in Hook, Men's Shed in Church Crookham and Fleet, Vision for Youth and Victoria's Promise. She looked forward to Members' support.

19 CABINET MEMBERS ANNOUNCEMENTS

The Leader of the Council, **Councillor Neighbour**, announced that he had been contacted by the new Leader of Hampshire County Council to attend a meeting, scheduled for 27 August, to discuss issues that affect Hampshire and Hart. Councillor Neighbour asked Members for their input. Members should let Councillor Neighbour know of any issues they would like to be raised at the meeting by 20 August.

The Cabinet Member for Finance and Corporate Services, **Councillor Radley**, reported:

We recently held our Year 6 Think Safe event for Hart schools, which saw almost 900 Hart pupils take part in safety scenarios including fire safety, rail safety, first aid, healthy relationships, stranger danger, cyber safety and range safety.

We have been working to take enforcement action against unauthorised Big Issue sellers in Fleet Town Centre following a number of complaints. Whilst the individuals concerned have not been in Fleet as frequently in the past weeks, work is ongoing to gather statements should they return.

I wanted to give you a quick update on our Community Court for Hart and Rushmoor. The panel has now heard 3 live cases, and last week held the first panel for a Hart case. It related to a young person who had been caught in possession of a quantity of cannabis and a grinder late at night with his friends whilst hanging around a war memorial which had caused residents some concern.

The young person was remorseful for his actions but did not really understand the consequences of cannabis use and possession. As such he was referred by the Panel to a drugs awareness course which was carried out earlier this week.

Working with the Police they look to use Community Court as an outcome for first time and minor offences so we're hoping it becomes part of the day to day work we carry out in partnership with them. We currently have 21 volunteers aged between 14 – 17 who rotate depending on availability.

Members asked questions on the Safer Neighbourhood team, additional police patrols, CCTV, Big Issues seller, anti-social driving and police priorities. The Portfolio Holder pointed out that although we do have problems in Fleet, they are not as bad as Aldershot and Farnborough and that is where the police are deployed.

The Cabinet Member for Community, **Councillor Bailey**, reported

In February I reported that we had been successful in a grant bid with Basingstoke and Deane for funding to increase access for those facing homelessness to private sector landlords. Now we are a few months into that project and the work done and results are encouraging. We have also received a modest grant from Sport England to work with Everyone Active to help people with mental health problems. Details will be available shortly.

The Cabinet Member for Place, **Councillor Cockarill**, announced

1 Members will be aware that we have received grant funding of £150k for the Garden Village Community bid, known as Shapley Heath. I would like to thank the Joint Chief Executive Ms Hughes and the Corporate Strategy and Policy Manager, Ms Bailey, for their hard work on the bid and congratulate them on its success.

2 We are in the process of recruiting a new Head of Place. We have had 10 strong candidates for the role. There will be an interview process for the short-listed candidates on 8 August. I, along with Councillors Kinnell and Kennett, will be meeting the short listed candidates, although the appointment will be made by the Joint Chief Executives.

3 We are also in the process of recruiting for roles within the Planning Policy team. We have again received some strong applications for the roles, so we should have a better resource policy team soon.

4 On the Development Management side of the Portfolio we have a Peer Review scheduled for the week of 11 November. This will be a good opportunity for us to find ways to improve our service delivery. Members may well be asked to provide input to the Review, so keep an eye on your emails.

5 We have a number of Neighbourhood Plans which are nearing completion. Hartley Wintney and Hook will be holding a referendum on 7 October, and subject to Cabinet agreement, Fleet will be added to that list. Crondall is at the Regulation 16 stage and we have submitted our comments.

6 Finally, Members may be interested to know that work had begun to scope out a new Parking Standards policy document, which will update the current guidelines. There are no timescales yet for how long it will take to complete and of course, it needs to fit around the other emerging Local Plan policies.

The Cabinet Member for Regulatory, **Councillor Kinnell**, reported

Hart's 2019 Air Quality Status Report has been drafted and will be submitted to Defra shortly. The report demonstrates that measured concentrations of Nitrogen dioxide or NO₂, were below the National limit value at all monitoring sites within Hart. The report is produced to discharge our statutory duties for 'Local Air Quality Management', under Part 4 of the Environment Act.

A copy of the finished report will be sent out to all members for your perusal.

Members asked for clarification on particulates. The Portfolio Holder reported that Hart has no problem with particulate matter and the air quality is good.

The Cabinet Member for Commercialisation, **Councillor Quarterman**, reported

I am pleased to announce that following close working between the Leader and the Chairman of Overview and Scrutiny Committee the Council has now completed the development agreement with Berkeley Homes to deliver 41 apartments for affordable market rent at Edenbrook.

Work has already started on site and the project is scheduled to enable us to take possession in early 2021. Our own shared Building Control team has gained the building control work and we have employed Artelia to oversee the project on our behalf. As Members will know, the Artelia arrangement worked very well for us with both the new Leisure centre as well as the recently completed Calthorpe Park School Sports Hall project – both being delivered on time and within budget.

Not only will this development of 41 apartments deliver much needed affordable homes for rent but it will also give the Council a projected net income of £300k-£350k which represents a major step forward in helping us meet our future £2m income generation targets.

To check on the governance arrangement for future projects a learning exercise report will be prepared in due course for Overview and Scrutiny Committee to sense check the arrangements that were agreed to sign off this form of project.

20 JOINT CHIEF EXECUTIVES' REPORT

The Joint Chief Executives' had nothing substantive to report.

21 MINUTES OF COMMITTEES

Meeting	Date
Staffing No questions asked.	29 April 2019

Minute No 20 - Pay Policy Statement Financial Year 2019-20

Councillor Kennett put the recommendation, seconded by Councillor Neighbour.

RESOLVED

That the Pay Policy be approved, subject to any minor amendments to be agreed by the Joint Chief Executive in consultation with the Chairman of Staffing Committee.

Overview and Scrutiny No questions asked.	16 April 2019
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Overview and Scrutiny (Draft) No questions asked.	18 June 2019
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Audit (Draft) No questions asked.	28 May 2019
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Licensing (Draft) No questions asked.	4 June 2019
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Cabinet No questions asked.	6 June 2019
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Cabinet (Draft) No questions asked.	4 July 2019
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Minute 19 - Food Health and Safety Service Plan 2019/20

Councillor Neighbour put the recommendation, seconded by Councillor Kinnell.

RESOLVED

That the Hart Food and Safety Service Plan be adopted.

Planning

22 May 2019

No questions asked.

Planning Committee (draft)

10 July 2019

No questions asked.

22 OUTSIDE BODIES - FEEDBACK FROM MEMBERS

Councillor Dorn reported on his work with the Military Covenant, and the new facility to enable the military to rent in the public sector. A one page briefing would be prepared and circulated to members.

23 MOTION TO COUNCIL

The following Motion had been received from Councillor Forster, and was seconded by Councillor Crampton.

“This Council will provide up to 10 parking permits free of charge to Fleet Community Hospital for the Church Road long term car park to be available solely for registered permanent hospital staff. In addition a free designated drop off and collection area shall be provided for a shuttle minibus for patients and staff. These facilities are to be provided for a period of initially 3 years”.

Councillor Forster introduced his motion.

Councillor Southern suggested an Amendment, to restrict the parking from Monday to Friday. This Amendment was accepted by Councillor Forster and Councillor Crampton. With the addition of the words ‘on weekdays’ the Motion then read:

*This Council will provide up to 10 parking permits free of charge to Fleet Community Hospital for the Church Road long term car park to be available solely for registered permanent hospital staff. In addition a free designated drop off and collection area shall be provided for a shuttle minibus for patients and staff. These facilities are to be provided **on Mondays to Fridays** for a period of initially 3 years.*

Councillor Oliver put an amendment, seconded by Councillor Radley, to take out the words ‘free of charge’ and to substitute ‘at standard fee rates’. The amended Motion would now read:

*This Council will provide up to 10 parking permits **at standard fee rates** to Fleet Community Hospital for the Church Road long term car park to be available solely for registered permanent hospital staff. In addition a free designated drop off and collection area shall be provided for a shuttle minibus for patients and staff. These facilities are to be provided on Mondays to Fridays for a period of initially 3 years.*

Members discussed the Amendment. Members were concerned with the issues and made the following points:

- General support for the intent
- General support for the minibus drop off point
- The minibus would be funded by the Friends of Fleet Community Hospital
- Alleviating parking on the residential roads around Fleet Community Hospital
- Fleet Community Hospital parking problem not solved by 10 spaces
- Further discussion needed with the CCG
- Setting a precedent for free parking for some organisations and not others
- Support for the NHS
- Support for Fleet Community Hospital and its future
- Church Road Car park only at 80% capacity
- Should this be considered as a matter of policy over the whole of Hart
- More information needed on how the scheme would work and the cost/benefit.

Members asked for a Recorded Vote on the amendment:

FOR the Amendment: Ambler, Bailey, Blewett, Butler, Clarke, Cockarill, Davies, Drage, Kinnell, Lamb, Neighbour, Oliver, Radley, Wildsmith (14)

AGAINST: Crampton, Crookes, Dorn, Farmer, Forster, Kennett, Southern, Wheale, Wright (9)

ABSTAINED: Axam, Makepeace-Browne, Quarterman, Smith (4)

The Amended Motion was therefore CARRIED

Members considered the Amended Motion. Members were concerned with the future plans for Fleet Community Hospital and giving it the support of the Council as a valuable asset to the community. It was agreed that further discussions with Fleet Community Hospital and the CCG were needed.

The Chairman announced a 5 minutes recess between 9.00pm and 9.05pm

After further discussion there was a vote and the substantive Motion was **NOT CARRIED**

In light of the Members discussions, and as a way forward, the Group Leaders agreed a statement:

That this Council supports the CCG in its initiative to expand Fleet Community Hospital. Council requests that the Portfolio Holder for Communities and the Hampshire Wellbeing Champion engage directly with the CCG to see what Hart can realistically can do to enable the delivery of enhanced services at Fleet Community Hospital

After a show of hands, this statement was supported by all Members.

The meeting closed at 9.15 pm

COUNCIL PROCEDURE RULE 12

QUESTIONS BY THE PUBLIC

Mr Tristram Cary asked:

The Council's bid for Shapley Heath Garden Village funding was based on the assumption that "the Local Plan is found sound (and Policy SS3 remains) by the Examiner by early 2019" [Bid Document para 10 b)]. On 27 June Simon Ridley of MHCLG wrote to Hart to say that Hart's bid had been successful. Has the Council informed Simon Ridley in writing that SS3 has been found unsound by the Examiner and is in the process of being removed from the Local Plan?

Councillor Cockarill responded that Mr Ridley had been properly informed and reminded everyone that the Local Plan had not been found unsound. As the examination was still continuing, the premise was incorrect. He agreed to forward information on any discussions the Council had with both MHCLG and Homes England to Mr Cary.

Questions have been received from **Mr David Turver**:

1. The Inspector has said that for the new settlement to be found sound, further SA work would need to be done in an impartial manner with sufficient evidence to support its findings and comparisons with alternative options. What is the scope and expected timeline for this work?

Councillor Cockarill responded:

The question is rather premature as we don't yet have the Examiners full report to digest the details of what he meant and we have not yet got a Local Plan in place. It therefore is very premature to start to discuss the next stages on something that has not yet been decided upon and only once the current Plan is through the process will we then turn to consider when best to start a new local plan.

2. How much of the £785,990 budgeted in 2018/19 for the new settlement will now be spent, and what is the timeline and task breakdown of that expenditure; in other words what happens over the next 9 months?

Councillor Cockarill responded:

The question again is rather premature. Now that we are part of the Government's Garden Communities Programme it is entirely appropriate to await the outcome of the meeting with Homes England on this topic, due in August, before making any decisions regarding any use of this budget.

The meeting with Homes England, will inform a report to Cabinet, anticipated to be in October, seeking approval to the future approach and will include an outline of the budgetary requirements, to deliver this strategy if that is what the Council wants.

Mr Turver asked a supplementary question:

The SA Report Addendum says that the AoS/DPD process will be replaced by a new Local Plan process. So, what is the justification for retaining any funds in the current FY to work on the unsound new settlement?

Councillor Cockarill responded:

The Examiner did not say that a new settlement was unsound. His criticism was of the way that we were approaching it through Policy SS3. What he did not rule out was the possibility of a new settlement in the future. Indeed, he gave some very clear guidance on one way we may choose to proceed when he pointed out that it was open to us to undertake an immediate review of the Plan if we wished to pursue the proposed new settlement in the near future, which would not have a significantly different timescale to the production of a New Settlement DPD, as originally proposed through Policy SS3. We of course will be mindful of that advice, but until the current Plan is adopted it would be quite wrong to speculate.

3. It is noted that HDC has won £150K of funding from the Government to support the new settlement. HDC's bid for garden community funding stated that with government support, a consultation on a draft new settlement DPD would happen in December 2019. Is this still the case, or what is the current expected timeline and task breakdown for this expenditure?

Councillor Cockarill responded:

In light of the examination there are currently no plans for a New Settlement DPD. This is reflected in the current Local Development Scheme published on our website.

Any further actions associated with the Garden Communities programme will be subject to the meeting to be held with Homes England in August, which will inform a report to Cabinet in October seeking approval to any future strategy and approach.

Mr Turver asked a supplementary question:

Given that circumstances have changed, is there now a risk that HDC has inadvertently obtained the garden community funding under false pretences?

Councillor Cockarill responded:

No. Homes England, who manage the Garden Communities programme on behalf of MHCLG had been made aware of the change in the Councils policy position on the 1st May, in advance of the announcement of the bid's success on the 28th June.

4. The Local Plan acknowledged that the challenge for Fleet will be secure funding to compete with comparable neighbouring towns. Cabinet resolved to consider making a bid in February 2019. The Government has recently announced that 50 towns have won support to develop detailed plans as part of Phase 2. Sadly, Hart was not among them. Did HDC make a bid, and if so, were any reasons given for failing to win Phase 2 funding?

Councillor Cockarill responded:

Strictly speaking the plan says the challenge will be to secure 'investment' (not funding) to compete with comparable towns in neighbouring districts. I think what was in mind was investment by retailers coming to Fleet rather than Government funding itself. Anyway, back to the point of the question - Yes we did make a bid, and No, we like all the many other unsuccessful bids have not yet received feedback as to why we were not successful.

Mr Turver asked a supplementary question:

Wouldn't it be better to re-direct some of the £786k to work up plans for urban regeneration?

Councillor Cockarill responded:

No, because the budget was specifically created to fund work on a new settlement. Now that we are part of the Government's Garden Communities Programme it is entirely appropriate to await the outcome of the meeting with Homes England on this topic, due in August, before making any decisions regarding this budget.

I would support any future decision of the Council if it were to separately decide to release some additional funding towards town centre regeneration which would hopefully bring forward some additional housing, helping to deliver a mixed housing strategy across the district for the next local plan. In this regard I hope that we can help with the emerging Hook Neighbourhood Neighbour Plan aspiration for a village centre masterplan and of course we ourselves will be working with Fleet Town Council and Hampshire County Council to deliver their emerging aspiration to secure the Civic Quarter regeneration, which will shortly be the subject to a report to Cabinet.

5. It is noted that the consultation on the main modifications to the Local Plan is underway. Can you please confirm the detailed steps and timeline to adoption?

Councillor Cockarill responded:

The consultation closes 19 August 2019. Thereafter we are in the Inspector's hands regarding timelines. The next stage should be receipt of his report, unless he deems further hearings to be necessary. We hope to adopt by the end of this year.

Mr Turver asked a supplementary question:

How do you reconcile the timelines of the Local Plan, the Garden Communities funding and the new Local Plan process to properly assess the alternatives to the new town for future growth.

Councillor Cockarill responded:

You have sought to draw a tenuous link between two entirely separate considerations. The grant of money under the Garden Communities Programme clearly does not rely on the new settlement being identified in the emerging local plan, or for alternatives to have been considered through the plan making process. It has been awarded on its own

merits under the Garden Communities Programme. In other words it has a legitimate life of its own, certainly at this stage, but we will of course look at the relationship with the local plan and the timing of any future local plan reviews.

Mr Christopher Riley asked:

Hart's response to a question on the Housing Delivery Test raised by the Examining Inspector for the Local Plan noted that, while by 2025/26 Hart may start to dip below 95% and fall further thereafter, "the new settlement at Winchfield/Murrell Green would address the HDT shortfall."

With Policy SS3 for the new settlement now removed, Hart apparently is relying on a 'mixed portfolio of smaller and medium-sized sites' to overcome the shortfall.

Can the Cabinet Member for Place advise how this HDT challenge will be met; particularly which developments provide sufficient timely delivery to overcome the shortfall from about 2025/26?

Councillor Cockarill responded:

I thank you for an interesting question although I must again repeat the point that we have not yet received the Inspector's report and there is a danger that we are starting to prematurely speculate about how the Inspector deals with the Housing Delivery Test question and the future of a Local Plan which is still not yet in place.

Just for the record I need to explain what the Government's intention is behind having such a test - the HDT works by comparing how many homes have been delivered over the previous three years to the number of homes required. Councils that deliver 95% or less have to complete an Action Plan to show how they propose to increase delivery to reach the 100% threshold. One implication could be that Councils may need to demonstrate a housing land supply of six years rather than five for example.

Our soon to be adopted Plan is essentially a commitment plan with much of our housing need already granted permission – it gives us in the short to medium term a very healthy land supply and good protection against unwanted development outside the local plan proposals – the robustness of our defence against the west of Hook proposals demonstrates this exact point.

The long term issues for us, and the Inspector at the recent Local Plan examination was alive to it, is that taking the HDT in isolation the Council may need to be identifying future housing sites from 2026 onwards unless the trajectory shifts (and there are a number of variables which mean that it is hard to predict the future). There is nothing unusual in this. We know that one often needs to start the review of current plans and delivery well before the actual need arises simple because getting a review plan in place will take some time. It clearly is not sensible to simply wait until it is too late and start planning by appeal again. Mr Riley's question therefore is well considered and a timely, albeit a little early, reminder that we cannot stand still.

As for the mixed strategy point, any review will inevitably need to have a mixed strategy to comply with the new NPPF. We flagged this up in our earlier response to the inspector. Where are the sites? Well that is precisely what the ongoing review will have to address,

and it will have to demonstrate a 5 year supply of sites at that time. Again, there is nothing unusual in this.

The Government itself highlights the supply of new homes can often be best achieved through planning for larger scale development, such as new settlements, provided they are well located and designed and supported by the necessary infrastructure and facilities. It is the growth option most supported by our residents. Working with the support of our communities we can identify suitable locations for such development where this can help to meet identified needs in a sustainable way. Our success in securing Garden Community funding certainly helps us along that road.

It is too early however, to say whether a new settlement in itself is the final answer – there is still much work to be done but the sooner we start planning it the more housing it could possibly deliver and undoubtedly it could mean less pressure to release deeply unpopular strategic urban extensions options. Just as bad from our residents point of view, and unfortunately it has been promoted by some interest groups, we must avoid being drawn into agreeing to the concept of high density town cramming without proper infrastructure particularly in the form of what has proved to be slump housing created by the office conversion permitted development rights. I am pleased to learn that because of its abject failure to provide a decent living environment the Government is looking to withdraw these rights.

Councillor Crookes asked:

Could the responsible Cabinet Member please give members an update on the situation and discussions around the 5 Councils contract?

Councillor Radley responded:

Capita has accepted that they have provided an unacceptable service for Finance to us. They are bringing in additional CIPFA qualified accountants to rectify this and are carrying out a strategic review of the service to not only consider the short term problems associated with the statement of accounts - but long term resourcing of the services.

However, we recognise a key need to continually scrutinise the performance of Capita and reminded them yesterday that we will expect them to be present at the next Overview and Scrutiny Committee meeting which will consider Capita's performance on 20th August.

Councillor Crookes asked a supplementary question:

Referring to the performance of Capita providing financial information, for example at the last meeting of Overview and Scrutiny Committee the Committee were disappointed with the format and the incomprehensible report. Did Councillor Radley read and approve the report before it was published as it was in his name?

Councillor Radley responded that no secret had been made of the fact that Capita contact obligations placed challenges on securing the information that we need to make informed decisions.

COUNCIL

DATE OF MEETING: 26 SEPTEMBER 2019

TITLE OF REPORT: DOGMERSFIELD NEIGHBOURHOOD PLAN – BRINGING INTO LEGAL FORCE

Report of: Corporate Strategy and Policy Development Manager

Cabinet member: Councillor Graham Cockarill, Place

I PURPOSE OF REPORT

1.1. Following a positive referendum result for the Dogmersfield Neighbourhood Plan, the purpose of this report is to bring the Neighbourhood Plan into legal force to form part of the statutory development plan for Hart District.

2 RECOMMENDATION:

2.1 That under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 the Dogmersfield Neighbourhood Plan be ‘made’ (brought into legal force) to form part of the statutory Hart Development Plan with immediate effect.

3 BACKGROUND

3.1 In August 2015, the Council designated Dogmersfield Parish as a Neighbourhood Area for the purposes of neighbourhood planning. Dogmersfield Parish Council as the qualifying body, submitted the draft Dogmersfield Neighbourhood Plan and supporting documents to Hart District Council in January 2019.

3.2 Consultation on the submission Plan took place in February – March 2019. The Council, with the consent of Dogmersfield Parish Council appointed an independent examiner to review the plan and consider whether it should proceed to referendum. The Examiners Report recommended that, subject to a number of modifications required to ensure the Plan met the required basic conditions as set out in legislation, the Plan should proceed to referendum. Cabinet agreed to these modifications and to proceed to referendum in June 2019.

3.3 A local referendum was held in Dogmersfield Parish on 25th July 2019. The referendum asked the following statutory question:

Do you want Hart District Council to use the Neighbourhood Plan for Dogmersfield Neighbourhood Planning Area to help it decide planning applications in the neighbourhood area?

3.4 51% of electors voted and 110 (98%) of the 112 who voted (valid votes) were in favour of the Plan.

4 'MAKING' OF THE DOGMERSFIELD NEIGHBOURHOOD PLAN

- 4.1 Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to 'make' a Neighbourhood Plan if more than half of those voting in a referendum have voted in favour of the Plan being used to help decide planning applications in the area. The Council is not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- 4.2 More than half of those voting for the Dogmersfield Neighbourhood Plan voted in favour of the Plan being used to help decide planning applications. In addition, it is considered that the plan, including its preparation, does not breach and would not otherwise be incompatible with, any EU obligation or any of the Convention rights, the Plan must be 'made' by the Council.
- 4.3 The Neighbourhood Planning (General) Regulations 2012 (as amended) requires the Council to then, as soon as possible after deciding to make a Neighbourhood Development Plan, publish a statement setting out the decision and details of where and when the decision statement may be inspected. The Dogmersfield Neighbourhood Plan Decision Statement is attached as Appendix A.
- 4.4 The final version of the Neighbourhood Plan (currently named the Referendum Version) can be viewed at www.hart.gov.uk/dogmersfield.

5 NEXT STEPS

- 5.1 The Dogmersfield Neighbourhood Plan will be published on the Council's website along with relevant supporting information including the Decision Statement. Notification of the decision will also be sent to Dogmersfield Parish Council as the Qualifying Body and to all those who have requested to be notified.
- 5.2 Once 'made', the Plan has full weight as part of the development plan for Hart District in relation to the determination of planning applications in Dogmersfield Parish.

Contact Details:

Katie Bailey, Corporate Strategy and Policy Development Manager, Katie.bailey@hart.gov.uk

APPENDICES

Appendix A – Dogmersfield Neighbourhood Plan Adoption Decision Statement

APPENDIX A - Dogmersfield Neighbourhood Plan Decision Statement



**Hart District Council
Dogmersfield Neighbourhood Development Plan 2016 - 2032
Neighbourhood Plan Decision Statement**

**Published pursuant to the Localism Act 2011 Schedule 38A(9) and
Regulation 19 of the Neighbourhood Planning (General) Regulations
2012 (as amended)**

26 September 2019

1.0 Summary

- 1.1 In accordance with the above regulations and following a positive referendum result, Hart District Council has made the Dogmersfield Neighbourhood Plan (“the Plan”) part of the Development Plan at a Council meeting on [26 September 2019].
- 1.2 This document sets out the Council’s considerations and formal decision in bringing the Dogmersfield Neighbourhood Plan into legal force following the successful local referendum held on 25 July 2019.

2.0 Background

- 2.1 The Dogmersfield Neighbourhood Plan Area, covering the entire Parish, was designated by Hart District Council on 6th August 2015, under the Neighbourhood Planning (General) Regulations (2012), which came into force on 6 April 2012.
- 2.2 The Dogmersfield Neighbourhood Plan was submitted to Hart District Council on 23 January 2019. The Regulation 16 consultation took place between February and March 2019 whereby the Plan was publicised and comments were invited from the public and stakeholders.
- 2.3 Hart District Council appointed an Independent Examiner; Andrew Ashcroft, to review whether the Plan met the basic conditions required by legislation and whether the plan should proceed to referendum.
- 2.4 The Examiner’s Report concluded that the Plan meets the Basic Conditions, and that subject to the modifications in the examiner’s report, the plan should proceed to referendum.

2.5 A referendum was held on 25th July 2019. 98% of those who voted (valid votes) were in favour of the plan.

3.0 Decision and reasons

3.1 Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 as amended requires that the Council must make the neighbourhood plan if more than half of those voting have voted in favour of the plan. The Council is not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

3.2 The referendum held on 25th July 2019 met the requirements of the Localism Act 2011, it was held in the parish of Dogmersfield and posed the statutory question: 'Do you want Hart District Council to use the Neighbourhood Plan for Dogmersfield Neighbourhood Planning Area to help it decide planning applications in the neighbourhood area'.

3.3 The count took place on 25th July 2019 and greater than 50% of those who voted were in favour of the plan being used to help decide planning applications in the Plan area.

3.4 The Council has assessed that the Plan including its preparation does not breach, and would not otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). The Plan preparation process was compliant with legal and procedural requirements and more than half of those who voted in the referendum, voted in favour of making the Plan.

3.5 The Council decided at the [Council meeting on 26 September 2019] to make the Dogmersfield Neighbourhood Plan 2016-2032, part of the Development Plan for Hart District.

4. Other Information

4.1 In accordance with Regulation 19(b) of the Regulations, a copy of this Decision Statement has been sent to:

- The qualifying body, namely, Dogmersfield Parish Council
- The persons who asked to be notified of the decision.

4.2 The Decision Statement, the Dogmersfield Neighbourhood Plan and relevant documents can be viewed on the Councils website at www.hart.gov.uk/dogmersfield and Parish Council website at <http://www.dogmersfieldparish.co.uk/> and in hard copy at Hart District Council Offices, Harlington Way, Fleet during normal opening hours.

Hart District Council
26 September 2019

COUNCIL

Date and Time: Thursday, 26 September 2019 at 7.00 pm

Place: Council Chamber, Civic Offices, Fleet

Present:

COUNCILLORS –

Wheale - (Chairman)

Ambler	Davies	Neighbour
Axam	Delaney	Oliver
Bailey	Dorn	Quarterman
Blewett	Drage	Smith
Butler	Farmer	Southern
Clarke	Forster	Tomlinson
Cockarill	Harward	Wildsmith
Collings	Kennett	Worlock
Crampton	Kinnell	Wright
Crisp	Lamb	
Crookes	Makepeace-Browne	

In attendance: Fiona Eastman, Co-Founder, Victoria's Promise

Officers Present:

Daryl Phillips	Joint Chief Executive
Sabrina Cranny	Committee Services

24 MINUTES OF PREVIOUS MEETING

The Minutes of the Meeting held on 25 July 2019 were confirmed and signed as a correct record.

Councillor Forster referred to Councillor Kinnell's announcement discussing Hart's 2019 Air Quality Status Report in section 19. Councillor Kinnell explained there are no longer measurements of particulates as it isn't monitored anymore. There is no specific statutory or requirement to monitor and measure particulates. It is very expensive to monitor so HCC removed it as a budget cut.

25 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor Radley.

26 DECLARATIONS OF INTEREST

No declarations were made.

27 PRESENTATION BY VICTORIA'S PROMISE

Fiona Eastman, Co-Founder of Victoria's Promise, gave members an overview of the work of the Charity, chosen as a Chairman's Charity for the year.

The charity aims to support and empower young women diagnosed with cancer. Support is available from the point of diagnosis within the Oncology department at Basingstoke hospital. The charity looks to raise £100K per hospital. There are nine volunteers and two paid employees.

Women are offered oncology massages, counselling, chemotherapy beauticians and physical exercise. Families can also expect help in the form of house cleaning, childcare and counselling.

Members thanked Ms Eastman for her information.

28 COUNCIL PROCEDURE RULE 12 – QUESTIONS BY THE PUBLIC

Questions were received from Mr David Turner, details of which are set out in Appendix A attached to these Minutes.

29 COUNCIL PROCEDURE RULE 14 – QUESTIONS BY MEMBERS

No questions were received.

30 CHAIRMANS ANNOUNCEMENTS

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

5 September	RAF Odiham Annual Reception at Officers' Mess
10 Sept	#LoveBasingstoke Day – Laverstoke Park Farm
11 Sept	Mayor Fareham Civic Day, Civic Offices, Fareham
15 September	Edenbrook Opening event
22 September	Church Crookham & Fleet Men's Shed Official Opening,

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

16 August	Odiham Art Group Annual Art Exhibition Private View, Robert May's School
22 September	Mayor Fareham Annual Civic Church Services, Fareham

Councillor Worlock attended the Hampshire & Isle of Wight Village of the Year competition. Hook village won the following awards:

- Excellence in Community Engagement
- Inspirational Individual
- Highly Commended
- Overall Village

31 CABINET MEMBERS ANNOUNCEMENTS

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

"I would like to confirm that we have secured Lord Taylor of Goss Moor as a guest to speak to us and hold a Q&A session on Garden Communities. Lord Taylor is the Chair of the Carglaze Garden Village Strategic Board in Cornwall. The session will start at 7.30pm on Wednesday 23rd October, here in the Council Chamber. Formal invitations will go out in my name tomorrow."

The Cabinet Member for Digital, **Councillor Ambler**, announced the new Change and Digital Manager had started.

A question was asked on the acceptance of e-petitions. Under the Constitution this was not possible at present

The Cabinet Member for Place, **Councillor Cockarill**, announced:
I would like to update Full Council on the progress of the Local Plan Examination. The timetable for the adoption of the Plan is now totally within the hands of the Inspector. There is little more that we can do for the time being as the Inspector is considering the responses to the recent consultation on the various modifications that we had agreed with him.

However, he has indicated that he believes that he will have his report ready for the end of November. We are therefore suggesting to Councillors that subject to a good report, we provisionally look to do an all Councillor briefing on the reserved 12 December Council date, Cabinet on 2 January, and Full Council for adoption on 30 January 2020. Members may wish to note this provisional timetable in their diaries.

The Portfolio Holder was asked as to a specific date by which the Local Plan would be adopted, and the possible need for an additional Council meeting. Councillor Cockarill responded that dates would be circulated as soon as possible.

The Cabinet Member for Regulatory, **Councillor Kinnell**, reported that the Gemco convenience store in Blackwater has had its premises licence revoked following a repeated lack of due diligence under the Licensing Act 2003, along with a failure to comply with the Immigration Act of 2016.

On Friday 6 September, a Licensing sub-committee review hearing had been held. Gemcos' licence, which permitted the sale of alcohol, was removed following a repeated failure of duties to operate compliantly. Hart's Environmental Health team also found out of date food on several occasions at the premises and as a result the business was issued with a Hygiene Improvement Notice and a Simple Caution Certificate.

In June 2018 it was believed that the business had been employing a member of staff that had been sleeping in the store room. The Council worked alongside Hampshire Police and back in August the Home Office Immigration team visited the premises and arrested one immigration offender.

Gemco has 21 days from 6 September to appeal the decision to the Magistrates Court to have their licence reinstated. If it chooses not to, then it must remove all alcohol products from its premises. It is unacceptable for licensed premises to not comply with the law and follow the rules set out in the Licensing Act. Removing a licence is always the last resort, but we need to make sure we are protecting the public from unlawful activities.

I would like to take this opportunity to thank the licensing team for their continued hard work on this case.” A press release will of course be issued in due course.

The Cabinet Member for Commercialisation, **Councillor Quarterman**, reported the new Commercialisation Manager had started.

32 JOINT CHIEF EXECUTIVES’ REPORT

The Joint Chief Executive attended an event held by Berkeley Homes on its Apprenticeship Scheme with a focus on Hartland Park. Consequently Berkeley Homes would be invited to present on the scheme to either Overview & Scrutiny Committee or Council.

33 MINUTES OF COMMITTEES

Meeting	Date
Overview and Scrutiny No questions asked.	16 July 2019
Overview and Scrutiny After a query it was confirmed that Capita had circulated the KPIS.	20 August 2019
Audit Committee (draft) After a query on Capita resourcing, it was confirmed that two accountants were being recruited on a six month contract.	30 July 2019
Licensing Committee (draft) No questions asked.	6 August 2019
Cabinet No questions asked.	1 August 2019
Cabinet (draft)	5 September 2019
Minute No 48 - Hart District Council Vision Councillor Neighbour put the recommendation.	
RESOLVED That the Hart Vision 2040 be adopted.	
Planning Committee (draft) No questions asked	11 September 2019

34 OUTSIDE BODIES - FEEDBACK FROM MEMBERS

Councillor Collings reported on his work with the Military Covenant. An information and training session had been run by Forces Connect South East on 18 September. There was the possibility that a veterans hub and breakfast club would be set up to bring people together.

35 DOGMERSFIELD NEIGHBOURHOOD PLAN – BRINGING INTO LEGAL FORCE

Following a positive referendum result for the Dogmersfield Neighbourhood Plan, Members were asked to bring the Neighbourhood Plan into legal force to form part of the statutory development plan for Hart District.

Councillor Crookes and Councillor Neighbour congratulated Dogmersfield Parish on their Neighbourhood Plan.

DECISION

That under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 the Dogmersfield Neighbourhood Plan be 'made' (brought into legal force) to form part of the statutory Hart Development Plan with immediate effect.

The meeting closed at 8.07pm

COUNCIL PROCEDURE RULE 12

QUESTIONS BY THE PUBLIC

Questions had been received from Mr David Turver:

1) In a paper to O&S and Cabinet late last year, it was envisaged that Hart would seek external resources to support the new settlement project from site promoters. Page 10 of the paper put to O&S about the Shapley Heath Garden Village (SHGV) shows the logos of HDC, Gallagher and Lightwood. Can you explain:

a. What is the nature of the relationship between HDC and the developers now?

Response: There is no formal relationship – we have met once since acceptance into the Garden Community Programme was announced and that was to enable Patricia Hughes, JCX who has not met all the parties to actually meet them.

b. How the promoters/developers are providing financial, resource or other support to the SHGV project?

Response: At this point in time they are not providing any such support. The Cabinet report outlines potential future funding streams in paragraph 7.5 which includes a wide range of options.

c. What structures are being used to oversee the cooperation (e.g. Company, LLP or other)?

d.

Response: The terms of reference for the governance arrangements are in the public domain for consideration by Cabinet on the 3rd October. No other structures are in place.

Mr Turver asked a supplementary question: Is it lawful to squander £150K of public money on a project where you no longer have the cooperation of developers and no arms-length structure to govern the relationship?

Councillor Cockarill responded that Hart had taken legal advice and are content with the way we are proceeding. Future governance arrangements of the scheme as it develops could change, and Hart would then be considering the best way of looking after public funds.

2) It is said that the General Power of Competence (GCP) is designed to enable local authorities to 'do anything that individuals generally may do'. Individuals certainly would not be allowed to pursue new developments outside of the Local Plan or wider planning process. Can you explain:

- a. Whether you have had received legal advice to confirm that it is appropriate to pursue SHGV under the GCP?
- b. The general thrust of that advice?

Response: Legal advice is subject to Legal Privilege, i.e. Councils are not required to share this information. Suffice to say, the Council is confident in its approach to involvement in the Garden Community programme.

Mr Turver asked a supplementary question: What are the risks that spending money on one development option, without considering alternatives amounts to predetermination?

Councillor Cockarill responded that schemes in the garden village community programme do not have guaranteed planning permission. In the future Hart would have to consider a wide range of options on how to meet its housing needs post 2032, so spending the money in no way prevents Hart from looking at other options in the future.

- 3) Appendix 3 of the SHGV paper to O&S shows proposed spend of £30K on land value/equalisation issues. Can you please explain:
 - a. What will the deliverable look like?
 - b. Who will benefit from the deliverable?

Response: To create a garden community you must have a vision and the ability to deliver against that vision. Ascertaining land value and any equalisation agreements in place will help all the stakeholders understand whether a garden community is deliverable.

Mr Turver asked a supplementary question: What are the risks that spending public money to benefit developers and landowners with deep pocket amounts to state aid?

Councillor Cockarill responded that if the project ultimately was not viable, then it would not go forward so the developers would not get any compensation because they have not been developing the site. The background work is done by Hart to make sure it is financially viable.