

HAVANT BOROUGH COUNCIL

At a meeting of the Council held on 13 December 2017

Present

Councillor Mrs Shimbart (Mayor)

Councillors Bains, Mrs Blackett, Bowerman, Briggs, Branson, Buckley, Cresswell, Davis, Fairhurst, Francis, Guest, Hart, Howard, Hughes, Keast, Kennett, Kerrin, Lenaghan, Lloyd, Patrick, Perry, Pike, Ponsonby, Quantrill, Satchwell, Shimbart, Smith D, Thomas, Turner, Wade, Weeks and Wilson

131 Apologies for Absence

Apologies were received from Councillors M Carpenter, M Cheshire, M Sceal, E Rees and K Smith.

132 Declarations of Interests

Councillor Briggs declared an interest in minute 148 insofar as the report related to Vinci Construction UK (Ltd), in his capacity as a Director of Norse South East. Councillor Briggs left the meeting and was not present during the any part of the debate or decision in relation to Vinci.

The Executive Director (Commercial), who had been present as an observer, also left the meeting and was not present during any part of the debate and decision in relation to Vinci in her capacity as a Director of Norse South East.

133 Minutes

Proposed by Councillor Keast and seconded by Councillor Mrs Blackett, it was

RESOLVED that the minutes of the meeting of the Council held on 1 November 2017 be approved as a correct record.

134 Matters Arising

There were no matters arising from the minutes of the last meeting.

135 Award Presentation - Armed Forces Covenant Employer Recognition Scheme

Kate Lole, MoD Regional Employer Engagement Director, presented the Council with a Bronze Award under the Armed Forces Covenant Recognition Scheme.

The Council adjourned from 5.02pm to 5.07pm for photographs to be taken

136 Mayor's Report

There were no additional matters or questions in relation to the Mayor's report.

137 Cabinet Recommendations 29 November 2017

The Council considered the following recommendations arising from the Cabinet meeting held on 29 November 2017.

(A) Council Tax Support Scheme

Proposed by Councillor Briggs and seconded by Councillor Branson, it was

RESOLVED that

- (1) the 2017/18 Council Tax Support Scheme be retained in 2018/19 but with the following amendments:
 - (i) the Allowances and Premiums used in determining entitlement for working age claims are changed as set out in paragraph 5.3 of the report; and
 - (ii) the Non-Dependent deductions used in determining entitlement for working age claims are changes as set out in paragraph 5.4 of the report; and
- (2) the necessary arrangements be made to the Council Tax Support Scheme document and that it is then published in accordance with Local Government Finance Act 1992 Section 13A(2); and
- (3) an Annual Council Tax Support Hardship Fund of £5,000 be introduced to support the most vulnerable Council Tax Support Customers as set out in paragraph 5.5 of the report. The £5,000 to form part of the budget process (2018/19) to be agreed at full Council in February 2018.

(B) Conservation Area Appraisal, Mill Lane, Langstone

Proposed by Councillor Briggs and seconded by Councillor Buckley, it was

RESOLVED that the Mill Lane Conservation Area Appraisal (Appendix1 to the Cabinet Report) be approved as a material consideration alongside the Local Plan.

(C) Councillor Development Strategy

Proposed by Councillor Briggs and seconded by Councillor Bowerman, it was

RESOLVED that the updated Councillor Development Strategy be approved and adopted.

138 Committee Recommendations

The Council considered the following recommendation arising from the meeting of the Licensing Committee held on 30 November 2017.

Gambling Act 2005 Statement of Principles

Proposed by Councillor Keast and seconded by Councillor Hughes, it was

RESOLVED that the amended Gambling Statement of Principles (Appendix A to the report to the Licensing Committee) be approved.

139 Leader's Report

There were no matters the Acting Leader wished to add to his published report.

140 Cabinet Lead Reports

Councillor Bowerman reported that, on 11 December 2017, the Council had been awarded Charter for Elected Member Development accreditation following a whole-day peer assessment led by South East Employers. Councillor Bowerman took the opportunity thank all Councillors and officers who had supported the Councillor Development Panel in taking forward the bid and to all those who had given their time to take part in the Assessment Day.

There were no other matters the Cabinet Leads wished to add to their published reports.

141 Cabinet Leads and Chairmen's Question Time

At the invitation of the Mayor, the Cabinet Leads took questions from Councillors in connection with their published reports. Where the Cabinet Leads were unable to give an immediate response, an undertaking was given that responses would be provided as soon as possible after the meeting.

Committee Chairmen took questions in relation to their published minutes with comments to be reported back to their respective Committees accordingly.

142 Questions Under Standing Order 23

(1) Question from Councillor Francis to Councillor Bowerman

Do you not think it desirable that questions and answers at Council to Cabinet Leads, Chairmen and the Leader should be properly reported in the printed Minutes?

Leaving them to be accessed from the Council's website means that fewer people will be aware of what has transpired and any undertakings that may have been made.

Will you arrange for this to be done in future?

Response:

In relation to questions submitted under Standing Order 23, our Constitution allows for written questions from Councillors to be submitted under Standing Order 23 up to 48 hours before the Council meeting and are therefore published separately to the Agenda. After the meeting the schedule of questions is republished with the associated responses and sits alongside the minutes as part of the record of the meeting. Going forward I am happy to include these questions within the body of the Council minutes.

In relation to Cabinet Leads and Chairmen's Question time, Guidance on the Law and Practice on Local Authority Meetings says:

"Council minutes may take whatever form is preferred by the Local Authority. There are certain general principles governing the drafting of minutes that should be observed, but the principles are flexible and what matters primarily is that the minutes record clearly and concisely all decisions taken at the meeting and of the other proceedings as is necessary to give reasons to the decision-making. There is wide variation in practice in relation to questions at Council; some authorities minute all questions asked and the replies given at question time but most authorities do not." This is the practice at Havant Borough Council.

(2) Question from Councillor Francis to Councillor Bains

Your report provides us with Marketing information.

Will you please provide an update on the other areas of your responsibility, specifically commercial strategy, especially with regard to the borrow to invest policy?

Response:

As you will be aware, The Council has not approved any additional investment strategy based on borrowing. A report has been lodged with Audit & Scrutiny. There are a few outstanding questions that need to be answered and the Strategy will then proceed through the Council's approval process. It is anticipated that should Council decide to adopt this approach, purchases would not start until the new financial year. It is expected that Council will be asked to make this decision in line with the budget setting process.

(3) Question from Councillor Perry to Councillor Briggs

Will the Council confirm whether or not it will honour in perpetuity the Covenant it entered into on 20 March 1980 and which is attached. The Covenant does not permit housing development on the green pasture which is to the west of Langstone Road and south of "The Mallards".

Cllr Briggs provided an answer in the Council Meeting on 1 November 2017; however, the question was not answered and I am seeking a reply of either "YES" or "NO".

Response:

The site known as Southmere Field (site reference UE54) is not included in the Draft Havant Borough Local Plan 2036 as a proposed allocation.

The reasons why are set out on pages 300-306 of the Sustainability Appraisal of the Draft Local Plan which is available on the Council's website.

If any proposals come forward for housing development on the site then the merits of the case would then be considered.

(4) Question from Councillor Perry to Councillor Briggs

Further to my question on this subject under Standing Order 23 in the 20 September 2017 and 1 November 2017.

When will Cllr Briggs give sufficient priority to identifying and recovering the monies owed and due from the BHSLT to HBC from the 13 June 2008 Partnering Agreement and the 7 May 2014 Counterpart Lease agreement. Annual sums should have been identified and paid within one month of the approval of the annual accounts since 2010 using the clear and precise formulae in the Partnering Agreement.

I estimate the sum due to HBC to be circa £500 thousand pounds which will go somewhere towards meeting the Council's budget shortfalls. I understand that not a single Pound has been paid so far.

When will the Council determine the accurate amount due and when will it be paid?

Response:

The relationship between Havant Borough Council and Horizon Leisure Centres is a partnership which seeks to deliver high quality leisure provision, and has saved the Council millions of pounds since its inception in 1998. This partnership has delivered significant investment into new and enhanced facilities at Waterlooville and Havant Leisure Centres in recent years. Surpluses generated by Horizon Leisure Centres have been utilised to fund these developments. Discussions are currently being undertaken with them on a range of partnering issues, including gain share with a view to putting in place a revised partnership agreement. I anticipate to be in a position to report on this further in the new year.

(5) Question from Councillor Perry to Councillor Wilson

Hampshire County Council is committed to closing half of the HWRCs in Hampshire. Considering the Hayling Island HWRC was scheduled for closure in 2017, but instead had reduced opening hours, the Hayling Island HWRC must be a prime candidate for closure in 2018.

- a. Has the Council made representations to HCC to keep the Hayling Island HWRC open? If the answer is yes, what is the status please; if the answer is no, would Cllr Wilson please make representations?
- b. Considering that HBC has had to increase spending on clearing up fly tipping over the previous year, has the Council evaluated the likely additional fly tipping clearance costs when the Hayling Island HWRC is or will be closed?

Response:

Hayling Island ward Councillors have been lobbying County Councillor Humby and I can confirm that a decision has been made today that none of the HWRCs will be closed.

(6) Question from Councillor Perry to Councillor Pike

Could Cllr Pike please give the status on the Council's Commercial Property Investment Strategy and any update on the likelihood of meeting forecast budget surpluses by year.

Response:

The Strategy is in draft form at the moment and will be subject to full Council approval in due course and we are not forecasting any additional income this year as the Strategy is not in place. Councillor Bains has already provided a detailed response to Councillor Francis earlier in this item setting out the current position.

(7) Question from Councillor Perry to Councillor Guest

Areas of Market Parade and East Street are despoiling the centre of Havant. Could Cllr Guest please give members of the Council and members of public the status and an indication on when the areas will be redeveloped and improved.

Response:

The Council granted planning permission in 2016 for the redevelopment of the northeast quadrant of Market Parade under reference APP/14/01225. This planning permission has since expired. Nonetheless, the site is identified as part of the 'Havant Town Centre' key site in the Draft Havant Borough Local Plan 2036. The Draft Local Plan also confirms the Council's commitment to the development of these key sites and its willingness to use compulsory purchase powers if necessary. The Council remains committed to the redevelopment of Market Parade as soon as possible in order to improve a key gateway to Havant Town Centre.

(8) Question from Councillor Ponsonby to Councillor Guest

I understand that UK Oil and Gas may be resubmitting an application to drill for oil in Markwell's Wood at the end of this year. As their previous applications were opposed by this Borough, as well as by other agencies, could I have an assurance that this opposition will be vigorously maintained? The Markwells Wood Watch Group have obtained new evidence from a hydrogeological report they commissioned independently, that rainwater from this area flows directly to the Bedhampton and Havant springs, and that contamination of water in this area would directly affect the water quality of these springs.

Response:

Any planning application that is submitted by UK Oil and Gas on the Markwell's Wood site will be considered by the Council. Any application and its supporting hydrological report will be considered by the Council. If there would be a material impact on the Havant and Bedhampton Springs then the Council would object to the planning application. Nonetheless, this decision will need to be based on the application and its evidence.

(9) Question from Councillor Davis to Councillor Bains

With reference the forthcoming Cabinet Meeting on the 18th Dec. at which it is proposed to Video and Broadcast live on Havant Councils Facebook Page.

Q1 ... Should the Full Council be asked to vote on this proposal to see if all Councillors agree or not?

Q2 ...If Councillors do agree, would you support the Video and Live Broadcast on Havant B.C. Facebook Page of ALL Cabinet, DMC and Full Council Meetings that are open to the public?

Response:

The 'Public Bodies (Admission to Meetings) Act 1960', as amended by the 'Openness of Local Government Bodies Regulations 2014', stipulates the following in relation to meetings that are wholly held in public:

"in the case of a relevant local government body, for use in electronic or any other format to provide news to the public by means of the internet, shall require a body to permit the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place."

The Council has agreed a Protocol for Recording, Photography and use of Social Media and this is published on the Council's website.

(10) Question from Councillor Davis to Councillor Pike

With the expected growth in Electric Vehicles, the Councils approach to facilitate an increase in Electric Vehicle infrastructure is admirable.

Q1... Could you explain who will pay for these E.V. charging points to be installed and where would you envisage they would be installed?

Q2...Are there plans to encourage House Builders to fit E.V. Charging points in New Houses?

Q3... Is there likely to be a cost to this Council in facilitating this infrastructure?

Response:

Q1: It is recommended that the council work with a private sector company to invest in the infrastructure. It is aimed that these will be within suitable HBC car parks, the location will depend on feasibility work.

Q2: The Draft Local Plan 2036 currently have proposals for policies that require electric vehicle charging infrastructure in new residential and commercial developments

Q3. Currently, it is intended that there will be minimum cost to facilitating this infrastructure and will mostly be staff resource

143 Urgent Questions Under Standing Order 23

There were no urgent questions.

144 Notices of Motion

(A) Parking - Supplementary Planning Document (SPD)

The Council considered a Motion proposed by Councillor Hughes and seconded by Councillor K Smith.

Having debated the Motion, members of the Council were minded to support the request that the Parking Supplementary Planning Document be subject to review, as set out in the Motion, and that it was appropriate for the Council's Scrutiny Board to undertake this review. The proposed referral to the Scrutiny Board was supported by Councillor Buckley as Chairman of the Scrutiny Board.

The Motion having been proposed and seconded, it was:

RESOLVED that

This Council notes:

The considerable work being undertaken to produce the new Local Plan 2035.

That significant effort is being expended to ensure that every supporting thread is properly researched, analysed, considered and validated prior to its inclusion in the core document.

That Havant Borough Council's Supplementary Planning Documents should undergo the same rigour as those being used to underpin the new Local Plan 2035.

In light of the above, this council agrees that the current Parking Supplementary Planning Document be referred to the Scrutiny Board to determine if:

- the description of 'sustainable transport' is fit for purpose for the borough of Havant
- the minimum car parking standards are fit for the future homes in the borough of Havant
- future development throughout the borough achieves the goals set out in the document

A review of this important document will ensure that the Local Plan 2035 places a duty on all developers of land in Havant Borough make appropriate and practical accommodation for motor vehicles, so that future developments are self sustaining in every aspect.

(B) Councillor Disclosure and Barring Service (DBS) Checks

The Council considered a Motion proposed by Councillor Perry and seconded by Councillor Hart.

"Given the "MP Sleaze Allegation Spreadsheet" that has been widely circulated in the media and the fact that Havant Borough Councillors visit schools, the elderly and vulnerable people, this Council recognises the need that all Councillors should have DBS checks to demonstrate that the Council can be seen to have taken all reasonable precautions to protect the vulnerable."

Members of the Council were advised that job applicants do not have a legal obligation to reveal spent convictions and the same would apply to Councillors. Refusing to employ an applicant on the grounds of a spent conviction is unlawful. For most roles, there is no legal right to check and applicant's full criminal history. Employers are only able to check full criminal history for specific occupations and positions where there is regular, direct and unsupervised contact with children or vulnerable people. If the Council were to apply a DBS check to roles in the Council that do not meet this criteria it would be deemed to be unlawful.

Having taken a vote on the Motion, the Mayor declared the Motion LOST.

Proposed by Councillor Buckley and seconded by Councillor Keast, it was
RESOLVED that the draft Calendar of Meetings for 2018/19 be approved.

146 Acceptance of Minutes

Proposed by Councillor Branson and seconded by Councillor Bowerman, it was
RESOLVED that the minutes of Committees held since the last meeting of the Council be received.

147 Exclusion of the Press and Public

RESOLVED that the press and the public be excluded from the meeting during the consideration of the following items as:-

- (i) it was likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information as specified in paragraph 3 of Part I of Schedule 12A (as amended) to the Local Government Act 1972; and
- (ii) in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The report to be considered was exempt under Paragraph 3 – Information relating to the financial affairs or business affairs of any particular person (including the Authority holding that information).

The Council adjourned from 7.10pm to 7.20pm to allow the press and public to leave the meeting.

148 Cabinet Recommendations 6 December 2017

(This item was taken in camera)

Councillors Briggs and Wilson presented an exempt report and recommendation to Council arising from the extraordinary Cabinet meeting held on 6 December 2017.

Councillor Briggs having declared an interest in part of the report insofar as it related to Vinci Construction UK (Ltd), the Mayor took the debate and recommendations in relation to Capita and Vinci separately.

Councillor Briggs left the meeting during the debate and recommendations in relation to Vinci and, as Vice-Chairman of the Cabinet, Councillor Wilson led the debate on this part of the report.

(A) Proposed by Councillor Briggs and seconded by Councillor Bains, it was

RESOLVED as set out in (1) to (6) of the Restriced Minute.

- (B)** Proposed by Councillor Wilson and seconded by Councillor Bains, it was
RESOLVED as set out in (7) and (8) of the Restricted Minute.

The meeting commenced at 5.00 pm and concluded at 8.10 pm