

## **COUNCIL**

**Date and Time:** Thursday, 30 April 2015 at 7.00 pm

**Place:** Council Chamber, Civic Offices, Fleet

**Present:**

## **COUNCILLORS –**

Billings (Chairman)

Ambler	Crampton	Oliver
Axam	Crisp	Parker
Bailey	Crookes	Radley JE
Bennison	Forster S	Radley JR
Blewett	Ive	Southern
Burchfield	Kennett	Wheale
Butler	Makepeace-Browne	Woods
Clarke	Morris	
Collett	Neighbour	

Officers Present:

Patricia Hughes	Joint Chief Executive
Daryl Phillips	Joint Chief Executive
Gill Chapman	Business Support - Committee Services

### **I 01 MINUTES OF PREVIOUS MEETING**

Councillor Crisp reported that he had attended the last meeting and asked that his name be added to the attendees. With this amendment the Minutes of the Meeting held on 26 March 2015 were confirmed and signed as a correct record.

### **I 02 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Cockarill Gorys, Forster P Harward, Leeson and Lewis.

### **I 03 DECLARATIONS OF INTEREST**

No declarations were made.

### **I 04 CHAIRMAN'S AWARDS PRESENTATION**

The Chairman presented awards to Mike Carrivick, Merchandising volunteer with Aerobility and volunteers from the Odiham Cottage Hospital Befriending Service. The Chairman thanked the volunteers for their hard work.

## **I05 COUNCIL PROCEDURE RULE 12 – QUESTIONS BY THE PUBLIC**

Questions were received from Mr Andrew Renshaw, Ms Christine Strudwick and Mr David Turver, details of which are set out in Appendix A attached to these Minutes.

## **I06 COUNCIL PROCEDURE RULE 14 – QUESTIONS BY MEMBERS**

There were no questions from Members.

## **I07 CHAIRMANS ANNOUNCEMENTS**

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

17 April	Mayor of Basingstoke Charity Dinner, Audleys Wood Hotel
18 April	Pelly Concert, Church on the Heath – Children’s Concert
19 April	Hampshire Hog lunch at North Hants Golf Club

The Vice-Chairman had attended:

8 April	The Dudley Keep memorial Lecture at the Great Hall Winchester
15 April	Lord Mayor Portsmouth Sea, Sailors & Supper informal event.

The Chairman thanked those retiring Councillors, Forster P and Ive, for their contributions to the Council. Members paid tribute to Councillor Ive for his sterling service as Member and former Chairman. Councillor Perdi Forster has sent a message thanking members for their help and encouragement. Council gave their best wishes to the retiring members for future endeavours.

The Chairman thanked the previous night’s Planning Committee member, who had donated money for cake. Donations to the Nepal Earthquake fund had raised £44.

## **I08 CABINET MEMBERS ANNOUNCEMENTS**

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

The latest iteration of the Strategic Housing Land Availability Assessment based on February evidence has now been published. Officers will circulate a link to members and parish councils tomorrow; they would value feedback to inform the next version due later in the year.

On Tuesday with officers I attended the Joint Hart, Rushmoor, Surrey Heath Member Liaison Group meeting. Among items discussed were employment sites proposed for release for residential uses, and the Planning Advisory Service review of the Strategic Housing Market Assessment.

On 30<sup>th</sup> January a group of members from all Groups met Mr Keith Holland, the senior Planning Inspector. The note of the meeting is available on the Hart website, and I would encourage members who have not yet read it to take time to do so.

The Cabinet Member for Economic Development and Corporate Finance, **Councillor Crookes**, had no announcements.

The Cabinet Member for Community Wellbeing, **Councillor Crampton**, had no announcements.

The Cabinet Member for Regulatory Services, **Councillor Collett**, announced:

The latest meeting of the Hampshire Police and Crime Panel took place on 10th April in Farnborough. Matters considered included:

- \* the PCC's updated Police and Crime Plan,
- \* a presentation on the Operational Change Programme, which is the name given to the significant changes being made in order to cope with the latest £25 million budget reduction,
- \* a report proposing improvements to the Protocol governing complaints to the PCP about the actions of the PCC,
- \* and an afternoon Proactive Scrutiny session on Mental Wellbeing and Policing.

There was also a proposal that all future meetings of the PCP should be held in Winchester as a central location. I'm sorry to say that what this means for us is that the meeting to be held on 3<sup>rd</sup> July will not now be hosted here in Hart.

The Cabinet Member for Environment, **Councillor Oliver**, no had announcements.

The Cabinet Member for Housing, **Councillor Neighbour**, had no announcements.

The Cabinet Member for Corporate Services, **Councillor Radley JE**, had no announcements.

## 109 JOINT CHIEF EXECUTIVES' REPORT

The Joint Chief Executives reported that the new audio system for the Chamber had been ordered and would be fitted early in the new municipal year. This should considerably improve the facilities for Members regarding sound and Wi-fi.

## 110 MINUTES OF COMMITTEES

<b>Meeting</b>	<b>Date</b>
<b>Overview and Scrutiny</b> No questions asked	<b>17 March</b>
<b>Standards</b> No questions asked. <b>Minute 6</b> - Adjustments to the Constitution See Minute 11 below.	<b>18 March</b>
<b>Audit</b> No questions asked	<b>24 March</b>

**Cabinet**

No questions asked.

**2 April****Planning**

No questions asked.

**Minute 74** - Proposed Leisure Centre

See Minute 14 below.

**8 April****111 ADJUSTMENTS TO THE CONSTITUTION**

Council considered the a recommended adjustments to the Council's Constitution, to enable issues experienced last year to be addressed. The issues relate to the election of a Leader and Cabinet; the authority delegated to officers to instigate legal proceedings; and an adjustment be made to Contract Standing Orders (CSOs) to reflect new Regulations.

This item had been proposed and seconded at the Council meeting of 26 March 2015, and had been deferred for consideration according to the requirements of Paragraph 25.1 of the Constitution.

Members supported the resolution unanimously

**RESOLVED**

- 1 That Paragraphs 7.4 and 7.5 of the Council's Constitution be amended in accordance with the wording recommended in Appendix 1 of this report
- 2 That all reference to "In consultation with Chief Solicitor" be removed from the Officer Scheme of Delegation as identified in Appendix 2
- 3 That the Joint Chief Executives be authorised to amend Contract Standing Orders (CSOs) to remove all reference to Pre-Qualification Questionnaires (PQQ's) for anything except OJEU (Official Journal of the European Community) procurements with an additional insertion about using the national portal 'Contracts Finder' for any contacts above £25k.

**112 CHANGE TO STANDING ORDERS**

Council were asked to agree to a statutory change to Standing Orders to reflect a new regime for the disciplining and dismissal of senior staff.

Paragraph 25.1 of the Constitution states that 'Any motion to change the Constitution will, when proposed and seconded, be referred without discussion to the next ordinary meeting of the Council.'

Councillor Morris proposed the motion and Councillor Southern seconded it.

The wording in paragraph 5.2 was queried, and Members asked for more details of the process. The Joint Chief Executive agreed to circulate further details before the June meeting to clarify these issues.

This item was therefore deferred to be considered at the next ordinary meeting of the Council on 25 June 2015.

### **I 13 CLIMATE LOCAL**

Council received information on the Local Government Association's Climate Local Commitment; a voluntary statement where the Council can demonstrate commitment to working on climate change issues locally.

There had been overwhelming support from Overview and Scrutiny, and Members supported the initiative and the resolution. Members agreed that actions should be seen through, as the public would be judging the Council's achievements through a website showing progress.

Members supported the resolution unanimously.

#### **RESOLVED**

- 1 That Hart District Council agrees to support the Climate Local initiative and signs up to the declaration, set out in Appendix 1.
- 2 That Hart District Council agrees to support the Joint Hampshire Climate Local Commitment 2015/16 with specific projects, as outlined in Appendix 2.
- 3 That Council notes the further actions planned to engage the community and stakeholders in promoting climate change and developing the action plan.

### **I 14 PROPOSED LEISURE CENTRE**

Members considered the recommendation of Planning Committee regarding approval of the reserved matters application for the proposed leisure centre at Edenbrook, Hitches Lane, Fleet.

Councillor Crookes as lead of the Leisure Centre Working Group thanked members and officers who had worked hard to get the project to this point. The next phase would come to July Council when it was hoped that Members would be able to give the final go ahead for the build.

Members discussed the landscaping, indigenous plants, gates for the car park to avoid out of hours noise pollution, the amount of cycle and motorcycle bays and coverage of the bays, and future encouragement for cyclists throughout the Fleet area.

An amendment to the resolution was suggested and Members agreed to extend the resolution for better clarity.

Members supported the resolution unanimously.

## **RESOLVED**

That the Head of Regulatory Services be authorised to grant permission, subject to the proposed planning conditions and a receipt of satisfactory noise impact assessment and that he be authorised to deal with any residual matters associated with the discharge of conditions or adjustments to the scheme.

The meeting closed at 8.25pm

## COUNCIL PROCEDURE RULE 12

### QUESTIONS FOR COUNCIL FROM THE PUBLIC

#### Andrew Renshaw

#### **Hospital formerly known as Vista in Winchfield**

**Question:** What contact has Hart Council had in the past five years, through its officers and councillors, with those responsible for running the hospital and the regulatory authorities responsible for overseeing the work and security of the hospital?

**Response:** *Cllr Renshaw raises a number of concerns regarding the recent escape from the Mildmay Oaks Independent Hospital in Winchfield, formerly known as the Vista Healthcare Independent Hospital, concerns which I am sure all members of the Council will share.*

*Whilst this incident will make us all look again at our procedures, to see if there is anything additional that should or could be done, the answer to the question is that as far as I can ascertain this Council has had no contact of this nature regarding the Hospital.*

*Nor would I have expected it to, as the bodies which have responsibility for what happens here include:*

- *the Clinical Commissioning Groups, and in particular the West Hampshire CCG which commissions services here on behalf of all the Hampshire CCGs;*
- *Hampshire County Council Adult Services, who have responsibility for overseeing the safeguarding of vulnerable adults;*
- *the Care Quality Commission who, among many responsibilities, are responsible for monitoring, inspecting and regulating hospitals like this one, which provide specialist care and support for patients with learning disabilities and mental health problems;*
- *and, of course, the Police.*

**Question:** Given that the hospital has failed two inspections by the Quality Care Commission in the past six months, what steps have Hart Council taken to seek assurances that appropriate measures have now been put in place to ensure the safety of the staff and patients, and the local community?

**Response:** *I have already commented on where the relevant responsibilities lie in relation to this hospital, but the Council has been briefed regularly by the police about their involvement with this facility in relation to investigating the crimes reported by the patients and staff.*

*We are also aware of the CQC findings, following which I understand that the secure wing was closed and those patients removed to other facilities. As a result, the number of patients at the hospital was reduced from 54 to fewer than 20. The new operator, Partnerships in Care, who took over the hospital just a few weeks ago, is also reviewing the safety of the staff and the local community, and of course the CQC is taking an active interest in what happens here following the recent inspections.*

We were assured this afternoon by the receipt of a letter from the Regional Director for Partnerships in Care, in which they have not only expressed a willingness to have an on-going dialogue with local community leaders, but also assured us that their clinicians and staff are working to improve all aspects of security.

Further to that, I was grateful to Cllr Renshaw for letting me know that a meeting is now being set up on 11<sup>th</sup> May between Partnerships in Care, Chief Inspector Matt Reeves and himself to discuss the way forward. I would be very happy to join that meeting if Cllr Renshaw would like me to do so.

**Question:** Does Hart Council accept that following the escape of a convicted sex offender on April 21, the local community has very real concerns about security at the hospital? What talks have taken place with the police and other authorities following the escape to ensure that security is tightened? How can residents in the vicinity of the hospital be informed of any such escapes if they should happen in the future? What lines of communication are there between the hospital, the district council, the parish council and the local community?

**Response:** I'm sure that all members accept that the local community in Winchfield, plus Hartley Wintney and other parishes throughout Hart, will have very real concerns about ensuring that security at the hospital is reviewed. I have already mentioned that the circumstances around this incident are being investigated and I have been assured that the Police will provide feedback to the Provider and the CQC to make sure that any 'lessons learnt' are embedded.

Following the escape, the Police contacted Hart District Council and local schools as soon as possible to make us and them aware of the missing person. The Council worked in partnership with the Police to alert relevant staff who may be working in that area and come into contact with the escapee, to enable quick reporting of any sightings, plus local Ward and County Council Members and our parish councils.

The police conducted door to door enquiries in targeted locations, they visited businesses in Hartley Wintney that might have been able to help with CCTV footage and Chief Inspector Annabel Berry conducted 15 media interviews to make sure that the message got out to as many people as possible, as quickly as possible.

Members will be aware that Mr Munden handed himself in at a police station near Milton Keynes last weekend. He has been returned to a different facility and is not, I have been assured, due to return to Winchfield.

I am sure that Winchfield Parish Council will want to build a direct relationship with Partnerships in Care in order to discuss whether any additional alert system is appropriate for local residents and this seems both the right time to do so and the right way forward.

Such incidents always provide an opportunity to review communication lines and I agree with Cllr Renshaw that this should be carried out, as a high priority, now that the immediate concern of Mr Munden being at large is over.

**Mr Renshaw** asked a supplementary question:

Do you not agree that as Cabinet Member for Community Safety you should have a responsibility?

**Councillor Collett** responded:

*Yes I agree. This is not something that has featured previously, but an issue been raised and we should take an active interest in it.*

**Christine Strudwick**

1 At the meeting in November 2014 when the New Settlement option was debated at length Mr Phillips undertook to report back initial findings on testing in spring / early summer 2015; I note that a verbal update on the outcome of stage one testing of the local plan new settlement and strategic opportunities was due March 2015. Please would you tell me where I can find the written report of that verbal update or, if it has not yet been presented would Mr Phillips please report tonight or confirm the date when he will provide that report?

Mr Phillips also stated that if the testing had not been completed by spring risk assessments would be undertaken; if that is the current situation please update us on the state of the testing process and the risk assessment analysis.

**Response:** *There is no written report, it was a verbal update. Essentially the Part 1 testing is work in progress. An update will be provided at the next Local Plan Steering Group due shortly after the elections, the minutes of which are reported to Cabinet.*

2 At the same meeting Mr Phillips confirmed that HDC would “challenge hard” the requirements from Surrey Heath and Rushmoor to contribute to their housing numbers given that these two councils claim they cannot meet their own requirements due to SANG and SPA restrictions. Please give an update on the current state of those negotiations with our neighbouring councils.

**Response:** *We have made clear to Rushmoor and Surrey Heath that we will scrutinise their evidence to check that they are doing all they reasonably can to accommodate new housing. We will look at their Strategic Housing Land Availability Assessments (SHLAA), and on Tuesday this week we heard why Rushmoor wish to protect their most important employment sites.*

*When Rushmoor publish a consultation draft plan in the summer we will consider their draft plan, and their supporting evidence, and respond accordingly. If we have good reasons to think that they could deliver more housing then we will say so in our response.*

*With regards Surrey Heath, they are unlikely to publish a draft plan for some time, but we are trying to get their latest estimated housing capacity out of them. We are even looking at their SHLAA ourselves to try and estimate their capacity.*

3 All the major political parties have now made manifesto commitments that they will focus on regenerating brownfield land. Please will HDC update us on whether HDC has compiled a detailed register of brownfield land in Hart? If the exercise has been completed what is the total number of housing units which might, in the next local plan period, be realised from brownfield sites? If the assessment is not yet completed when will it be so? Will Hart confirm that it is committed to using such sites before approving planning applications for significant developments on currently rural sites?

**Response:** All political parties are talking at a very high strategic level about “brownfield” land without being clear what that would mean at a practical level. “Brownfield” land has a very broad definition and (apart from certain exclusions) covers all land in England where there are or have been buildings or other development. Much of this land is already in productive use and would not be suitable for new housing. To create a register in these circumstances would be an academic exercise which would be of no real value.

If we are to have a meaningful debate the potential contribution of brownfield land to meeting Local Plan housing targets the policy instead should focus on the importance of bringing redundant urban land back into productive use. That means that we should identify land which follows the definition in the NPPF, in an area that supports any necessary infrastructure to support housing uses (health care, transport, schools, etc), and also meets the following criteria:

**Deliverable** - the site must be available for development now or in the near future where we have evidence that the owner would be willing to make the land or buildings available for new housing.

**Free of constraint** - We should not identify as suitable for housing any land which is subject to severe physical, environmental or policy constraints, unless the constraints can realistically be mitigated while retaining the viability of redevelopment.

**Capable of development** - The site must be in a condition and location that would make it a genuine option for developers: that is, it must be clear to everyone that there would be interest from developers in purchasing the site and building housing there in the near future.

In this regard the most obvious start point is the Strategic Housing Land Availability Assessment (SHLAA). Amongst other, this is one of the principle areas where landowners themselves can identify land that is suitable for development. The SHLAA is published, it has recently been updated, and it formed the basis for the urban focus calculations that were used in last summer’s Housing Options paper. That work showed that there is enough land available in Hart to deliver a theoretical capacity of around 12,000 dwellings, of which some 750 are identified as being deliverable within the urban areas. Work is underway to seek to increase this potential scale of deliverability on brownfield sites..

As a point of principle however, strictly speaking there is currently no national policy that supports a “brownfield” first approach. We however support the objective of brownfield first and will look to focus new development within the urban areas but one has to be realistic about the potential scale of deliverability.

The key determinant about what land will be released first and in what order will be determined by the 5 year land supply position at the time of the determination of planning application. As the community knows to its cost, if the Council cannot demonstrate a supply of specific deliverable<sup>1</sup> sites to provide five years’ worth of housing against their housing requirements, it will be developers who choose which sites are brought forward for development and not local communities.

4 We were told that “Hampshire County Council must supply school places”; please will HDC confirm the numbers which HCC have assessed as being the required number of school places for schools, for pupils of all ages, in the next plan period given the demographic changes forecast?

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<sup>1</sup> For this purpose a site is only deliverable where it is available now, offers a suitable location for housing development now and there is a reasonable prospect that housing will be delivered on the site within five years.

**Response:** *On the basis of information from HCC 4,000 new dwellings would likely create a need for approximately 1,200 primary school places and 840 secondary school places. If the unmet need from Rushmoor and Surrey Heath is factored in the total number of new spaces required is more in the region of 2,100 primary places and 1,470 secondary places. This does not include any shortfall in current places that will arise from development already granted planning permission but not yet built.*

*HCC will monitor these figures closely as both the HDC development strategy evolves and the demand for school places from the existing population changes. Therefore, these figures will likely be subject to some change over time.*

5 Please will HDC comment on the conflicting reports which have been made in the local press regarding whether or not the Basingstoke to Waterloo line can ever be re-engineered to utilise double decker trains to increase capacity?

**Response:** *Network Rail are best placed to comment on speculation about whether or not the Basingstoke to Waterloo line can ever be re-engineered to utilise double decker trains to increase capacity. In this regard, the Wessex Route Study has been in development since December 2013 and has now been published as a draft for consultation. The consultation period for the Wessex Route Study has now closed. Responses received are currently being reviewed and will be published on Network Rails website in due course.*

**Ms Strudwick** asked supplementary questions:

Question 1 - given that I consider that the part of the question on risk assessment has not been answered, does the Joint Chief Executive consider the legal decision from Peter Village a risk and how will this be addressed?

The **Joint Chief Executive** responded:

*I do not recall making a specific reference to risk assessment in the context that you describe. The advice of the Planning Inspector last October recommended that we do not follow that approach and legal opinion is exactly that - opinion. We are however grateful for the opinion and will reflect upon it when we advise the Council on the next stage of the Local Plan*

Question 2 - How can Hart be specific in total units needed in our local plan if the Surrey Heath and Rushmoor numbers are not available until the summer?

**Councillor Parker** responded:

*We cannot have a final number until they get to a draft plan. Until then we have to work on their indications. We are having meetings regularly with opposite numbers at Surrey Heath and Rushmoor in order to understand their place, and seek to approach them in a way to assist our case. There is an employment land review which will serve a purpose for later on. We want to encourage them to develop, eg brownfield sites, in order to not pass numbers on to us.*

Question 3 - I believe there is confusion between deliverable and developable? Brownfield sites only need to be developable. Why did I not received answers to my questions earlier than 3pm this afternoon?

**Councillor Parker** responded:

*Hart's Standing Orders say that the questions will be asked and answered on the floor this evening. As a courtesy we give you the responses early. It is sent to you when it is ready, and not held over for any purpose. I do not accept that premise, I am sorry you didn't get the responses as quickly as you would have liked but they are sent out in a measured way over time.*

## **David Turver**

### **Status of the Local Plan Project and Work-Plan**

At the last meeting, a supplementary question was asked about whether the local plan was on track. It was asserted that "It is on the track we have set. Consultation at Regulation 18 stage provides no added value according to the careful advice we have taken from the Planning Inspector. I would not accept that we are not on track".

However, under the LDS version 3, there was due to be a consultation on a draft plan in March 2015. Notwithstanding that this Reg 18 consultation has been removed from the process, it is clear that the council does not have a draft plan now to consult upon even if it wanted to.

Moreover, it is my understanding that Part 1 testing of strategic sites was due to have been completed in time for the Local Plan Steering Group meeting due to take place on 24 March 2015. Further I understand that the planned meeting did not take place, and a follow up meeting is not scheduled for some time.

**Question:** What is the current status of testing?

**Response:** *The testing remains work in progress for the time being. Lots of work is being done, including site appraisals and discussions with infrastructure providers and government agencies. An update will be provided at the next Member Steering Group; however we still anticipate that the work will be complete by the end of June.*

**Question:** What is the work-plan for the Local plan project, including the scope, objectives, deliverables (e.g. plans for retail, employment, infrastructure, landscape character assessment etc. as well as the development planning document) and schedule (gant chart) of activities up to the planned Reg 19 consultation in Autumn 2015.

**Response:** *The latest high level timetable is that published on our website. I can confirm that we do have more detailed internal monitoring arrangements which mean that our progress is monitored monthly and regularly reported to Members at appropriate stages. I can also confirm that we are actively working with the Hart District Association of Parish and Town Councils to ensure that they have the assurance that the Plan is being progressed appropriately because a number of Neighbourhood Plan teams are seeking to get a Neighbourhood Plan in place. In this regard there are regular group and individual liaison arrangements.*

**Question:** What formal project management methodology (such as Prince 2) is the council adopting to manage this complex project?

**Response:** *Microsoft Project.*

**Mr Turver** asked a supplementary question:

The answer given demonstrates a misunderstanding of the question. The question was what project management methodology was being used - not what project management "tool". I was not asking if you did have a plan but what it was?

**Councillor Parker** responded:

*We have not put the detail of the project plan in the public domain for reasons of protecting the public interest to stop developers being forewarned into taking advantage to submit speculative planning applications. We have invited a member of the Hart Association of Parish Councils to be involved in the local plan process and he has expressed himself happy with the management of the project. We would not want to extend that more widely.*

**Mr Turver** asked a supplementary question:

Your responses indicate that the project is at least 3 months behind schedule and it is off track. The QC's opinion says your position is hopeless, what are you going to do to bring it back on track?

**Councillor Parker** responded:

*It is on track, I do not accept your premise that the QC's opinion is that it is hopeless. The Opinion does not say that and in any event it is his opinion and is only an opinion.*