

Public Document Pack



SUMMONS

NOTICE IS HEREBY GIVEN THAT A MEETING OF THE HART DISTRICT COUNCIL
WILL BE HELD IN COUNCIL CHAMBER ON THURSDAY, 30TH SEPTEMBER, 2021
AT 7.00 PM

Joint Chief Executive

CIVIC OFFICES, HARLINGTON WAY
FLEET, HAMPSHIRE GU51 4AE

AGENDA

This Agenda and associated appendices are provided in electronic form only and are published on the Hart District Council Website.

Please download all papers through the Modern.Gov app before the meeting.

- **At the start of the meeting, the Lead Officer will confirm the Fire Evacuation Procedure.**
- **The Chairman will announce that this meeting will be recorded and that anyone remaining at the meeting had provided their consent to any such recording.**

1 MINUTES OF PREVIOUS MEETING (Pages 4 - 18)

To confirm the Minutes of the Council Meeting held on 29 July 2021.

2 APOLOGIES FOR ABSENCE

To receive any apologies for absence from Members*.

***Note:** Members are asked to email Committee Services in advance of the meeting as soon as they become aware they will be absent.

3 DECLARATIONS OF INTEREST

To declare disposable pecuniary, and any other interests*.

***Note:** Members are asked to email Committee Services in advance of the meeting as soon as they become aware they may have an interest to declare.

4 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** (email committeeservices@hart.gov.uk) no later than **Noon on Friday, 24 September 2021**.*

5 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 the Council Procedure Rule 14.3 must be given to the **Chief Executive** (email committeeservices@hart.gov.uk) not later than **5.00pm on Monday, 27 September 2021**.*

*The text of any question under Council Procedure Rule 14.4 must be submitted to the **Chief Executive** before **10.00am on Thursday, 30 September 2021**.*

6 CHAIRMAN'S ANNOUNCEMENTS

7 CABINET MEMBERS' ANNOUNCEMENTS

8 CHIEF EXECUTIVE'S REPORTS

9 MINUTES OF COMMITTEES (Pages 19 - 49)

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 with Novice 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
Cabinet	5 Aug 2021	12-18	
Cabinet (draft)	2 Sep 2021	19-24	
Planning	11 Aug 2021	24-26	
Planning (draft)	8 Sep 2021	27-28	
Overview & Scrutiny	17 Aug 2021	12-17	
Audit	27 July 2021	4-8	
Standards (draft)	15 Sep 2021	1-2	Minute 6 - The Hart Members Code of Conduct see Annex.

APPENDIX

10 OUTSIDE BODIES - FEEDBACK FROM MEMBERS

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

Council Crib

Questions from the Public

Questions from Members

Date of Publication: Wednesday, 22 September 2021

Public Document Pack Agenda Item 1

COUNCIL

Date and Time: Thursday 29 July 2021 at 7.00 pm

Place: Council Chamber

Present:

COUNCILLORS -

Ambler (Chairman)

Axam	Davies	Neighbour
Bailey (from 7.33pm)	Delaney	Oliver
Blewett	Dorn	Quarterman
Butcher	Drage	Radley
Butler	Farmer	Smith
Coburn	Forster	Southern
Cockarill	Harward	Wheale
Collins	Kennett	Worlock
Crisp	Kinnell	Wright
Crookes	Lamb	

In Attendance: Cllr Crampton

Officers Present:

Patricia Hughes	Joint Chief Executive
Lee Rome	Committee Services Officer
Jenny Humphreys	Committee Services Officer

16 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Annual General and Extraordinary Meetings held on 20 May 2021 were confirmed and signed as a correct record.

17 APOLOGIES FOR ABSENCE

Apologies were received from Cllr Clarke.

18 DECLARATIONS OF INTEREST

No declarations made.

19 COUNCIL PROCEDURE RULE 12 - QUESTIONS BY THE PUBLIC

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

Minutes Appendix A

20 COUNCIL PROCEDURE RULE 14 - QUESTIONS BY MEMBERS

Questions had been received from Councillors Farmer and Butcher details of which are set out in Appendix B attached to these minutes.

Minutes Appendix B

21 CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that his charities for this year would be:

- Crookham Scouts who are fundraising for a new scout hut which will also be used and benefited from by other community groups.
- Young carers – which work under Hart Voluntary Action (HVA). The Chairman highlighted that he had attended an activity session recently with them.
- Animal assisted interventions – this is yet to be finalised, but the Chairman and Vice-Chair are keen to support schemes, particularly dogs that go into schools and into difficult situations.

He also asked members to consider and put forward any ideas they may have for future fundraising events (covid permitting).

He also highlighted the opening event of the wetlands area at Bramshott Country Park – which he attended with the Leader, Cllr Neighbour. The Chairman stated that he thought it was a really good example of a SANG.

22 CABINET MEMBERS' ANNOUNCEMENTS

The Leader of the Council, **Councillor Neighbour** highlighted that he supported the comments the Chairman had made on Bramshott Country Park's new wetlands area. He also reported on the Government's recent announcements on Unitary Council solutions and confirmed that these did not include Hampshire.

The Cabinet Member for Community, **Councillor Bailey** updated on:

Homelessness

Many people will have seen the recent social media post about the young man found rough sleeping in Fleet in the pouring rain that the Housing Team managed to engage and bring inside. Very pleased to say that the team have managed to secure this gentleman a bed space in a project specifically designed to help young people who are homeless and in crisis. Here he will receive tailored support to address his mental health, and substance issues and will provide a brilliant stable base for him to reintegrate into society into permanent housing. The project is in Dorking & this is the first time we have worked with them, so it is really exciting.

Community Safety

Community Safety commissioned a drugs bus, known as the 'mobile crack shack'. Local schools, scouts and other community groups were able to immerse themselves in the experience and have a live lesson in exploitation and possible consequences of drug taking involving county lines. It was a great success and will be back next year. Last Saturday Community Safety attended the BID Pop up shop in Fleet high street and worked alongside the Police, the Foodbank and the Lions delivering messages about crime prevention and local initiatives. The highlight was the creation of fingerprint certificates for those that wanted them and remembering the last minute wet wipes for ink that would have got everywhere! It could be said that community safety left their mark.

The Cabinet Member for Place, **Councillor Cockarill** announced that Emma Whittaker, Development Management and Building Control Manager was leaving Hart District Council after 16 years and highlighted her hard work and the support she has given to him and the team. He announced that Steph Baker will be the interim manager until a new permanent officer is recruited.

Councillor Farmer asked what the timetable will be for this recruitment of a permanent Development Management and Building Control Manager.

Councillor Cockarill confirmed that the recruitment process for this role had begun, and members need to remember that the new manager may have up to three months' notice period from an existing job. Further updates will be provided at Overview & Scrutiny committee meetings.

Over the past two years, we have had three permanent members of the Development Management team leave for career reasons. Obviously, I am unable to divulge personal details for GDPR reasons. This amount of turnover is what might be expected in a Local Authority the size of Hart.

It is true that the DM team have been working very hard under trying circumstances over the past 18 months, as have all of Hart's excellent Officers.

A number of the DM team stepped up to take on other roles outside of their normal work, to assist in the delivery of Hart's pandemic response. I and Mr Jaggard, the Head of the Place Service, take the welfare of our staff extremely seriously, which is why we are looking at ways, through the DM Improvement Plan, to streamline and reduce staff workloads and ensure that our team members continue to have the support they need.

Councillor Forster asked if the staff attrition rate we are seeing is roughly consistent and commensurate with other councils and what are we doing to look after the welfare of all staff.

The Chairman, Councillor Ambler responded:

That because this was a general staffing issue rather than a Place issue, that the Joint Chief Executive will supply a written response.

The Cabinet Member for Environment, **Councillor Oliver** announced that Garden Waste collections in Hart will resume following a recent 36 hour suspension last week. Press and social media posts will be issued this week informing residents. This is on the basis that no significant additional numbers of service staff have had to isolate due to the pandemic.

Councillor Forster asked if any credit would be given to residents affected by the garden waste missed collections. And can we have a policy that covers this in future?

Councillor Oliver confirmed that in agreement with Conservative colleagues in Basingstoke and Deane we have decided not to give credit in these extenuating circumstances due to collection services being disrupted due to inclement weather or pandemics.

The Cabinet Member for Commercialisation, **Councillor Quarterman** announced that as part of the ongoing Commercialisation strategy, the council has purchased Centenary House, Basingstoke, for £11.6 million. The office, which is let to a large construction company with a lease of over 16 years to run, will generate an annual rental income for the Council of £730,000 overall, representing a yield of 6%, comfortably in excess of a 4% target.

Councillors may remember that when we embarked on the Commercialisation strategy, our objective was to generate £2 million additional revenue by 2022. The three acquisitions we have made to date, flats at Edenbrook, the Pavilion at Hedge End and now Centenary House, mean that we have reached a total income from these three properties of £1.4 million - and so have reached 70% of our original target. An updated Commercialisation Strategy was debated at Overview and Scrutiny in June and approved by Cabinet at our most recent meeting in July, and we continue to seek opportunities to cover our remaining expected shortfall in line with that strategy. Councillors should note that all figures quoted here represent income before borrowing costs are taken into account, although we have covered all investment costs to date through internal borrowing.

23 CHIEF EXECUTIVE'S REPORTS

The Joint Chief Executive had no announcement.

24 MINUTES OF COMMITTEES

The Minutes of the following Committees, which met on the dates shown, were received by Council.

Meeting	Date
Cabinet No questions asked.	3 June 2021
Cabinet (draft) No questions asked.	1 July 2021

Planning No questions asked.	26 May 2021
Planning No questions asked.	9 June 2021
Planning (draft) No questions asked.	14 July 2021
Overview & Scrutiny No questions asked.	15 June 2021
Audit (draft) No questions asked.	25 May 2021
Licensing (draft) No questions asked.	1 June 2021

25 OUTSIDE BODIES - FEEDBACK FROM MEMBERS

The Chairman informed members that Committee Services had been in contact with Inclusion Hampshire, and they no longer require representation from Hart District Council, but have thanked the organisation for its continued support.

He also confirmed that the Vine Centre is currently reviewing the role of Hart representation within their organisation.

Councillor Crookes commented that he was surprised at the response from Inclusion Hampshire and asked how we would get updates on the grant money we give to them.

The Chairman said he was advised that there is an SLA in place and feedback is received at Overview & Scrutiny meetings.

The meeting closed at 7.51 pm

COUNCIL PROCEDURE RULE 12

QUESTIONS BY THE PUBLIC

Mr David Turver asked:

1. Why have the actuals for FY18/19 and FY19/20 changed between the publication of the draft budget in February 2021 and the final budget published this month? Is there any impact on the published statutory accounts for those years?

Draft Published Feb 2021

Service Summary 2021_22				
Service Area	2018_19 Actuals	2019_20 Actuals	2020_21 Budget	2021_22 Budget
Summary By Service				
Corporate Services	5,469,133	7,693,925	5,208,407	3,893,592
Community Services	-4,356,913	612,948	1,030,169	2,459,232
Place	2,155,570	2,307,271	2,098,411	2,112,951
Technical and Environmental Maintenance	2,118,756	626,528	3,082,837	2,937,908
Grand Total	5,386,545	11,240,672	11,419,824	11,403,683

Final Published Jul 2021

Service Summary 2021_22				
Service Area	2018_19 Actuals	2019_20 Actuals	2020_21 Budget	2021_22 Budget
Summary By Service				
Corporate Services	5,102,290	7,330,086	5,208,407	3,251,951
Community Services	-4,356,913	612,948	1,030,169	2,268,244
Place	2,155,570	2,388,210	2,098,411	2,172,921
Technical and Environmental Maintenance	2,118,756	545,590	3,082,837	3,673,232
Grand Total	5,019,702	10,876,833	11,419,824	11,366,349

Councillor Radley responded:

In the first table you refer to i.e., the draft budget published February 2021, interest on investments for 2018/19 and 2019/20 was excluded from the summary by service and instead included as part of below the line adjustments. For transparency and accountability this was placed above the line for reporting in the latest version of the budget book to ensure that it forms part of the detailed monthly budget monitoring process. This has no effect on the statutory accounts which reports income and expenditure in a different format according to the CIPFA rules.

Mr Turver asked a second question:

2. There are big differences between the budgets agreed for the service areas in March and final budget published this month. What governance processes were used and who authorised such massive swings in the budget and are they in accordance with the constitutional budget

procedures 3 and 5 as well as financial regulations FR10 and FR12 which limit changes unless approved by full council?

Service Area	Draft 21/22 Budget	Final 21/22 Budget	Delta
Corporate Services	3,893,592	3,251,951	(641,641)
Community Services	2,459,232	2,268,244	(190,988)
Place	2,112,951	2,172,921	59,970
Technical and Environmental Maintenance	2,937,908	3,673,232	735,324
Total	11,403,683	11,366,348	

Councillor Radley responded:

There is a net difference between the draft budget and final budget of £37,000. This is due to changes in the assumptions in the value of recycling credits, grants and depreciation. The draft budget, due to its timing made assumptions based on information known at that time. As final numbers became available, they were incorporated into the Final Budget.

In summary the following updates were made:

- Grants – estimated numbers were used at the time of the draft budget. As final details were received these were incorporated into the final budget and categorised into the correct service area.
- SANG allocation in Tech & Environmental – S106 reserves were released which fund the SANG cost centres. This allocation was not included in the draft budget.
- Depreciation: final asset valuation reports were not available at the time of the draft budget these numbers were updated for the final budget. And therefore, none of the constitutional procedures Mr Turver referred to needed to be invoked.

Mr Turver asked a third question:

3. In the recently published final budget for FY21/22, the sum of the spending in the service areas for GL Codes 10000 – Basic Salary, 44069 – Homelessness and 90012 – Other Government Grants is not equal to the total for those GL Codes in the "Subjective" summary. In short, the budget apparently does not add up. It appears as though HANEED is missing from the service areas. What steps are being taken to make the budget internally consistent and what impact will correcting the errors have on the projected deficit?

Cost Centre	Draft 21/22 Budget	Final 21/22 Budget	Final 21/22 Sum of Detail	Delta Budget to sum of Detail
10000 - Basic Salary	4,591,233	4,513,475	4,385,458	(128,017)
44069 - Homelessness Costs	65,000	135,000	70,000	(65,000)
90012 - Other Government Grants	(485,000)	(1,379,219)	(1,338,274)	40,945
Total	4,171,233	3,269,256	3,117,184	

Councillor Radley responded:

The HANEED cost centre detail page was unfortunately missing from the scanned copy of the paper copy of the draft budget book. The budgetary numbers were not missing from the overall numbers. This is a matter of presentation.

Additional checks will be incorporated into the process for future publications so this will not happen again.

Mr Turver asked a supplementary question:

Have the ever-changing budgets and persistent errors impacted on the Waste Contract, where over one million pounds appears to have been lost down the back of the sofa?

Councillor Radley responded:

I can reassure you that that is not the case. Following the reconciliation of costs of the waste contract as part of the handover of the client management to Basingstoke costs of £1.1 million remained under a rechargeable cost code. It was agreed with Basingstoke that we would bring in independent specialists to review these costs, how they should be accounted for, and whether they should be rebilled. This work has started, and early indications are that this dates back to 2018 and investigations are continuing. This is an accountancy artifact which relates to the council cross charging. There is every expectation that these charges balance out with other charging which has flowed in the other direction. The net affect being zero. This is simply an accounting artifact.

Mr Turver asked a fourth question:

4. The recently released final budget for FY21/22 shows that the budget for HASETT – New Settlement in FY20/21 was zero. It consisted of ~£68K for employee costs and car allowances, offset by a somewhat implausible identical receipt from GL Code 44047 – Consultants Projects. In common with the other service areas, no overheads were allocated. Yet, the transparency report shows spending of £63.7K on consultants in "New Settlement" for FY20/21. What governance processes were used to authorise such a large spend against an overall zero budget, apparently in contravention of FR10 in the constitution?

Date	Referen	Amount	Supplier Name	Cost Centre Description
01/04/2020	10004329	£9,216.30	Chelgate Limited	New Settlement
01/05/2020	10004486	£870.00	Chelgate Limited	New Settlement
01/06/2020	10004713	£507.50	Chelgate Limited	New Settlement
01/07/2020	10004960	£1,087.50	Chelgate Limited	New Settlement
17/07/2020	10005073	£5,365.00	Chelgate Limited	New Settlement
03/08/2020	10005176	£2,532.50	Chelgate Limited	New Settlement
03/08/2020	10005181	£1,067.50	Chelgate Limited	New Settlement
15/09/2020	10005605	£1,322.50	Chelgate Limited	New Settlement
02/11/2020	10006253	£1,610.00	Chelgate Limited	New Settlement
09/12/2020	10006449	£9,900.00	Mike Allgrove Planning Ltd	New Settlement
15/12/2020	10006560	£3,292.50	Chelgate Limited	New Settlement
31/12/2020	10006622	£290.00	Chelgate Limited	New Settlement
24/01/2021	10006812	£500.00	Taylor & Garner Ltd	New Settlement
04/02/2021	10006973	£13,840.00	DigitalDinos Limited	New Settlement
16/02/2021	10007121	£5,438.33	Premm Design Limited	New Settlement
01/03/2021	10007204	£1,450.00	Chelgate Limited	New Settlement
26/03/2021	10007451	£5,438.33	Premm Design Limited	New Settlement
	Total	£63,727.96		

Councillor Radley responded:

The New Settlement published budget for 20/21 did not reflect the release of reserves agreed by Cabinet in February 2020.

These reserves were drawn down at the end of the year on assumption of agreement made by full council on the 6 February 2020 and approved by Cabinet.

Mr Turver asked a supplementary question:

Hart recently advertised Garden Community contracts with an indicative value of £56,000, against a FY21/22 budget of £25,000. Isn't it time for some proper forensic accountants to get to the bottom of what's going wrong with budgeting and financial controls?

Councillor Radley responded:

I am not in a position to comment on how Place department operate, but we do maintain that our departments, at the end of the year have balanced their budgets and I am quite convinced they are working within those limits.

Mr Turver asked a fifth question:

- In addition, the Shapley Heath Opportunity Board papers from show that four Baseline Studies had reached the status of "Finalised" by 8 March, before the end of the financial year. These must have cost money, but do not show on the Transparency Report nor on the Contracts Register. How much was spent on Baseline Studies and Strategy Reports in FY20/21?

Type of Evidence	Evidence	Drafted Brief	Consultant Procured	Survey/Report Underway	Survey/Report Finalised	Report to SHGCOB	
Baseline Surveys	Topographical Survey and Ground Survey						
	Transport	x					
	Landscape	x	x	x			
	Agricultural Land Classification	x	x	x			
	Heritage	x	x	x			
	Flooding	x	x	x	x		
	Drainage	x	x	x	x		
	Water Cycle/Management						
	Utilities	x	x				
	Air Quality	x	x	x	x		
	Noise	x	x	ON HOLD			
	Contamination	x	x	x			
	Ecology/Biodiversity	x	x	x			
	Woodland, Trees and Hedgerows	x	x	x	x		
	Strategy Reports	Homes	x				
		Economy and employment					
		Retail					
Education							
Green Infrastructure (including Community Facilities/Sports/Leisure/Play Space)		x					
Health Needs		x					
Health Impact							
Active Lifestyles							
Climate Change Mitigation							
Renewable Energy							
Innovation/Future Proofing - Transport							
Innovation/Future Proofing – Technology and Lifestyle							
Urban Design							
Place Stories and Branding		x	x	x			

Councillor Radley responded:

The Shapley Heath Opportunity Board Papers clearly state that the Baseline Studies were funded by promoters.

No money was spent by the Council on Baseline Studies or Strategic Reports in 2020/21

Mr Turver asked a sixth question:

6. The agenda pack for July Cabinet shows that £283,000 was transferred from reserves to fund Shapley Heath. How is it possible to spend £283,000 against a zero budget whilst running a deficit and what governance processes authorised this spend?

Transfer from Reserves		
Housing Initiatives	26	Funding 2020/2021 work at Providence House
Fleet Pond Overflow Repair	35	Provision released as no longer required
Corporate Reserve	283	Funding 2020/2021 work on the New Settlement at Shapley Heath
Homelessness Grant	46	Funding 2020/2021 work on Social Inclusion and Partnership – Homelessness
Homelessness Trailblazer Grant	101	Funding 2020/2021 work on Social Inclusion and Partnership – Homelessness
Flexible Homelessness Grant	20	Funding 2020/2021 work on Social Inclusion and Partnership – Homelessness
Domestic Abuse	65	Funding Domestic Abuse Initiatives during 2020/2021
Dilly Lane Notice Boards	1	Dilly Lane Noticeboard works during 2020/2021
S106 Open Spaces	53	1/20th draw down for open spaces works in 2020/2021.

Councillor Radley responded:

Expenditure for Shapley Heath spend was presented to Cabinet on the following dates:

Feb 2020: Budget report 2020/21

Q2 2020/21: Cabinet - 20 12 03 - Budget Monitoring

Q3 2020/21 Cabinet - 21 03 04 - Budget Monitoring

Shapley Heath is funded by Government Grants. Grants have been received over several years. With Cabinet's consent, grant funding can be transferred to and from an ear-marked reserve between financial years. Members provided the approval for a £283,000 transfer from reserves at Cabinet on the 3rd July to fund 20/21 expenditure. This paper was subject to scrutiny by the Overview and Scrutiny Committee.

Mr Turver asked a supplementary question:

How much of the £500,000 set aside in reserves for Shapley Heath remains unspent?

Councillor Radley responded:

I will have to give you a written answer.

Mr Turver asked a seventh question:

7. How much was spent in total on Shapley Heath Garden Community in FY20/21 and can you provide a detailed breakdown of that spend (and receipts) please?

Councillor Radley responded:

I think your requests for receipts have been misinterpreted as wanting to see invoices. Which is why you were told to go down the Freedom of Information (FOI) route. However, I am happy to answer the question here briefly and can give a more detailed written answer later.

The headline figures are:

Staff costs - £114,261

Supplies and Services - £72,102

Total controllable costs before recharges - £186,363

Income received for 2021 year from MHCLG - £130,000

Mr Turver asked a supplementary question:

From memory, the budget for employment costs was £68,000 and I think Cllr Radley said it was almost double that. How can we spend more than double the budget?

Cllr Radley responded:

I have no information to know this is an overspent so I will speak to officers and send a written response to Mr Turver.

COUNCIL PROCEDURE RULE 14

QUESTIONS BY MEMBERS

Councillor Farmer asked:

In November 2019, The Council engaged the Planning Officers' Society Enterprises (POSe) to assist the Council in carrying out a Peer Review of the Council's Development Management Service.

Development Management (DM) is one of the principal front-line services provided by the Council in its role as the Local Planning Authority. The functions provided by the service cover a variety of matters including pre-application discussions and advice, the determination of planning applications, dealing with planning appeals, planning enforcement, and dealing with heritage matters.

DM is one of the most public facing services that the Council provides.

POS Enterprises issued their final report on 31st December 2019, which highlighted recommendations for where this key service could be improved.

An action plan, responding to the recommendations made by POSe, was reviewed by Overview and Scrutiny, and subsequently approved by Cabinet in December 2020.

What specific progress has been made in the implementation of this critical action plan and what evidenced improvements to the Development Management service have subsequently been achieved?

Councillor Cockarill responded:

The Development Management Service was discussed at the Overview and Scrutiny Committee last week. It was agreed the Joint Chief Executive, Head of Place and myself would give an update again at the August O&S Committee meeting.

The headlines are:

- We have introduced an urban design function to improve the quality of place making to new developments. We are using the building for healthy life as a design code, to inform developments. Officers are working with developers to promote health and well-being and reflect the principles of the NHS Healthy New Towns initiative.
- Having recently acknowledged the Climate emergency officers have been working with developers on measures to mitigate against the effects of this. I'm expecting low carbon homes to come through the planning process shortly.
- The team have a new approach to conservation area appraisals working with parish and town councils. The first one coming through is Odiham and North Warnborough and there has been some learning during this process. The team are looking to roll out this process for Crondall, Fleet and Hartley Wintney.

- The Development Management team are on a journey from good to great and despite the covid pandemic have provided an essential service whilst looking at ways to improve that.

Councillor Farmer asked a supplementary question:

It has been over one and a half years since the peer review was published and eight months since the resulting action plan was approved by Cabinet. We have seen the rate of planning applications increase and regrettably more planning officers leaving the team. This has placed added pressure of the team. What more could have been done by the Portfolio Holder for Place to implement the action plan more quickly and support the Development Management Team and what personal responsibility does he accept for the performance levels of this service?

Councillor Cockarill responded:

I think Cllr Farmer has answered the question in his question. We would have been able to process more quickly if we hadn't had the staff challenges, particularly with people leaving in senior roles. The implementation plan is something officers and members have to work together on and the O&S working group is working alongside me as is the Planning Working Party. We have implemented a number of changes to the way we do Planning Committee following the report. As a council we all need to make sure we are working with our officers to support them.

Councillor Butcher asked:

Can you please confirm how many dogs have been reunited with their owners and how many strays have been found new homes since the dog warden service was transitioned to the new providers (SDK)?

Councillor Kinnell responded:

For the period from 1st April - 30 June, there were 11 service requests made. 5 of these were aborted, requiring no action. Six dogs were collected and taken to kennels, five of the six, were reunited with their owner and the remaining stray dog was rehomed.

Now without comparing these figures against previous years data, they're pretty much meaningless, so I asked Mark Jaggard to provide me with the data that was recorded on Uniform for 'stray dogs over the past five years, for the same period:

From 1st April
30th June 2020: 11 strays
1st April - 30th June 2019: 5 strays
1st April - 30th June 2018: 7 strays
1st April - 30th June 2017: 1 stray
1st April - 30th June 2016: 6 strays

There is no further breakdown provided on these figures, therefore the data that we now receive on stray dogs from SDK Environmental is far more comprehensive and gives a far more accurate reflection of the situation.

I would also like to take this opportunity since we're on this subject, to request that those responsible for trying to discredit the new service provision, particularly on social media, stop, as it is not true. Yes, we had a great in-house service before the dog warden left, but we continue to benefit from a great service working with SDK, but, with the added benefit of resilience.

Cllr Butcher asked a supplementary question:

What financial savings has the removal of the two local jobs delivered and how was the company in Slough selected, that only provides a rotary basic stray dog service compared to what we previously had, that included dog fouling, dog attacks etc. Do we believe that the savings merit the potential suffering caused to families by the service cuts?

Cllr Kinnell responded:

I will provide a written answer but disagree, there are no service cuts.

Public Document Pack Agenda Item 9

CABINET

Date and Time: Thursday 5 August 2021 at 7.00 pm

Place: Council Chamber

Present:

Bailey, Clarke, Cockarill, Kinnell, Neighbour (Leader), Oliver and Radley

In attendance: Axam, Butcher, Forster, Smith

Officers:

Patricia Hughes	Joint Chief Executive
Emma Foy	Head of Corporate Services and Section 151 Officer
Rachael Wilkinson	Community Safety Coordinator
Adam Green	Countryside Manager
Steve Bennett	Digitalisation Manager
Helen Vincent	Committee Services Officer

28 MINUTES OF THE PREVIOUS MEETING

At the previous meeting of Cabinet, Members considered the Welcome Back Fund and the Joint Chief Executive updated Members on:

- The working party's progress on the Council's bid for an e-commerce platform. The working party agreed to survey Hart's local businesses to see what they think of the introduction of an E-Commerce platform for the district, in order to understand and benchmark demand/interest in the service.
- Also, as a point of clarification, a funding bid from Fleet Bid was confirmed as a net figure, not including VAT, which therefore means that if they choose a contractor who is VAT registered an additional level of payment will need to be made.

The Chairman announced the nomination of Councillor Drage to fill the outside body representation for Blackwater Valley Recreation and Countryside Management Committee and that the Council will no longer be representing Inclusion Hampshire or with The Vine Centre (Cllr Bailey confirming ongoing discussion around engagement with The Vine Centre, on a different footing.

Based on the updates above and the minutes supplied, for the meeting of 1 July 2021, they were confirmed and signed as a correct record.

29 APOLOGIES FOR ABSENCE

Apologies had been received from Councillor Quarterman.

30 DECLARATIONS OF INTEREST

No declarations made.

31 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements.

32 PUBLIC PARTICIPATION (ITEMS PERTAINING TO THE AGENDA)

None.

33 MINUTES FROM THE CLIMATE CHANGE WORKING GROUP

Minutes of the meeting held on 20 July 2021 were noted.

34 HART DISTRICT COUNCIL CUSTOMER CARE POLICIES

Members were presented with the refreshed and updated Council's Customer Care Standards which reflects the changing nature of demand from our residents. The refreshed policy responds to our customer needs and expectations and includes a more defined reference to social media and unreasonable behaviour.

Members asked what steps were being taken to improve our ability to evidence service performance, responding to our customers and the use of generic email addresses. The Joint Chief Executive informed Cabinet Members that Hart is updating their website, streamlining email contact details and are improving communication by looking at improving our telephone system.

Members questioned feedback received from our customers on delivery of our services and were informed that we are reporting service standards on a monthly basis to ensure we are working smarter and more efficiently. Cabinet were told there will be a subsequent report going to Overview & Scrutiny Committee outlining our complaints service.

DECISION

That Cabinet approved:

1. The revised Customer Care Standards as set out in Appendix A.
2. The revised Policy and Guidance for Dealing with Unreasonable Customer Behaviour as set out in Appendix B.

35 COMMUNITY TRIGGER POLICY

The Community Trigger was introduced in the Antisocial Behaviour, Crime and Policing Act 2014 to provide a mechanism for victims of persistent anti-social behaviour to request that relevant bodies undertake a case review.

Overview and Scrutiny Committee had a useful debate about this paper and asked for a point in Section 9 regarding anonymity to be clarified. The policy has been updated to reflect this request with a clearer explanation and the insertion of a footnote around the requirements of local authorities to publish Community Trigger data but not Community Triggers themselves. Further questioning was asserted around plans to communicate and promote the policy which will be addressed comprehensively upon adoption.

Cabinet approval was sought for the policy be drawn up so it can be adopted and implemented.

Members considered:

- What factors constitute a qualifying complaint?
- The impact on community.
- That the policy reflects what can be done to improve circumstances what has been done and how we can improve the situation.
- Mental health will be considered, and anonymity will remain.

Members agreed that this is a great mechanism to bring agencies together to discuss complaints and resolve situations.

DECISION

Cabinet approved the adoption of the Community Trigger Policy.

36 REVISED SAFEGUARDING POLICY & PROCEDURE AND MODERN SLAVERY TRANSPARENCY STATEMENT

The Safeguarding Policy & Procedure was last updated in 2018 and is due for revision and update this year to include some additional information around Child Criminal Exploitation (CCE) and a new procedure for submitting referrals directly to Children's or Adult's Services, as appropriate. The Modern Slavery Transparency Statement aims to show the council's commitment to ensuring there is no Modern Slavery in the council's supply chains.

Overview and Scrutiny Committee had a useful debate about the Safeguarding Policy & Procedure and asked for an additional appendix to be considered in a second draft to clarify around safeguarding in partnership. The paper has been updated to reflect this request. There was a further suggestion to produce a Quick Guide to Safeguarding reference sheet which will be created and circulated to staff and elected members by end of September 2021. There were no changes requested to the proposed Modern Slavery Transparency Statement.

Cabinet approval was sought for the revised Safeguarding Policy & Procedure and Modern Slavery Transparency Statement papers be drawn up so they can be adopted and implemented.

Members considered the areas of concern and want to be more proactive on investigating specific cases. It was confirmed that our duty is to facilitate and bring attention to issues, raise concerns to the approved services and pass on the information for them to solve.

DECISION

Cabinet approved the adoption of the revised Safeguarding Policy & Procedure and Modern Slavery Transparency Statement.

37 PARKRUN

Cabinet were asked to approve for Parkrun volunteers to establish a new event at Edenbrook Country Park.

The Countryside Manager answered questions raised:

1. Access to the park and parking; There are concerns that the Leisure Centre and the carpark (for people visiting the Country Park) is inadequate, particularly when heavily used at the weekends. How will we prevent issues from car parking?

Answer: The organisers are in talks with both Everyone Active and Calthorpe Park School to agree the use of their car parks for event participants.

2. Emerald Avenue has been used by parents collecting children from Calthorpe Park School which creates a dangerous situation for other road users on a blind bend. How will we prevent Park Run participants creating highway issues?

Answer: The organisers are in contact with all the participants and are very clear to runners where they can park and walk to the starting point. This will also be signposted.

3. The space outlined for use by Park Run is not just for dog walking but is well used for meeting friends, picnics, for young children to fly kites and play, and for the elderly come to sit on the benches when it is cool in the morning and late afternoon. How is it proposed that non Parkrun users access the field when the run route encircles the field, are they to be effectively banned from using the Park?

Answer: We agree there are some temporary restrictions to accessing all the park during this period, but we will work with Parkrun to make sure that there is available space away from the event for other users and ask that this is signposted. Marshalls will also be manning points where people will cross to maintain safety. Routes can be adapted, and more space will become available at the Country Park in time with the construction of the Grove Farm extension and that will lessen the impact and leave most of the park free for other users.

4. How can we prevent conflict between runners, dogwalkers, cyclists and other people using the park?

Answer: We encourage good behaviour from all our users but understand that this is not always easy. Participants are briefed before the run and have a “code of conduct” that encourages mindfulness to other park users.

5. During heavy rain it is quite common for many of the paths to become flooded. This may encourage runners to run off the paths and onto the grassed areas causing damage to the flood plain. It takes days for the paths to recover from heavy rain and from October to March they barely recover at all. How will we prevent damage in such circumstances?

Answer: The event will not run during times where high rainfall or flooding is forecast. The route will be inspected, and the event cancelled if not found suitable.

6. The grassed embankment, which is manmade, and runs from the Country Park car park alongside the residential properties is not owned or maintained by the Council but by all Edenbrook Village residents who pay a management fee that covers the maintenance of the embankment. What protections will there be to prevent the runners and spectators using this embankment and causing damage?

Answer: The contract will make sure that Parkrun is liable for any damages. We will also speak to them about suitable measure to protect this area from damage and any remedial action (such as barriers) to help protect this area.

7. The events may also lead to noise and litter. Whilst the Park Run is anticipated to only last an hour, this will depend on how many people turn up and how fast they get round the route. How will the natural beauty of the area and the many different species of wildlife be protected?

Answer: We have deliberately kept the routes away from the areas with high wildlife value. Participants are briefed beforehand and have a “code of conduct” that encourages mindfulness to other park users. Parkrun volunteers tidy the site after the event and collect litter from along the route.

Anyone has the right to enjoy the park after the event as it is a country park open to all users. We believe that the Parkrun is an event typical to country parks and is held in many across the country.

8. How do we ensure the health and safety for those on site and ensuring emergency services have suitable access to the Country Park in the event of an accident?

Answer: The Country Park has an “emergency plan” that is shared with the emergency services and covers these eventualities. Risk assessments will also be taken the by the event organisers and the emergency plan will be shared with them.

Members discussed at great length, their concerns about limiting capacity and the popularity of these events in other local areas. Natural England confirmed that this use of SANG is totally acceptable for these events and Members considered the possibility of relocating Parkrun events to the Bramshott Park site once this is more established. Members were cautious of putting conditions on the trial contract without understanding the future impact. On reflection, there were also concerns on the impact of business to the Leisure Centre, impact on local residents and parking restrictions.

DECISION

The Chairman moved a new recommendation as follows:

That,

1. Hart enter in a 12 month agreement with Parkrun UK to enable them to establish a trial Parkrun event at Edenbrook Country Park, subject to conditions associated with the Park Run including the effective management of car parking (delegated to the Countryside Manager in consultation with the Portfolio Holder to finalise the specific terms of the agreement). This will be reviewed in six months, or earlier if there is a serious issue which permits for the immediate cancellation of the trial, delegated to the Countryside Manager in consultation with the Portfolio Holder.

Members agreed the new recommendation and Cabinet agreed:

1. That Hart enter in a 12 month agreement with Parkrun UK to enable them to establish a trial Parkrun event at Edenbrook Country Park, subject to conditions associated with of the Park Run including effective management of car parking (Delegated to the Countryside Manager with consultation with the Portfolio Holder to finalise the specific terms). This will be reviewed in six months, or earlier if there is a serious issue which permits for the immediate cancellation of the trial, delegated to the Countryside Manager in consultation with the Portfolio Holder.
2. That £1,000 funding be drawn down from the Health Eating and Lifestyles reserve to contribute towards the set up.

38 TREASURY MANAGEMENT OUTTURN 2020/2021

Cabinet considered the Council's Treasury Management activities during the 2020/21 financial year. The S151 Officer confirmed that we had met all the requirements for the CIPFA Code of Practice and borrowing levels are within all indicators required.

DECISION

The Treasury Management Outturn statement during the financial year ended 31 March 2021 be noted.

39 CABINET WORK PROGRAMME

The Cabinet Work Programme was considered and amended:

1. A report on the Statement of Community Involvement (SCI) to be considered in September.
2. Food and Health & Safety Service Plan postponed to October.

The meeting closed at 8.46 pm

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CABINET

Date and Time: Thursday 2 September 2021 at 7.00 pm

Place: Council Chamber

Present:

Clarke, Cockarill, Kinnell, Neighbour (Leader), Oliver and Quarterman

In attendance: Axam (from 7.06pm), Butcher, Foster (from 7.15m), Radley and Wheale (from 7.09pm)

Officers:

Daryl Phillips	Joint Chief Executive
Emma Foy	Head of Corporate Services and Section 151 Officer
Mark Jaggard	Head of Place Services
Steve Bennett	Digitalisation Manager
Guy Clayton	Housing Projects Officer
Helen Vincent	Committee Services Officer

40 MINUTES OF THE PREVIOUS MEETING

The minutes of 5 August 2021 were confirmed and signed as a correct record.

41 APOLOGIES FOR ABSENCE

Apologies had been received from Councillor Bailey.

42 DECLARATIONS OF INTEREST

Councillor Forster declared a pecuniary interest to item 11 that he is a Hampshire County Councillor and responsible for Commercial Strategy and Finance.

43 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements.

44 PUBLIC PARTICIPATION (ITEMS PERTAINING TO THE AGENDA)

None.

45 QUARTERLY BUDGET MONITORING Q1 - OUTTURN

Members were presented with the Quarter One (Q1) forecast of the outturn position against the General Fund revenue budget to give an expectation of possible variances against budget. Overview and Scrutiny Committee had considered this report at their meeting on 17 August 2021.

Members were advised that the report forecast reflected covid restrictions and that the expectations of improvement in recovery would continue to be consistent now restrictions have been lifted after further lockdowns.

DECISION

Cabinet noted:

- i) the Quarter One forecast for the General Fund Revenue budget.
- ii) the key reasons for projected variations between actual expenditure and budgeted expenditure.

46 BUDGET AND MEDIUM TERM FINANCIAL STRATEGY

Members were advised of the emerging budget for 2022/23 and the draft Medium Term Financial Strategy (MTFS). This information had been considered by the Overview & Scrutiny Committee at its meeting on 17 August 2021.

A programme of potential savings had been identified. These were specifically intended to reduce the pressure on the Council's annual revenue budget in that they were designed to be structural changes to the Council's future revenue base budget. These savings had been risk rated and tiered according to several internal and external factors.

Level One savings (para 8.2 of the report) were those savings which would have limited impact on the vital services to residents and communities. Level Two savings (para 8.3) were those that will need to be examined in more detail. Ultimately all may not be achievable but at present they presented the best opportunities (beyond level one savings) to make the required structural savings to the annual revenue budget. In some cases, these may require support funding drawn from reserves to secure the longer-term structural change to the Council's base revenue budget.

It was recommended that the Level One savings be agreed and incorporated into the MTFS without further review. With respect to Level Two savings, it was recommended that business cases were to be worked up on all Level two savings; with the outcome of those business cases presented to Cabinet in November for decision.

Some of the Business Cases would require the use of external consultants to aid clear and independent evaluation. This is especially important for the review of Senior Management and also the Member and Staff allowances which would benefit from external assessment and benchmarking. To allow for this, a provision of £10K was requested to help bring forward the Business Cases.

Members recognised that it was unlikely that the Level One and Two savings identified within the report would sufficiently close the gap needed to meet a balanced budget for 2022/2023. The extent of any potential budget 'gap' would depend upon any announcement by the government in late autumn of the 2022/2023 settlement. Depending upon the settlement outcome a further report

identifying potential Level Three savings will be presented to Cabinet in November 2021 for consideration.

It was noted that the potential for further commercialisation projects have not been taken into consideration and there is still potential for further commercialisation benefits.

A question was raised about the level of expenditure on the Shapley Heath Garden Community. It was explained that this expenditure is offset from a drawdown on reserves and partial funding by grants. This medium term financial strategy is for structural and ongoing deficit only.

It was agreed that an additional business case should be explored to bring forward a review of the Local Plan. Whilst the business case was being considered, all activity relating to the Garden Community project should in the interim be paused.

The Chairman summarised the need to balance the budget and make tough decisions and approved the kick start of drawing up a business case to generate a revised local plan until such time when the Government funding for local Authorities information becomes available.

DECISION

That Cabinet agreed

1. The tier system for rating savings.
2. The timetable for 2022/23 budget setting.
3. The approach to reserves in Section 6.
4. Level One savings identified in paragraph 8.2 and to be implemented and incorporated into future iteration of Medium-Term Financial Strategy.
5. The provision of Business Cases for Level Two savings detailed in paragraph 8.3 so that these savings can be considered in future by Cabinet.
6. An additional Level Two business case should be prepared to explore a review of the Local Plan, and that pending consideration of this business case, all work on the Shapley Heath Garden Community should in the interim be paused.
7. 10K to be made available to enable the use of independent external consultants, where required, to facilitate assessment of the Level Two Business Cases.

47 STATEMENT OF COMMUNITY INVOLVEMENT (SCI)

Members considered the Council's Statement of Community Involvement (SCI) in respect of consultation procedures for planning applications and various updates in relation to planning policy.

Members were informed of two substantive changes. The first being statutory site notices to be maintained and the reduction in the consultation period for statutory consultees from 4 weeks to 3 weeks. These changes are due to recommendations from the Peer Review and the subsequent development management improvement action plan.

DECISION

Cabinet:

1. Adopted the updated Statement of Community Involvement (SCI) as set out at Appendix A, and
2. Authorised the Head of Place in consultation with the Portfolio Holder for Place to make any minor alterations and corrections to the SCI if required prior to publication on the Council's website.

48 HOUSING COMPANY PANEL

This report confirmed the Overview and Scrutiny Committee nominations for the Hart Property Management Company Scrutiny Panel

Members also agreed to the proposed modifications to the Edenbrook Flats Letting Policy but subject to any key worker from the charity sector being employed by a charity registered with the Charity Commission for England and Wales.

DECISION

That Cabinet agreed:

- A. that Councillors Davies, Farmer, Harward, and Smith comprise the 2001/2022 Hart Property Management Company Scrutiny Panel which shall meet once a year to oversee company activity, provide strategic guidance, and advise the Council in its capacity as shareholder.
- B. that the Edenbrook Flats Lettings Plan definition of 'Key worker' status in should include reference to
 - a. essential key workers employed by a charity registered by the Charity Commission for England and Wales
 - b. those employed in the Prison and Probation services and,
 - c. workers maintaining border security.
- C. The Head of Corporate Services be authorised to make future minor adjustments to the Local Lettings Plan as an when appropriate.

49 WEBSITE REDESIGN PROJECT

Overview and Scrutiny Committee had considered this report at their meeting on 17 August 2021 and requested more frequent decision stages, emphasis on carbon neutral and climate change implications that the project may incur and a clearer indication of the total cost of the whole project and Cabinet's approval was requested to endorse the proposed website redesign project and procurement process.

Concerns were raised over the procurement timeline of replacing the content management system (CMS) suggesting September with contract selection in October, being too aggressive, if this is achievable and without incurring any risks before evaluating needs and defining requirements. Members were advised that market testing had taken place including conversations with suppliers for security assessments within the digital experience platform.

To summarise, the Chairman felt confident that the soft market testing undertaken had provided reassurances with research and understanding our requirements, and the success or failure of this project will be the feedback from our customer's experience. He supported bringing analytical statistics to Cabinet in future.

DECISION

Cabinet approved the commencement of the website redesign project subject to a further report to Cabinet to confirm costings and specification following the completion of the procurement exercise.

50 CEV FUNDING

During 20/21 the council was awarded a total £247k by Hampshire County Council to deliver the Hart Response Hub and associated services to our clinically extremely vulnerable (CEV) residents. Much of this was spent during the financial year, and the rest was placed in earmarked reserves so that it could be spent on projects that would be mobilised during 21/22.

This report required Cabinet's approval for the remaining grant funding to be moved from capital to revenue budgets so that officers can use it to deliver the projects set out in the agreed Supporting Communities Plan, delivering the "Here for Hart" programme.

Members asked for reassurance that these projects are all targeted to support the clinically extremely vulnerable residents in our community and expectations to spend and utilise the remainder of the grant given on this project will ensure social inclusion.

DECISION

Cabinet approved the transfer of the Clinically Extremely Vulnerable (CEV) monies (£143,421) from ear marked reserves into a revenue budget line and that

the Head of Community Services be authorised to use the funds to support the delivery of the Supporting Communities Plan and the Here for Hart programme.

51 CABINET WORK PROGRAMME

The Cabinet Work Programme was considered and amended:

Topics considered were:

- Re-engaging the Civic Quarter Regeneration Working Group.
- Waste management and food waste recycling for future inclusion.

Amendments:

- To push back The Harlington Lease to November.
- Update in November on the current actions being taken by the Council to address the climate emergency and the plan to measure annual District wide progress towards meeting the 2040 carbon neutral target.

The meeting closed at 8.40 pm

PLANNING COMMITTEE

Date and Time: Wednesday 11 August 2021 at 7.00 pm

Place: Council Chamber

Present:

Ambler, Blewett, Cockarill, Delaney, Kennett, Oliver (Chairman), Quarterman, Radley, Southern and Worlock

In attendance:

Officers:

Mark Jaggard	Head of Place
Emma Whittaker	Development Management & Building Control Manager
Stephanie Baker	Interim Development Management & Building Control
Peter Lee	Planning Team Leader
Miguel Martinez	Principal Planner Officer
Fehintola Otudeko	Shared Legal Services
Lee Rome	Committee Services Officer

28 MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 14 July 2021 were confirmed and signed as a correct record.

29 APOLOGIES FOR ABSENCE

No apologies had been received.

30 DECLARATIONS OF INTEREST

None

31 CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that the new National Planning Policy Framework had been published by the government.

The Planning Committee Working Party will be meeting on 28th September to discuss the management improvement plan and all available members are welcome to attend.

Emma Whittaker, Development Management & Building Control Manager is leaving Hart after more than a decade of service. The Chairman thanked her on behalf of Councillors, the Committee and the Council. Thanks were also passed on from Hook Parish Council and Infrastructure Committee.

Stephanie Baker will become Interim Development Management & Building Control Manager. The post is being advertised externally and the interview process is expected to begin soon.

32 DEVELOPMENT APPLICATIONS

The planning reports from the Head of Place were considered and the updates via the Addendum were accepted.

33 21/00777/OUT - CROWNFIELDS ODIHAM

Erection of 60 bed care home and 30 dwellings (10 x 2 bed houses, 12 x 3 bed houses, 4 x 4+ bed houses and 4 x 2 bed flats) with associated parking and pedestrian and vehicular access.

Members considered the application and discussed the following:

- The visual impact of the development.
- The position of the Parish Council regarding the application.
- Concerns around sewage and the North Warnborough pumping station.
- Contribution to the S106.
- Car parking provision to the local preschool.
- The ongoing maintenance agreement.
- The position of Natural England in respect to the development.
- Amending the recommendation to include the Planning Ward Member and the Chairman in the final decision process.

DECISION – GRANT as per officer recommendation A, incorporating the updates via the Addendum, subject to an amendment to the recommendation that the Head of Place consult with the Chairman of the Planning Committee and the Planning Ward Member before planning permission is granted.

Notes: Mr Hamish Watson spoke for the application.

Cllr Angela McFarlane (on behalf of Odiham Parish Council) spoke against the application.

34 21/01145/FUL - YATELEY HALL, FIRGROVE ROAD, YATELEY GU46 6HJ

Change of use from an office (Land Use Class E – formerly B1a) to a school (Land Use Class F1 – formerly D1), cycle storage and associated new hard landscaping in parking areas.

Members considered the application and discussed the following:

- The 'Ha-ha' at the site and site boundaries.
- Previous use of the site as a school.
- The lack of interest from other developers for the site, and the suitability of the current proposal.
- Current parking allocation and future parking requirements.

- Traffic implications and the Highways Agency position.
- Transport methods used by pupils attending the school.
- Current student numbers at the present school site and possible growth of pupil numbers.
- The level of noise impact on the local area from the school.
- The Grade II listing of the building and its implications for controls over future development.
- The nature of local objections and support for the proposals.

DECISION – GRANT as per officer recommendation, subject to planning conditions and incorporating the updates via the Addendum.

*Notes: Mr Tom Rumble spoke for the application.
Mrs Helen Whelan spoke against the application.*

The meeting closed at 8.28 pm

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PLANNING COMMITTEE

Date and Time: Wednesday 8 September 2021 at 7.00 pm

Place: Council Chamber

Present:

Blewett, Clarke (substitute), Cockarill, Kennett, Oliver (Chairman), Quarterman, Radley, Southern and Worlock

In attendance:

Councillor Delaney

Officers:

Mark Jaggard	Head of Place
Steph Baker	Interim Development Management & Building Control Mgr
Miguel Martinez	Principal Planning Officer
Julia Taylor	Planning Officer
Emma Bethell	Shared Legal Services
Sabrina Cranny	Committee Services Officer

35 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on 11 August 2021 were confirmed and signed as a correct record.

36 APOLOGIES FOR ABSENCE

Apologies had been received from Councillor Ambler substituted by Councillor Tony Clarke.

37 DECLARATIONS OF INTEREST

To discuss the approach for virtual meetings in particular the upcoming Planning Committee Working Party.

38 CHAIRMAN'S ANNOUNCEMENTS

Mark Jaggard announced Steph Baker had successfully been recruited permanently into the role of Development Management & Building Control Manager. The Chairman congratulated her on behalf of all members.

39 DEVELOPMENT APPLICATIONS

The planning reports from the Head of Place were considered and the updates via the Addendum were accepted.

40 21/01253/HOU - 13 BRAMLING AVENUE, YATELEY GU46 6NX

Members considered the application and discussed the following:

- The parking plan
- The side elevation

DECISION – GRANT as per officer recommendation, subject to planning conditions.

41 21/00378/FUL - THE BELL INN, 36 FROGMORE ROAD, BLACKWATER, CAMBERLEY GU17 0NP

Members considered the application and discussed the following:

- Whether 12 car parking spaces would be enough
- Staff numbers and shift patterns and possible impact on parking
- Potential location of solar energy panels
- The design and height of the building in relation to surrounding properties
- Room sizes and building storeys
- School traffic times in vicinity
- Current flooding and drainage problems
- Differences between nursing homes and dementia care homes

DECISION – GRANT as per officer recommendation, subject to the planning conditions in the Addendum and an additional Travel Plan condition:

“Prior to the first occupation of the development hereby approved, a travel plan in respect of movement, parking and delivery arrangements shall be submitted to and approved in writing by the Local Planning Authority. The details shall include, but not be limited to, arrangements for delivery vehicle parking during unloading, staff transportation and parking, visitor travel and parking, promotion of sustainable transport modes to encourage modal shift, opportunities for car-sharing and measures to be put in place during shift changes for staff within the facility.

REASON: In order to ensure that sustainable travel modes are taken up and to ensure convenient and safe access for all users in line with Policies NBE9 and INF3 of the HLP32 and Para 113 of the NPPF 2021.”

Notes:

Site Visit - 8 September 2021 and attended by Councillors Blewett, Quarterman and Southern.

Councillor Harward spoke for the Town Council against the application

Mr G. Hatch spoke against the application

Ms E. Noden spoke for the application

The meeting closed at 8.28 pm

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OVERVIEW AND SCRUTINY COMMITTEE

Date and Time: Tuesday 17 August 2021 at 7.00 pm

Place: Council Chamber

Present:

Axam, Collins, Crookes, Davies, Farmer, Forster, Smith, Wildsmith and Worlock (Chairman)

In attendance:

Cllr Tony Clarke
Cllr James Radley
Cllr Tim Southern

Officers:

Daryl Phillips, Joint Chief Executive
Emma Foy, Head of Corporate Services & S151 Officer
Mark Jaggard, Head of Place
Jenny Humphreys, Committee Services Officer

22 MINUTES OF PREVIOUS MEETING

The minutes of the meeting of 20 July 2021 were confirmed and signed as a correct record.

23 APOLOGIES FOR ABSENCE

Apologies had been received from Councillor Dorn (Cllr Forster was present as his substitute).

24 DECLARATIONS OF INTEREST

Councillor Farmer declared a non-pecuniary interest as Chairman of Hart Swimming Club based at Hart Leisure Centre.

Councillor Forster declared a declaration of interest (non-prejudicial) for item 9 on the agenda (MTFS), as he is a Cabinet Member for Hampshire County Council.

25 PUBLIC PARTICIPATION (ITEMS PERTAINING TO THE AGENDA)

None.

26 CHAIRMAN'S ANNOUNCEMENTS

None.

27 CORPORATE SERVICE PANEL UPDATE

Councillors Axam, Crookes and Smith, members of the Service Panel gave feedback on the recent panel meeting for Corporate Services.

Members summarised it was well run, informative and they are comfortable the service is performing well with its current resources.

Members also praised the format of the report, as it's simple, straightforward and easy to understand. (Copies of the report are attached to the minutes).

The Head of Corporate Services confirmed that all Heads of Service are now using these templates and the Corporate Services document as a basis.

Dates for other Service Panels have been arranged and reports will be circulated in advance of future O&S Committee meetings.

28 ANNUAL REVIEW LETTER 2021/22

The Joint Chief Executive (JCX) summarised the Annual Review Letter from the Local Government and Social Care Ombudsman (The LGO) and highlighted the council's good relationship with them.

This year The LGO reviewed four cases for the council, an average for the organisation.

The JCX summarised the cases: the building of a play area; listed building consent; out of date food being sold at a supermarket, and a Housing Benefit case that was upheld.

Members were encouraged to look at the Ombudsman website where previous national complaints cases can be reviewed for reference.

RECOMMENDATION

The report was noted.

29 WEBSITE REDESIGN PROJECT

The JCX summarised the report and highlighted that the current eight-year-old website needs to be replaced. This report highlighted that approval was being sought to agree to the principle of its replacement which would be done through an open tendering process.

The report outlined four options that are being considered for the new Content Management System (CMS), and members knowledge and input in the design process was encouraged.

Work is expected to begin in November 2021, with the new website going live in July 2022.

Members highlighted improving accessibility, enabling sufficient code for braille readers and usability as key factors in building the new site.

Members queried the total costs of the project and the JCX confirmed that earmarked reserves of up to £150,000 have been set aside.

Members questioned if all data could be retained on the site in archives and the JCX indicated that due to GDPR regulations the organisation would be unable to retain certain data. Historic Committee Meeting Minutes and Agendas and planning applications would be retained and available in the most compliant way.

The JCX reminded members that the council is currently running a website survey to gather users opinions and gauge what new features they would like to see. Feedback will be shared with members in the coming months.

The JCX and Change and Digital Manager to provide a written response on the key differences between options three and four in the report.

The Head of Corporate Services confirmed that option three will feature improved e-forms.

DECISION

The Committee recommended that:

- Progress updates are to be more frequent than six months and more in line with decision stages.
- More emphasis on the carbon neutral and climate change implications that the project may incur.
- The Cabinet report to include a clearer indication of the total cost of the whole project.

30 2022/23 BUDGET & MEDIUM-TERM FINANCIAL STRATEGY UPDATE

Prior to the meeting the Chairman had circulated a list of points and questions that had been raised by a local resident. These were addressed point by point in the officer's presentation of the report.

Head of Corporate Services summarised the draft Medium Term Financial Strategy (MTFS) and highlighted that the key changes are Minimum Revenue Provision (MRP) Growth and Commercial Income.

Commercial Income has increased from £196,000 to £783,000, with £550,000 from the investment in Centenary House and a £37,000 increase due to faster lettings at Edenbrook than predicted.

The Portfolio Holder for Finance confirmed that the council is not changing the budget, this can only be set and changed by Council, and that more up to date figures are being given throughout the year.

Head of Corporate Services added that the council is moving from a contribution from reserves to a potential contribution to reserves and are only changing the known knowns.

Members praised the Head of Corporate Services and her team for the report, it's transparency and accurate estimates.

Members discussions included: losing the New Homes Bonus and its implications; losing the Garden Waste income revenue and the additional costs this scheme could incur (this has currently been identified as £900,000), and the council's eligibility for New Burdens funding.

Members also questioned: the Commercial Income and why it appears flat; the possibility of borrowing from other local authorities, SANGS or earmarked reserves, and the possibility to use the council's estate and assets more effectively and for financial gain.

Head of Corporate Services recognised that 2022/23 would be a difficult year due to the impact of the Covid-19 pandemic and that funding implications are still unknown.

The Council is expecting to hear more on the New Homes Bonus or its equivalent scheme in later in the autumn.

The Portfolio Holder for Finance and JCX addressed a question on the change of contract providing Hart's CCTV. It was confirmed the new contract will provide a sufficient service with extended hours.

The Portfolio Holder for Finance also confirmed that workshops would be set up with members if required for Level Three savings.

DECISION

1. The issues around the emerging budget for 2022/23 and level of savings were noted.
2. The tier system for rating savings was noted. Level Two savings are to be further investigated and bought back to future Overview and Scrutiny and Cabinet meetings.
3. The Portfolio Holder for Finance confirmed that workshops would be set up with members if required for Level Three savings.
4. The timetable for 2022/23 budget setting was noted.

5. The reserves policy in Section 6 of the report were noted.

31 QUARTER ONE - REVENUE BUDGET MONITORING AS AT 30TH JUNE 2021

The Head of Corporate Services presented the Quarter One (Q1) forecast of the outturn position against the General Fund revenue budget, to give an expectation of possible variances against budget.

The Council will implement a quarterly accruals focus from December 2021 with increased accruals starting from September, which is a new way of displaying information for the council. Members agreed that this was a very sensible decision by the Head of Corporate Services.

Members discussions included the Corporate Services forecast of £1,19 million overspend on the Leisure Contract and any income protection the council is entitled to.

RECOMMENDATION

The Quarter One forecast for the General Fund Revenue budget and the key reasons for projected variations between actual expenditure and budgeted expenditure were noted.

32 DEVELOPMENT MANAGEMENT SERVICES UPDATE

The Head of Place updated the Committee on the current progress of the Development Management Service Action Plan.

Key points included:

- The volume of planning applications continues to be high and is greater than the previous two years applications.
- The council is generating a good fee income.
- A short report format has now been introduced for some applications.
- The registration validation process has been reviewed.
- The Development Management & Building Control Manager has now left the organisation but an interim manager is now in place
- There are two new employees in the team and two further employees will start next month.
- The team is currently advertising for a permanent Development Management & Building Control Manager.

Members questions included, Systems Thinking (Stratford-on-Avon's approach)/lean thinking, what this is and what it involves and the the Article 4 Direction (preventing office to residential permitted development).

Members also discussed the 5-year Housing Land Supply figures and SCI, the no posting of site notices.

The Chairman suggested that a future presentation from an external party might be beneficial on Systems Thinking/Lean thinking would be helpful

The JCX and members commended the Head of Place and his team for their efforts.

RECOMMENDATION

The Committee noted the written update.

33 CABINET WORK PROGRAMME

The Cabinet Work Programme was noted.

The JCX confirmed that the following had been passed on to Cabinet for consideration:

- The Parking Review that came into effect in May and its impact.
- A review of the progress Civic Quarter regeneration project.

34 OVERVIEW AND SCRUTINY WORK PROGRAMME

The Overview and Scrutiny work programme was noted.

Members also wanted to see the Service Board reviews reflected in the programme.

The JCX highlighted that work on IT security on laptops and mobile devices, including overseas travel and cyber security will also be considered.

The inclusion of the review of Community Safety Transition, Multi-Agency Flood Forum, Corporate Risk Management update, and Waste Management client team transition to Basingstoke were also confirmed as to be added to the agenda.

The meeting closed at 9.31 pm

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AUDIT COMMITTEE

Date and Time: Tuesday 27 July 2021 at 7.00 pm

Place: Council Chamber

Present:

Axam (Chairman), Blewett, Crookes, Davies, Farmer and Southern

In attendance:

Officers:

Emma Foy	Head of Corporate Services & S151 Officer
Joanne Innes	Audit Manager
Rebecca Borrett	Committee Services Officer

9 APOLOGIES FOR ABSENCE

No apologies received.

10 MINUTES OF THE PREVIOUS MEETING

Members requested an update on Item 6 of the previous minutes regarding the Planning team, both the outcome and if any further resignations had been received. The Head of Corporate Services confirmed this matter had been presented to Overview and Scrutiny, and a Group has been put in place to scrutinise an improvement plan. Further resignations had been received since the last Audit meeting, but not since the Overview and Scrutiny meeting.

Members requested clarification on Item 8 External Audit draft accounts and where these fit into the audit and publication process. The Head of Corporate Services provided clarification that the draft accounts are published on the website prior to approval.

The Minutes of the meeting held on 25 May 2021 were confirmed and signed as a correct record.

11 DECLARATIONS OF INTEREST

No declarations made.

12 CHAIRMAN'S ANNOUNCEMENTS

No announcements.

13 INTERNAL AUDIT PROGRESS REPORT Q1 2021/22

The Audit Manager updated members on Internal Audit work completed between April 2021 and June 2021:

- Two audits completed in Quarter 1, Treasury Management and Housing Benefits, both carried forward from the previous year
- Five audits currently being undertaken by the audit teams at Basingstoke and Wokingham Councils.
- Follow up of high-level risks recommendations reduced the number of recommendations from three to two as the starters and leavers recommendation has been implemented.
- Counter Fraud annual fraud risk assessment being undertaken and will be reported in September
- Additional fraud work being undertaken includes work on business grants payable. There were seven instances of is suspected fraud on the restart main scheme and four on restart discretionary scheme. All have been reported to the appropriate authorities.
- National Fraud Initiative Work is continuing
- Risk Management – Audit Manager has now met with all Heads of Service who are working on updated risks registers, including any risks identified from service plans presented in April 2021.

Members questioned if the Audit completion timescales were achievable by the end of Quarter 2 for officers. Clarification was given that the timescales for these are commencement not completion dates, and completion for these audits is expected in October/November. Further assurance was given that additional resources can be purchased if necessary and that these were relatively short audits and will be undertaken in a 10-day block to enable a speedier process. Members requested the plan be amended to show expected completion dates.

Members discussed crossover between Audit and Scrutiny panels and the need to prevent this. Audit were reminded they are required to look at the quality of data that Overview and Scrutiny use. Members asked how this works in terms of sequences and timing. The Head of Corporate Services clarified data quality audits account for approximately 20 days per year, split between Revenues and Benefits and other audits. There is not a specific data quality audit in the plan, but the opportunity existed this year to test data in performance information reported to Overview and Scrutiny. The Audit committee would see summary of this.

Members asked if in relation to planning performance, does the scope include investigation into planning gains lost on appeal. The Audit Manager advised the scope had not yet been agreed. Members questioned the time, effort and money being spent on Shapley Heath Plan and how this was being audited. The Head of Corporate Services confirmed the project is subject to the same internal controls as the rest of the Council and there is not a specific element in the Audit plan on Shapley Heath.

DECISION

The Internal Audit Progress Report Q1 for 2021/22 was noted.

14 LOCAL CODE OF CORPORATE GOVERNANCE

The Local Code of Corporate Governance informs the community how the council will conduct its business and how it will comply with the principles of good governance outlined in the CIPFA/SOLACE Corporate Governance Framework 2016. The Statement summarised how the Council meet their corporate governance responsibilities.

Members questioned if a risk assessment of the effectiveness of home working had been undertaken. The Head of Corporate Services confirmed the following:

- A framework of support and monitoring put in place
- Individual risk assessments undertaken for all staff by line managers, and reviewed by the Health and Safety Officer
- Increased frequency of 1:1 meeting and a revised template to include home working discussions
- Remote Managing training courses for managers
- All staff offered a place in the office for when they want/need to come in
- An Agile Working Policy

Members raised concern remote working had a detrimental effect on officer availability for telephone calls, although alternative contact options were available via TEAMS. Members also questioned if the Council were moving to hybrid working and if a review of hardware/software and security had been considered. The Head of Corporate Services advised no permanent decision had yet been made, but a soft phone option for all officers would be implemented within the next 12 months.

Members considered the Framework and questioned the process if someone believed the principals had not be correctly executed. The Head of Corporate Services confirmed that a resident could make a formal complaint, and staff have whistleblowing or a fraud element available to them.

Members questioned the frequency of policies, visions and plans being updated and reviewed, and if an additional column for this could be included. The Head of Corporate Services confirmed all policy with review dates by service area is held separately. In addition, departments introduced these into their service plans, or they become terms of reference for a committee.

Members raised concern the Council had been failing on version control and documents over last 18 months, and while Annual budget setting was unusual last year, budgets and revisions had been difficult to follow. The Head of Corporate Services acknowledged big changes and uncertainty had made

forecasting difficult and recognised the need to identify a process to ensure consistency moving forwards.

DECISION

The committee approved the revised Local Code of Corporate Governance.

15 DRAFT ANNUAL GOVERNANCE STATEMENT

The Head of Corporate Services advised this draft report provided members an opportunity to raise queries and questions. It has not yet been audited, but officers are confident structure is correct, although there may be a requirement to add anything high risk. A separate session for members can be arranged if required.

DECISION

That Members of the Committee review the report and bring questions or queries to the Internal Audit Manager or Head of Corporate Services during August.

16 ASSESSMENT OF COMPLIANCE WITH CIPFA FINANCIAL MANAGEMENT CODE

The Head of Corporate Services advised members the completion of the self-assessment doc in appendix A had raised practical recommendations and actions in most areas. As these are important, they should be reported to Audit Committee at each meeting.

Budget consultation for residents and business was of high importance, together with performance monitoring. Implementation of service boards will assist, but reporting must be expanded. Financial controls must be embedded in each area of organisation. Further stress testing needed over 10 years, but there will always be difficulty will always be getting accurate number. Members noted the need for priority of actions, with individual responsibility and clear timescales.

RECOMMENDATION

The Committee noted:

The publication of the FM Code and the requirement for it to be applied from 1 April 2020.

That the first year, 2020/21, is a shadow year where local authorities can demonstrate that they are working towards full implementation which, for the first full year of compliance, will be 2021/22.

That an initial assessment has been carried out at APPENDIX A of the Council's assessed level of compliance compared to the Standards contained in the FM Code.

There is an item on the Internal Audit Plan 2021/22 to review progress against actions raised in the initial review.

The meeting closed at 7.55 pm

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STANDARDS COMMITTEE

Date and Time: Wednesday 15 September 2021 at 7.00 pm

Place: Council Chamber

Present:

Ambler, Clarke, Coburn, Kennett, Martin and Monks (from 7.03pm, after item 1)

In attendance: Neighbour

Officers:

Daryl Phillips Joint Chief Executive
Lee Rome Committee Services Officer

1 ELECTION OF CHAIRMAN

Councillor Clarke was elected as Chairman.

2 ELECTION OF VICE CHAIRMAN

Councillor Kennett was elected as Vice-Chairman.

3 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting on 3 November 2020 were confirmed and signed as a correct record.

4 APOLOGIES FOR ABSENCE

Apologies had been received from Cllr Bailey, Peter Kern and David Argent.

5 DECLARATIONS OF INTEREST

No pecuniary or other interests were declared.

6 STANDARDS COMMITTEE CODE OF CONDUCT 2021

The Joint Chief Executive provided a summary of the report. Committee Members discussed the report and the proposed changes to the Code of Conduct.

DECISION

- i) That the revised Hart District Council Members' Code of Conduct be recommended to Full Council for adoption.

- ii) That the Standards Committee endorses the use of recently published LGA guidance that is aimed to help understanding and consistency of approach towards the Code.

The meeting closed at 7.14 pm

STANDARDS

DATE OF MEETING: 15 SEPTEMBER 2021

TITLE OF REPORT: UPDATED HART MEMBERS' CODE OF CONDUCT

Report of: Monitoring Officer

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to recommend updates to the Hart Members Code of Conduct and, to endorse the use of recently published LGA guidance that is aimed to help understanding and consistency of approach towards the Code.

2 OFFICER RECOMMENDATION

It be recommended to Council that it

- i) ADOPTS the draft revised Hart Members Code of Conduct (attached as Appendix 2); and
- ii) ENDORSES the use of recently published LGA guidance that is aimed to help understanding and consistency of approach towards the Code.

3 BACKGROUND

- 3.1 In November 2020 the Council adopted an updated Members' Code of Conduct (the Hart Code). It was recognised however, that the Hart Code would be revisited to accommodate appropriate elements of any Model Code of Conduct subsequently published by the Local Government Association (LGA).
- 3.2 The LGA published a revised [Model Code of Conduct](#)¹ (the Model Code) in January 2021 and updated it again in May 2021. More recently the LGA has published supporting [guidance](#)² (the guidance) aimed at aiding understanding and consistency of approach towards the Code.

4 MAIN ISSUES

- 4.1 The current Hart Code and the recently published Model Code are broadly aligned – they are drawn from the same source. There is, therefore, no necessity to carry out a full review of the Hart Code other than picking up from the Model Code some of the more useful wording/clarification changes.
- 4.2 However, there is one important addition in the Model Code. It has introduced the principle of Members' not bringing their role or the local authority into disrepute. The relevant Model Code extract including the associated guidance is attached as Appendix 1.

¹ <https://www.local.gov.uk/sites/default/files/documents/Local Government Association Model Councillor Code of Conduct 2020 WEB.pdf>

² <https://local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>

- 4.3 This provision attracted significant support on the LGA’s consultation on the draft Model Code with the LGA commenting that the concept of ‘disrepute’ has been an area of keen discussion. It is recommended therefore, that the Hart Code is updated to include the Model Code’s approach to ‘disrepute’. It is also recommended that the LGA guidance on ‘disrepute’ is included in the advice Note attached to the adjusted Hart Code.
- 4.4 It is, however, important to recognise that this provision is solely about a councillor’s behaviour and the manner in which they act. It does not seek to preclude a Councillor from raising legitimate concerns about decisions, procedures, or processes of the Council. It is important for a councillor to be able to raise concerns about decisions, etc, in order to hold the Council to account.

5 LEGAL ISSUES

- 5.1 The proposed adjustment to the Hart Code raises no Legal or other corporate/financial issues

6 EQUALITIES

- 6.1 The proposed adjustment to the Hart Code raises no equalities issues.

7 ACTION

- 7.1 Subject to Committee’s comments the recommendations of this report will be forwarded to September’s Council for agreement.

Appendices

1. Extract from [Local Government Association Model Councillor Code of Conduct 2020](#) – bring your role or the authority into disrepute.
2. Draft Hart Members’ Code of Conduct 2021

Contact Details: daryl.phillips@hart.gov.uk

Background papers:

Hart Members’ Code of Conduct 2020

[Local Government Association Model Councillor Code of Conduct 2020](#)

[Guidance on Local Government Association Model Councillor Code of Conduct](#)

Extract from [Local Government Association Model Councillor Code of Conduct 2020](#)

“5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct”.

Extract from [Guidance on Local Government Association Model Councillor Code of Conduct](#)

“As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. Article 10 of the European Convention on Human Rights protects your right to freedom of expression, and political speech as a councillor is given enhanced protection but this right is not unrestricted. You should be aware that your actions might have an adverse impact on your role, other councillors and/or your local authority and may lower the public's confidence in your ability to discharge your functions as a councillor or your local authority's ability to discharge its functions.

In general terms, disrepute can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct, a councillor's behaviour in office will bring their role into disrepute if the conduct could reasonably be regarded as either:

- 1. reducing the public's confidence in them being able to fulfil their role; or*
- 2. adversely affecting the reputation of your authority's councillors, in being able to fulfil their role.*

Conduct by a councillor which could reasonably be regarded as reducing public confidence in their local authority being able to fulfil its functions and duties will bring the authority into disrepute.

For example, circulating highly inappropriate, vexatious or malicious e-mails to constituents, making demonstrably dishonest posts about your authority on social media or using abusive and threatening behaviour might well bring the role of councillor into disrepute. Making grossly unfair or patently untrue or unreasonable criticism of your authority in a public arena might well be regarded as bringing your local authority into disrepute.

Questions

What distinguishes disrepute to “your role or local authority” from disrepute to you as a person?

The misconduct will need to be sufficient to damage the reputation of the councillor’s role or local authority, as opposed simply to damaging the reputation of the individual concerned.

Certain kinds of conduct may damage the reputation of an individual but will rarely be capable of damaging the reputation of the role of councillor or the reputation of the authority.

Here are some of the situations that might tip the balance in favour of disrepute to the role of councillor or to the authority in particular cases:

- 1. Situations where councillors have put their private interests above the public interest, which they are expected to promote as councillors, and therefore reduced the standing of their role. For example, councillors using their position to secure a secret personal profit.*
- 2. Similarly, situations where a councillor defies important and well-established rules of the authority for private gain.*
- 3. Where a councillor engages in conduct which directly and significantly undermines the authority’s reputation as a good employer or responsible service provider.*

Examples

A councillor posted a tweet reading “Cllr Blogs why don’t you just throw in the towel, just go before you cause any more damage to the reputation of the council. You and some members of your cabinet have failed. I hope that the SFO is brought in to investigate your conduct. #failedleadership.” The complainant stated that she found the tweet ‘very offensive’ and bullying and also considered that the tweet would reasonably bring the councillor’s office and the authority into disrepute. The councillor was found to have brought his authority into disrepute by reducing public confidence in the council.

A councillor brought his role and authority into disrepute by taking advantage of a local authority mistake and failing to prevent local authority-employed contractors from working on his privately-owned home. The local authority mistakenly sent decorators to the home, an ex-local authority property. The councillor only told the local authority about the mistake after the work had been completed and then said he could not be charged for the work.

The chair of a local authority made a deeply inappropriate remark at a local authority meeting that was reported in the local media and was accused of bringing his role and authority into disrepute. It was clear in both the meeting and the local media reporting that other councillors expressed concerns about his comments and found them inappropriate. It was found that he had not brought his authority into disrepute but that he had brought his role into disrepute.

HART DISTRICT COUNCIL MEMBERS' CODE OF CONDUCT 2021

HART DISTRICT COUNCIL
MEMBERS' CODE OF CONDUCT 2020

INTRODUCTION AND CONTENTS

This Code of Conduct (the Code) applies to every elected member and co-opted member¹ of Hart District Council. As a Councillor, it is your responsibility to make sure that you are familiar with, and that your actions comply with, its provisions.

The Code does not apply to the actions of the authority as a whole, nor to the conduct of its officers and employees. It also does not cover matters under the Localism Act 2011 where criminal sanctions apply.

The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. Councillors hold public office under the law and must observe the rules of conduct stemming from the law, this Code, and the rules, standing orders and regulations of the Council. It is your personal responsibility to comply with these and review regularly, at least annually, particularly when your circumstances change. You must not, at any time, advocate or encourage any action contrary to the Code.

A very clear line, however, must be drawn between this Code's requirements of respect for others, including those with opposing views, and the freedom to disagree with the views and opinion of others. In a democracy, members of public bodies should be able to express disagreement publicly with each other. Nothing within this Code seeks to stifle free speech.²

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¹ Co-opted member is a person who is not an elected Member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council and who is entitled to vote on any question that falls to be decided at that meeting of that committee or sub-committee

² You will not be censured just because an individual dislikes or disagrees with what you say; standards in public life do not extend to adjudicating on matters of political debate. Controversial issues must be able to be raised in the public sphere, and you should have their right to form and hold opinions respected. European Convention on Human Rights (ECHR) Article 10 rights to freedom of expression must be respected by councils when adjudicating on potential misconduct, considering the increased protection given to political expression (see Advice Note attached)

**HART DISTRICT COUNCIL
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HART DISTRICT COUNCIL
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KEY PRINCIPLES OF THE CODE OF CONDUCT

The following general principles³ upon which this Code of Conduct is based should be used for guidance and interpretation only. They define the standards that members should uphold and serve as a reminder of the purposes of the Code of Conduct. These principles and the Advice Notes at the end of the Code accompany, but do not form part of, the Code of Conduct itself. However, a failure to act in accordance with these general principles may in itself amount to a breach of the Code of Conduct.

Duty - You have a duty to uphold the law and act in accordance with the law and the public trust placed in you. You have a duty to act in the interests of the Council as a whole and all the communities served by it and a duty to be accessible to all the people of the area for which you have been elected to serve, and to represent their interests conscientiously.

Selflessness - You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself.

Objectivity - In carrying out public business you must make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability - You are accountable to the public for your decisions and actions and must submit yourself to the scrutiny necessary to ensure this. You have a duty to consider issues on their merits, taking account of the views of others, and you must ensure that the Council uses its resources prudently and in accordance with the law.

Openness - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty and integrity - You must be truthful, and you must not place yourself in situations where your honesty and integrity may be questioned. You must not behave improperly and must on all occasions avoid the appearance of such behaviour.

Leadership - You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example in a way that secures or preserves public confidence.

Respect - You must respect all other councillors and all Council employees and the role they play. Similarly, you must respect members of the public when performing duties as a Councillor.

³ Article 28 of the Localism Act 2011.

HART DISTRICT COUNCIL
MEMBERS' CODE OF CONDUCT 2020

GENERAL PRINCIPLES

The rules of good conduct apply in all situations where you act, claim to act, or give the impression or reasonable perception that you are acting as a member or representative of Hart District Council^{4,5}.

The Code applies to all forms of communication, including:

- At face-to-face meetings
- At on-line or telephone meetings
- In written communication
- In verbal communication
- In non-verbal communication
- In electronic and social media communication, posts, statements, and comments.

1. You must treat others with respect

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions, and policies in a robust but civil manner. It is disrespectful however, to use offensive language or to accuse others of dishonesty, wrongdoing, or incompetence without producing any specific evidence, thereby seeking to damage their reputation. You should never subject individuals, groups of people or organisations to personal attack.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online.

While it is legitimate for you to express concern about the way in which a service is run or policy is being implemented by officers, you should avoid undermining, or making detrimental remarks about, individual named officers or officers who can be readily identified at meetings, or in any public forum, including on social media. This would be damaging both to effective working relationships and to the public respect for the Council. It is also unfair as in general, staff are unable to defend themselves against criticism in a public forum.

2. Do not bully, harass, intimidate, or discriminate against any person

Bullying is offensive, intimidating, malicious, insulting, or humiliating behaviour which attempts to undermine, hurt, or humiliate an individual or group. It can have a damaging effect on a victim's confidence, capability, and health. Harassment is repeated behaviour which upsets or annoys people. Intimidation is another form of bullying. It is

⁴ If you identify yourself or make comments that are clearly related to your role as a councillor, then the Code will apply. This applies in conversation, in writing, or in your use of social media, even if you post a disclaimer that suggests your comments are not official posts (see Advice Note).

⁵ The Code does not apply if there is no suggestion that you are acting as a councillor. You are entitled to privacy in your personal life, and many of the provisions of the Code only apply to you when you are acting in your role as member or acting as a representative of the Council. The Code does apply however if you post something or put something into the public domain that could not otherwise have known if at the time of posting you had not been a Councillor.

HART DISTRICT COUNCIL

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the act of frightening someone into doing something that they do not otherwise want to do. This usually involves threats that make the person who is subjected to intimidation feel threatened or afraid.

Harassment is conduct that causes alarm, distress or puts people in fear of violence on at least two occasions⁶. It can also include repeated attempts to impose unwanted communications and contact upon a person, including officers, in a manner that could be expected to cause distress or fear in any reasonable person.

Bullying, harassment and intimidatory conduct can involve behaving in an abusive or threatening way, or making allegations about people in public, in the company of any of their colleagues, through the press or social media. It may happen once or be part of a pattern of behaviours, although minor isolated incidents are unlikely to be considered bullying or harassment.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. These relate to specific aspects of a person's identity such as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation⁷.

3. Do not bring your role or the Council into disrepute

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

4. Do not compromise the impartiality of anyone who works for, or on behalf of, the Council

You should not approach or pressure anyone who works for, or on behalf of, the Council to carry out their duties in a biased or partisan way. They must be neutral and should not be coerced or persuaded to act in a way that would undermine their neutrality.

Although you can robustly question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

⁶ The Protection from Harassment Act 1997

⁷ The Equalities Act 2010

HART DISTRICT COUNCIL
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5. Do not disclose confidential information and you must always comply with data protection principles

The Council must work openly and transparently, and its proceedings and records are open to the public, except in certain legally defined circumstances. You should work on this basis, but there are times when it is required by law that discussions, documents, and other information relating to or held by the Council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing discussions.

Legislation also gives you certain rights to obtain information not otherwise available to the public and you are entitled to exercise these rights where the information is necessary to carry out your Council duties. Such information is, however, for your use as a councillor and must not be disclosed or in any way used for personal or party-political advantage or in such a way as to discredit the Council. This will also apply in instances where you hold the personal view that such information should be publicly available.

Personal data is confidential and is protected by the *General Data Protection Regulations* (GDPR). Never share information with family or friends or allow access to personal data disclosed to you in your role as a Councillor.

When conducting matters related to Council business, you must only use the email account provided by the Council. **Personal email addresses that you may have should never be used.**

6. Do not prevent anyone getting information that they are entitled to by law

You must not prevent any person from accessing information which they are entitled to by law. This includes information under the *Freedom of Information Act* or the *Environment Information Regulations*.

7. Do not use, or attempt to use, your position improperly to the advantage or disadvantage of yourself or anyone else

Your position as a member of the Council provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact on others. However, you should not take advantage of these opportunities to further your own or others' private interests or to the disadvantage anyone unfairly. Do not misuse Council resources

You should never use the Council's resources or facilities for your own private or business purposes. It is also not appropriate to use, or authorise others to use, the Council's facilities or resources for political purposes, including party political purposes. When using the authority's resources, you must have regard, if applicable, to any Local Authority Code of Publicity made under the *Local Government Act (1986)* or similar Act.

8. Do have regard to advice from the Monitoring Officer or S151 Chief Finance Officer

If you seek advice, or advice is offered to you, for example, on whether or not you should register an interest, you should have regard to this advice before you make your mind up.

You must also give reasons for all decisions in accordance with statutory requirements and any reasonable requirements imposed by the Council. Giving reasons for decisions

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is particularly important in relation to regulatory decisions and decisions where people's rights are affected.

Where you disagree with officer recommendations in making a decision, you will need to take particular care in giving clear reasons for the decision.

INTERESTS

A failure to comply with the following provisions does not amount to a breach of the Code of Conduct but may result in a criminal offence being committed.

General Principles

The key principles of the Code, especially those which specify integrity, honesty and openness are given further practical effect by the requirement for you to declare interests at all meetings that you attend and that your attendance, even as an observer, does not give rise to any suggestion that your presence could influence the outcome of the meeting. The rules which require registration of interests, along with the rules on declaration of interest, are intended to produce transparency in regard to interests which might influence, or be thought to influence, your actions as a councillor.

Mandatory Registration of Disclosable Pecuniary Interests

A person's pecuniary interests are their business interests (for example their employment, trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and assets including land and property). They are called "Disclosable Pecuniary Interests" (DPIs)

Regulations made by the Secretary of State describe the detail and timescale for registering DPIs.

You have a DPI if you, or your spouse or civil partner, have a pecuniary interest listed in the national rules (see Annex 1 attached).

You must, within **28 days of taking office**, notify the Monitoring Officer of any DPI where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

You must also, within **28 days of becoming aware of any new DPI**, or change thereto, notify the Monitoring Officer of such new or changed interest.

It is your personal responsibility to comply with these regulations, and you should review regularly and at least once a year your personal circumstances to ensure that your registration of interests is up to date.

Criminal Sanctions

It is a criminal offence if, without a reasonable excuse, you fail to tell the Monitoring Officer about your DPIs.

It is also a criminal offence to provide false or misleading information knowingly or recklessly, or to participate in the business of the Council where that business involves a DPI.

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Gifts and Hospitality

You must not accept any offer by way of gift or hospitality which could give rise to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour or disadvantage to any individual or organisation. You should also consider whether there may be any reasonable perception that any gift received by your spouse or cohabitee or by any company in which you have a controlling interest, or by a partnership of which you are a partner, can or would influence your judgement. The term "gift" includes benefits such as relief from indebtedness, loan concessions, or provision of services at a cost below that generally charged to members of the public.

You must never ask for gifts or hospitality.

You are personally responsible for all decisions connected with the acceptance of gifts or hospitality offered to you and for avoiding the risk of damage to public confidence in the Council and in local government. As a general guide, it is usually appropriate to refuse offers except:

- a) isolated gifts of a trivial character, the value of which must not exceed £25.
- b) normal hospitality associated with your duties, and which would reasonably be regarded as appropriate; or
- c) civic gifts received on behalf of the Council.

The receipt of these gifts must be registered with the Council within 28 days. This includes a requirement to disclose the name of the person who is believed to be the source of the gift or hospitality.

You must not accept any offer of a gift or hospitality from any individual or organisation who is an applicant awaiting a decision from the Council or who is seeking to do business or to continue to do business with the Council. If you are making a visit to inspect equipment, vehicles, land, or property that the Council is intending to purchase, then as a general rule you should ensure that the Council pays for the cost of these visits.

You must only accept offers to attend social or sporting events where these are clearly part of the life of the community or where the Council would be expected to be represented.

You must not accept repeated hospitality or repeated gifts from the same source.

If the Council seeks sponsorship for some of its activities or events, you must ensure that your involvement with the sponsors is limited to the event in question and does not damage public confidence in the relationship between the Council and the sponsors.

OTHER MATTERS

The following do not in themselves comprise part of the Code of Conduct. However, you should be aware that a failure to act in accordance with the advice as set out below will be considered in any allegation that there has been a breach of the Code of Conduct.

Conduct at Meetings

You should respect the Chairman, your colleagues, Council employees and any members of the public present during meetings of the Council, its committees, or Sub-Committees or of any Public Bodies where you have been appointed by, or represent,

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the Council. You must comply with rulings from the Chairman in the conduct of the business of these meetings.

Recording, photography and use of social media at meetings

You need to consider your role at meetings and ensure that nothing distracts or stops you from making good and effective decisions. You may record proceedings in the same way as members of the public, but if you film/record a meeting from a position that is not otherwise available to the public, you must make sure that it:

- is not disruptive, overly intrusive, or impeding good decision making
- does not, hinder or prejudice Officers and fellow councillors from carrying out their duties or participating in the meeting.

As a registered Data Controller, you must also comply with, and demonstrate compliance with, all the data protection principles as well as the other General Data Protection Regulation (GDPR) requirements. In addition, when filming or recording a meeting, you too must comply with any Hart Safeguarding, or corporate Equality Policy and Objectives, as well as the Freedom of Information Act.

Remuneration, Allowances and Expenses

You must comply with the rules for the payment to councillors of remuneration, allowances, and expenses.

Appointments to Partner Organisations

You may be appointed or nominated by the Council as a member of another body or organisation. If so, you will be bound by the rules of conduct of these organisations and your responsibility for any actions taken by you as a member of such an organisation will be to the organisation in question. You must also continue to observe the rules of this Code in carrying out the duties of that body.

If you become a director of a company as a nominee of the Council, you will assume personal responsibilities under the Companies Acts. A conflict of interest may arise for you between the company and the Council. In such cases, it is your responsibility to take advice on your responsibilities to the Council and to the company. This will include questions of declarations of interest. The same applies if you assume other responsibilities such as becoming a director of a charitable trust.

Dealings with the Council

You will inevitably have dealings on a personal level with the Council of which you are a member - for example as a Council taxpayer, tenant, or recipient of a Council service or applicant for a licence or consent granted by the Council. You must not seek preferential treatment for yourself, your family, friends, colleagues, or employees because of your position as a councillor or as a member of a body to which you are appointed by the Council, and you must avoid any action that could lead members of the public to believe that preferential treatment is being sought.

Responsibilities to the Council as a Member of the Public

The law makes specific provision that if a councillor is in **two months** arrears with payment of Council tax that councillor may not participate in certain decisions concerning Council tax issues.

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If you owe a debt to the Council, you must put in place at the earliest opportunity arrangements for repayment. You must avoid being in a situation which might lead the public to believe that preferential treatment is being sought. You must not participate in any decision that may create suspicion of a conflict of interest.

Communications

You must be clear when communicating with the media or speaking in public, and particularly if you are using social media, that you do not give the impression you are acting in an official capacity when you are acting in a personal capacity.

Since the judgment of whether you are perceived to be acting as a councillor will be taken by someone else, it is safest to assume that any online activity can be linked to your official role.

Training

You must attend mandatory training provided by the Council and receive, attend and consider updates when required.

DECLARATIONS OF INTERESTS

It is your responsibility to make decisions about whether you have to declare an interest or make a judgement as to whether a declared interest prevents you from taking part in any discussions or voting. You are in the best position to assess your personal circumstances and to judge how these circumstances affect your role as a councillor about a particular matter. You can, of course, seek advice from the Monitoring Officer. In making decisions for which you are personally responsible, you are advised to err on the side of caution.

You may feel able to state truthfully that an interest would not influence your role as a councillor in discussion or decision-making. You must, however, always comply with the *objective test* ("the objective test") which is *whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor.*

You must apply these principles no less scrupulously in your dealings with Council officers, at meetings with other councillors, including party group meetings, meetings of Joint Boards and Joint Committees and any other meeting, formal or informal, where you are representing the Council.

Declaration of a DPI at a meeting of the Council

Your obligation to disclose a DPI to a meeting applies when you are aware of or ought to be aware of the existence of the DPI.

If you are present in any capacity (and this includes a private capacity) at a meeting of the Council, its executive (Cabinet), or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the Council, and you have a DPI relating to any business that is or will be considered at the meeting, **you must declare that interest and you must not participate in:**

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- any discussion of the business at the meeting, or if you become aware of your disclosable DPI during the meeting participate further in any discussion of the business, or
- any vote or further vote taken on the matter at the meeting.

If the interest is not registered, you must still disclose the interest to the meeting. If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

These prohibitions apply to any form of participation including speaking (or even observing the meeting) as a member of the public. **You must leave the room.** You cannot remain in the public gallery even if only to observe any discussion or vote on the matter.

In certain circumstances, you can request from the Monitoring Officer a dispensation from these prohibitions.

Dispensations which do not amount to DPIs

You do not have a DPI in the following circumstances:

1. Setting of Council Tax or precept or local arrangements for council tax support;
2. Housing: where you (or your spouse or partner) hold a tenancy or lease with the Council as long as the matter does not relate to your particular tenancy or lease;
3. Housing Benefit: where you (or your spouse or partner) directly receive housing benefit in relation to your own circumstances; or
4. An allowance, travelling expense, payment, or indemnity for councillors.

Declaration of “Other” Interests

Sometimes you may have “other” interests in a matter if that matter affects the well-being of you, members of your family, or people with whom you have a close association, more than it would affect most people in the ward affected by the decision, or in the Council’s area.

An “other” interest can affect you, your family or close personal associates positively and negatively. If you or they have the potential to gain or lose from a matter under consideration, a personal interest may need to be declared in both situations.

Your obligation to disclose an “other” interest to a meeting only applies when you are aware of or ought to be aware of the existence of the personal interest. Providing that the “other” interest does not amount to a “prejudicial” interest, you can remain in the room, participate in any discussion, and vote on the business at the meeting.

What is so significant that it is likely to prejudice your judgement?

If a reasonable member of the public with knowledge of all the relevant facts would think that your judgement of the public interest might be prejudiced, then you have a “prejudicial” interest.

The mere existence of local knowledge or connections within the local community, however, will not normally be sufficient to meet the test. There must be some factor that might positively harm your ability to judge the public interest objectively. The nature of the matter is also important, including whether a large number of people are equally affected by it or whether you or a smaller group are particularly affected.

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What you should do if you have a “prejudicial” interest

If you have a “**prejudicial**” interest in a matter being discussed at a meeting, even if you are only attending to observe the meeting from the public gallery, you must declare that you have a prejudicial interest and the nature of that interest as soon as that interest becomes apparent to you, **and you must leave the room immediately. You cannot stay in the room or the public gallery.**

This Code of Conduct, however, aims in certain circumstances to still provide you with the same rights as ordinary members of the public to speak on certain matters in meetings, despite having a prejudicial interest.

If an ordinary member of the public would be allowed to speak to a meeting about an item, you will be provided with the same opportunity. You will be able to make representations, answer questions, or give evidence, even if you have a prejudicial interest in the item. **You may not however, take part in the discussion.**

You must **immediately leave after** you have made your representations, given evidence, or answered questions, and before any debate starts.

If the meeting decides that you should finish speaking, despite your intention to say more, you must comply with the meeting’s decision. Although members of the public may be allowed to observe the discussion and vote on the matter, **you are not allowed to do so and must leave the room immediately.** Failure to do so may be viewed as an attempt to **improperly influence** the meeting.

Dual-Hatted Members

Membership of another public body gives rise to a personal interest where you are involved in discussions or decisions relating to that other public body.

You should be able however, to regard most interests arising out of membership of another public authority as being personal non-prejudicial interests, even where there are financial implications. Examples of the sort of situation where the interest may become prejudicial, and will therefore rule you out of participation in any discussions and decision-making, are:

- a) Consideration of a licensing or planning application submitted by the other authority of which you are a member;
- b) A discussion or decision where two public authorities are in dispute and where litigation is threatened or has been commenced;
- c) Where the financial implications are so significant that one authority would have to reconsider its budget.

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ANNEXE 1 – DISCLOSABLE PECUNIARY INTERESTS

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011. Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 **and** it is either the interest of yourself; **or** your partner (which means spouse or civil partner; a person with whom you are living as husband or wife; or a person with whom you are living as if you are civil partners) within the following descriptions:

(In the extracts from the Regulations below, 'M' means you and the 'relevant person' means you and your partner, as above)

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and Hart District Council - <ul style="list-style-type: none"> • under which goods or services are to be provided or works are to be executed; and • which has not been fully discharged.
Land	Any beneficial interest in land that is within the area of Hart District Council.

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Licences	Any licence (alone or jointly with others) to occupy land in the area of Hart District Council for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge) - <ul style="list-style-type: none"> • the landlord is Hart District Council; and • the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where - <ul style="list-style-type: none"> • that body (to M's knowledge) has a place of business or land in the area of Hart District Council; and either - <ul style="list-style-type: none"> • the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or • if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of Hart District Council;

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“member” includes a co-opted member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

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ANNEXE 2 ADVICE NOTES

ADVICE NOTE: Freedom of Expression

The requirement to treat others with respect must be balanced with the right to Freedom of expression. Article 10 of the European Convention on Human Rights protects your right to hold your own opinions and to express them freely without government interference. This includes the right to express your views aloud or in writing, such as in published articles or leaflets or on the internet and social media. Protection under Article 10 extends to the expression of views that may shock, disturb, or offend the deeply held beliefs of others.

However, Article 10 is not an absolute but a qualified right which means that the rights of the individual must be balanced against the interests of society. Whether a restriction on freedom of expression is justified is likely to depend on a number of factors, including the identity of the speaker, the context of the speech and its purpose, as well as the actual words spoken or written. Democracy depends on people being free to express, debate and criticise opposing viewpoints. The courts have generally held that the right to free expression should not be curtailed simply because other people may find it offensive or insulting. A balance must still be struck between the right of individuals to express points of view which others may find offensive or insulting, and the rights of others to be protected from hatred and discrimination.

Freedom of expression is protected more strongly in some contexts than others. In particular, a wide degree of tolerance is accorded to political speech, and this enhanced protection applies to all levels of politics, including local government. Article 10 protects the right to make incorrect but honestly made statements in a political context, but it does not protect statements which the publisher knows to be false. Political expression is a broad concept and is not limited to expressions of or criticism of political views but extends to all matters of public administration including comments about the performance of public duties by others. However, gratuitous personal comments do not fall within the definition of political expression.

Public servants such as local government officers are subject to wider levels of acceptable criticism than other members of the public when matters of public concern are being discussed. However, the limits are not as wide as they are for elected politicians such as councillors. Officers do not necessarily have the same right of reply to such comments as councillors do and councillors should take care not to abuse or exploit this imbalance.

Recent case law has confirmed that local authority officers should be protected from unwarranted comments that may have an adverse effect on good administration and states that it is in the public interest that officers are not subject to offensive, abusive attacks and unwarranted comments that prevents them from carrying out their duties or undermine public confidence in the administration. That said, officers who are in more senior positions, for example chief executives or heads of services, will also be expected to have a greater degree of robustness.

ADVICE NOTE: Respect

Showing respect to others is fundamental to a civil society. As an elected or appointed representative of the public it is important to treat others with respect and to act in a respectful way. Respect means politeness, courtesy and civility in behaviour, speech, and in the written word. It also relates to all forms of communications you undertake, not

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just in meetings. Rude, offensive, and disrespectful behaviour lowers the public's expectations and confidence in its elected representatives.

The key roles and responsibilities of councillors; representing and serving your communities and taking decisions on their behalf, require councillors to interact and communicate effectively with others. Examples of councillor interaction and communication include talking to constituents, attending local authority meetings, representing the local authority on outside bodies, and participating in community meetings and events. In turn this means that as a councillor you are required to interact with many different people, often from diverse backgrounds and with different or conflicting needs and points of view.

You can engage in robust debate at times and are expected to express, challenge, criticise and disagree with views, ideas, opinions, and policies. Doing these things in a respectful way will help you to build and maintain healthy working relationships with fellow councillors, officers, and members of the public, it encourages others to treat you with respect and helps to avoid conflict and stress. Respectful and healthy working relationships and a culture of mutual respect can encourage positive debate and meaningful communication which in turn can increase the exchange of ideas, understanding and knowledge.

Examples of ways in which you can show respect are by being polite and courteous, listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks and being kind. In a local government context this can mean using appropriate language in meetings and written communications, allowing others time to speak without interruption during debates, focusing any criticism or challenge on ideas and policies rather than personalities or personal attributes and recognising the contribution of others to projects.

Disrespectful behaviour

Failure to treat others with respect will occur when unreasonable or demeaning behaviour is directed by one person against or about another. The circumstances in which the behaviour occurs are relevant in assessing whether the behaviour is disrespectful. The circumstances include the place where the behaviour occurs, who observes the behaviour, the character and relationship of the people involved and the behaviour of anyone who prompts the alleged disrespect.

Disrespectful behaviour can take many different forms ranging from overt acts of abuse and disruptive or bad behaviour to insidious actions such as bullying and the demeaning treatment of others. It is subjective and difficult to define. However, it is important to remember that any behaviour that a reasonable person would think would influence the willingness of fellow councillors, officers or members of the public to speak up or interact with you because they expect the encounter will be unpleasant or highly uncomfortable fits the definition of disrespectful behaviour.

Examples of disrespect in a local government context might include rude or angry outbursts in meetings, use of inappropriate language in meetings or written communications such as swearing, ignoring someone who is attempting to contribute to a discussion, attempts to shame or humiliate others in public, nit-picking and fault-finding, the use of inappropriate sarcasm in communications and the sharing of malicious gossip or rumours.

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Disrespectful behaviour can be harmful to both you and to others. It can lower the public's expectations and confidence in you and the Council and councillors and politicians more generally. It influences the willingness of fellow councillors, officers, and the public to speak up or interact with you because they expect the encounter will be unpleasant or uncomfortable. Ongoing disrespectful behaviour can undermine willingness of officers to give frank advice, damage morale at a local authority, and ultimately create a toxic culture and has been associated with instances of governance failure.

ADVICE NOTE: Bullying

Bullying, harassment, discrimination, and victimisation (either directly or indirectly) are unacceptable and should not be tolerated. It is important to recognise the impact such behaviour can have on any individual experiencing it, as well as on the wider organisation in terms of morale and operational effectiveness.

Bullying may be characterised as offensive, intimidating, malicious, insulting, or humiliating behaviour, an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened. Power does not always mean being in a position of authority and can include both personal strength and the power to coerce through fear or intimidation. Bullying may be obvious or be hidden or insidious. Such conduct is usually part of a pattern of behaviour which attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health.

Bullying can take the form of physical, verbal, and non-verbal conduct but does not need to be related to protected characteristics. Bullying behaviour may be in person, by telephone or in writing, including emails, texts, or online communications such as social media. The standards of behaviour expected are the same, whether you are expressing yourself verbally or in writing.

Bullying can affect anyone, in any career, at any time, at any level and within any workplace. Such behaviour can take the form of easily noticed, physically threatening or intimidatory conduct with immediate impact, or it can take place behind closed doors, or be much more subtle or camouflaged and difficult to identify, at least at first. It can start, for example, with what appear to be minor instances, such as routine 'nit-picking' or fault-finding, but which become cumulative or develop into more serious behaviour over time, enabling the perpetrator to isolate and control the person.

Some bullies lack insight into their behaviour and are unaware of how others perceive it. Others know exactly what they are doing and will continue to bully if they feel they are unlikely to be challenged. Bullying can sometimes be overlooked, as a result of common euphemisms being used by way of explanation or justification, referring to someone as having a "poor leadership style" or a "bad attitude," for example, or to the problem being due to a "personality clash".

You should always be mindful of the overall potential impact of the behaviour on others. First and foremost, bullying can have a significant impact on the recipient's well-being and health. Bullying can have an impact on a local authority's effective use of resources and provision of services. Officers who are subject to bullying are frequently away from their posts, sometimes for extended periods, on sickness or stress-related leave. Bullying can impact on a councillor's ability to represent their residents effectively. It can also discourage candidates from standing in local elections, making local authorities less representative of their communities, and impacting local democracy.

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Like disrespectful behaviour, bullying can be difficult to define. When allegations of bullying are considered it's likely that the person handling the complaint will consider both the perspective of the alleged victim, and whether the councillor intended their actions to be bullying. They will also consider whether the individual was reasonably entitled to believe they were being bullied.

Conduct is unlikely to be considered as bullying when it is an isolated incident of a minor nature, where it is targeted at issues, rather than at an individual's conduct or behaviour, or when the behaviour by both the complainant and councillor contributed equally to the breakdown in relations. However, the cumulative impact of repeated 'minor' incidents should not be underestimated.

Examples of bullying include but are not limited to:

- verbal abuse, such as shouting, swearing, threats, insults, sarcasm, ridiculing or demeaning others, inappropriate nicknames, or humiliating language
- physical or psychological threats or actions towards an individual or their personal property
- practical jokes
- overbearing or intimidating levels of supervision, including preventing someone from undertaking their role or following agreed policies and procedures
- inappropriate comments about someone's performance
- abuse of authority or power, such as placing unreasonable expectations on someone in relation to their job, responsibilities, or hours of work, or coercing someone to meet such expectations
- ostracising or excluding someone from meetings, communications, work events or socials
- sending, distributing, or posting detrimental material about other people, including images, in any medium
- smear campaigns

ADVICE NOTE: Discrimination

You have a central role to play in ensuring that equality issues are integral to the Council's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

The Equality Act 2010 imposes positive duties on local authorities to promote equality and to eliminate unlawful discrimination and harassment. Under the Act your authority may be liable for any discriminatory acts which you commit. This will apply when you do something in your official capacity in a discriminatory manner. You must be careful not to act in a way which may amount to any of the prohibited forms of discrimination, or to do anything which hinders your authority's fulfilment of its positive duties under the Act. Such conduct may cause your authority to break the law, and you may find yourself subject to a complaint that you have breached this paragraph of the Code of Conduct. If you are unsure about the particular nature of the duties of your authority you should seek advice from the monitoring officer or parish clerk.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are:

- age
- disability
- gender reassignment

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- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex and sexual orientation

There are four main forms of discrimination:

Direct discrimination: treating people differently because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation.

Indirect discrimination: treatment which does not appear to differentiate between people because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation but which disproportionately disadvantages them.

Harassment: engaging in unwanted conduct on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation, which violates another person's dignity or creates a hostile, degrading, humiliating or offensive environment.

Victimisation: treating a person less favourably because they have complained of discrimination, brought proceedings for discrimination, or been involved in complaining about or bringing proceedings for discrimination.

Examples of discriminatory behaviour include but are not limited to:

- exclusion or victimisation based on the Protected Characteristics
- treating someone less favourably or limiting their opportunities based on any of the Protected Characteristics
- comments, slurs, jokes, statements, questions, or gestures that are derogatory or offensive to an individual's or group's characteristics
- promoting negative stereotypes relating to individual's or group's characteristics
- racial or ethnic slurs, insults, or jokes
- intolerance toward religious customs
- mimicking, mocking, or belittling a person's disability
- homophobic, biphobic or transphobic comments or slurs
- discriminating against pregnant people or mothers
- declaring ('outing') someone's religion or sexuality or threatening to do so against their will
- deliberate, unwarranted application of an authority's practice, policy or rule in a way that may constitute indirect discrimination
- instructing, causing, inducing, or knowingly helping someone to commit an act of unlawful discrimination under the Equality Act 2010.

A councillor's personality and life experiences will naturally incline them to think and act in certain ways. They may form views about others based on those experiences, such as having an affinity with someone because they have a similar approach to life or thinking less of someone because they are from a different generation. This is known as "unconscious bias" and it can lead people to make decisions based on biases or false assumptions. You need to be alert to the potential of unconscious bias and ensure they make decisions based on evidence, and not on assumptions they have made based on biases.

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ADVICE NOTE: Disrepute

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. Article 10 of the European Convention on Human Rights protects your right to freedom of expression, and political speech as a councillor is given enhanced protection but this right is not unrestricted. You should be aware that your actions might have an adverse impact on your role, other councillors and/or your local authority and may lower the public's confidence in your ability to discharge your functions as a councillor or your local authority's ability to discharge its functions.

In general terms, disrepute can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct, a councillor's behaviour in office will bring their role into disrepute if the conduct could reasonably be regarded as either:

1. reducing the public's confidence in them being able to fulfil their role; or
2. adversely affecting the reputation of other councillors, in being able to fulfil their role.

Conduct by a councillor which could reasonably be regarded as reducing public confidence in their local authority being able to fulfil its functions and duties will bring the authority into disrepute.

For example, circulating highly inappropriate, vexatious, or malicious e-mails to constituents, making demonstrably dishonest posts about your authority on social media or using abusive and threatening behaviour might well bring the role of councillor into disrepute. Making grossly unfair or patently untrue or unreasonable criticism of your authority in a public arena might well be regarded as bringing your local authority into disrepute.

ADVICE NOTE: Use of Social Media

The continued rise of social media and blogging presents a new way for councillors to engage with their residents. These platforms can be useful for informing residents about local issues and the actions that their elected representatives are taking. It can raise profiles and potentially help to engage a wider audience in local politics. However, it brings additional risks for councillors around the way in which they express themselves.

Social media and blogging are much faster than traditional methods of communication, and users are often anonymous. This can create a tendency towards knee-jerk reactions and responses and intemperate exchanges. Whilst the protection of Article 10 of the European Convention on Human Rights remains, you must be particularly careful in the way they communicate where there is any suggestion that they are using these tools in an official rather than private capacity. Comments on blogs, forums, or social media are more likely to be viewed as having been made in an official capacity where the author is explicitly identified themselves as councillors, where they impart information which is known to them only by virtue of their elected position, or where they comment directly on council business rather than on wider political issues. Use of disclaimers on blogs and social media does not necessarily mean that what is said falls outside the scope of the Code. The Code applies if you post something or put something into the public domain that could not otherwise have been known if at the time of posting you had not been a Councillor.

Care also needs to be taken where the public are able to make comments on what you have written since there may be a risk that these would become associated with the you if they are not removed.

HART DISTRICT COUNCIL MEMBERS' CODE OF CONDUCT 2020

ADVICE NOTE: Bias and Predetermination

Bias and predetermination are not explicitly mentioned in the Code of Conduct. The code provisions on declarations of interest are about ensuring you do not take decisions where you or those close to you stand to lose or gain improperly.

There is however a separate concept in law dealing with bias and predetermination which exists to ensure that decisions are taken solely in the public interest rather than to further private interests.

Both the courts and legislation recognise that elected councillors are entitled, and indeed expected, to have and to have expressed their views on a subject to be decided upon by the local authority. In law, there is no pretence that such democratically accountable decision-makers are intended to be independent and impartial as if they were judges or quasi-judges.

Nonetheless, decisions of public authorities do involve consideration of circumstances where a decision-maker must not act in a way that goes to the appearance of having a closed mind and pre-determining a decision before they have all of the evidence before them and where they have to act fairly. Breaches of the rules of natural justice in these circumstances have and do continue to result in decisions of local authorities being successfully challenged in the courts. These issues are complex, and advice should be sought and given in the various situations that come up, which is why there are no direct paragraphs of the code covering this, although it does overlap with the rules on declarations of interest.

While declaring interests will to some extent deal with issues of bias, there will still be areas where a formal declaration is not required under the Code of Conduct, but you need to make clear that you are not biased or predetermined going into the decision-making process. Otherwise, the decision is at risk of being challenged on appeal or in the Courts. To quote a leading judgment in this field "*All councillors elected to serve on local councils have to be scrupulous in their duties, search their consciences and consider carefully the propriety of attending meetings and taking part in decisions which may give rise to an appearance of bias even though their actions are above reproach.*"⁸

The rules against bias say that there are three distinct elements.

Seeking:

- i) accuracy in public decision-making.
- ii) the absence of prejudice or partiality on the part of you as the decision-maker. An accurate decision is more likely to be achieved by a decision-maker who is in fact impartial or disinterested in the outcome of the decision and who puts aside any personal strong feelings they may have had in advance of making the decision.
- iii) public confidence in the decision-making process. Even though the decision-maker may in fact be scrupulously impartial, the appearance of bias can itself call into question the legitimacy of the decision-making process. In general, the rule against bias looks to the appearance or risk of bias rather than bias in fact, in order to ensure that justice should not only be done but should manifestly and undoubtedly be seen to be done.

⁸ Kelton v Wiltshire Council [2015] EWHC 2853 (Admin)

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To varying degrees, these “requirements” might be seen to provide the rationales behind what are generally taken to be three separate rules against bias: “automatic” (or “presumed”) bias, “actual” bias, and “apparent” bias.

The rationale behind “automatic” or “presumed” bias appears to be that in certain situations (such as if you have a pecuniary or proprietary interest in the outcome of the proceedings) then it must be presumed that you are incapable of impartiality. Since a motive for bias is thought to be so obvious in such cases, the decisions are not allowed to stand even though no investigation is made into whether the decision-maker was biased *in fact*. In these circumstances you should not participate in the discussion or vote on the issue. These are covered by the code’s requirement to declare certain interests and withdraw from participation.

A single councillor who is guilty of bias is enough to strike out the whole decision when challenged before the courts. This can cause huge cost and reputational damage for the local authority yet is seldom due to actual corruption or even consciously favouring a personal interest over the public interest on the part of the councillor involved and may have no repercussions for them personally.

Predetermination

The Localism Act 2011 has enshrined the rules relating to pre-disposition and predetermination into statute. In essence you are not taken to have had, or appeared to have had, a closed mind when making a decision just because you have previously done anything that directly or indirectly indicated what view you may take in relation to a matter and that matter was relevant to the decision.

Predetermination at a meeting can be manifested in a number of ways. It is not just about what you might say, for example, but it may be shown by body language, tone of voice or overly hostile lines of questioning for example.

You are therefore entitled to have a **pre-disposition** one way or another as long as you have not pre-determined the outcome. You are able to express an opinion providing that you come to the relevant meeting with an open mind and demonstrate that to the meeting by your behaviour, able to take account of all of the evidence and make your decision on the day.

How can bias or predetermination arise?

The following are some of the potential situations in which predetermination or bias could arise.

- **Connection with someone affected by a decision**

This sort of bias particularly concerns administrative decision-making, where the authority must take a decision which involves balancing the interests of people with opposing views. It is based on the belief that the decision-making body cannot make an unbiased decision, or a decision which objectively looks impartial, if a councillor serving on it is closely connected with one of the parties involved.

Improper involvement of someone with an interest in the outcome

This sort of bias involves someone who has, or appears to have, inappropriate influence in the decision being made by someone else. It is inappropriate because they have a vested interest in the decision.

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- **Prior involvement**

This sort of bias arises because someone is being asked to make a decision about an issue which they have previously been involved with. This may be a problem if the second decision is a formal appeal from the first decision, so that someone is hearing an appeal from their own decision. However, if it is just a case of the person in question being required to reconsider a matter in the light of new evidence or representations, it is unlikely to be unlawful for them to participate.

- **Commenting before a decision is made**

Once a lobby group or advisory body has commented on a matter or application, it is likely that a councillor involved with that body will still be able to take part in making a decision about it. But this is as long as they do not give the appearance of being bound only by the views of that body. If the councillor makes comments which make it clear that they have already made up their mind, they may not take part in the decision.

If you are merely seeking to lobby a public meeting at which the decision is taking place but will not yourself, be involved in making the decision, then you are not prevented by the principles of predetermination or bias from doing so. Unlike private lobbying, there is no particular reason why the fact that you can address a public meeting in the same way as the public should lead to successful legal challenges.

WHAT DO I DO IF I NEED ADVICE?

If you are unsure as to whether your views or any action you have previously taken may amount to predetermination you should always seek advice from the Monitoring Officer.

The Golden Rule is to be safe –seek advice if in doubt before you act



NOTES FOR MEETING OF COUNCIL – 30 September 2021

- 1 **At the start of the meeting, the Lead Officer will confirm the Fire Evacuation Procedure.**
- 2 **The Joint Chief Executive 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

Note: The only aspect of the Minutes that can be discussed is their accuracy.

Members have been asked to email Committee Services in advance of the meeting if they have any questions on the accuracy of the Minutes.

The Chairman to ask if he/she can sign the Minutes of the Council Meeting held on 29 July 2021 (CL. 8-12). (Proposer and Secunder required).

2. APOLOGIES FOR ABSENCE

The Chairman will ask the Committee Services Officer if any apologies have been received.

***Note:** Members have been asked to email Committee Services in advance of the meeting as soon as they become aware they will be absent.

3. DECLARATIONS OF INTEREST

The Chairman to state that, if any Members have any disclosable pecuniary, or any other, interests to declare in any of the items on the agenda, they should declare them at this point.

***Note:** *Members are asked to email Committee Services in advance of the meeting as soon as they are aware they may have a Disclosable Pecuniary Interest, and any other interests they may have with respect to matters which are to be considered at this meeting.*

4. COUNCIL PROCEDURE RULE 12 - QUESTIONS BY THE PUBLIC

Questions have been received from **David Turver**.

To Portfolio Holder for Finance (or suitable deputy)

- 1) Can you please share with the public the results of the investigation carried out by the external consultants into the £1.1m adverse variance on the Waste Contract?

Cllr Radley to respond.

- 2) Now that the Garden Community project has been postponed, how much has the project cost so far this financial year; what spending commitments are remaining and what is the expected full year outturn?

Cllr Radley to respond.

To the Chair of the Audit Committee

- 3) FY2018/19 started with zero budget for the New Settlement, in November 2018 £50K was approved, that was overspent by December and overall £90K was spent in the year. In FY20/21, the budget started at £167K, rose to £500K, fell to £68.6K (2 x £34.3K half year budget) and eventually fell to zero. Overall £283K was transferred from reserves to cover the expenditure. Do you agree that the Audit Committee should subject the New Settlement to an internal audit to learn the lessons of proper budgeting and financial control for other projects?

Cllr Axam to respond.

5. COUNCIL PROCEDURE RULE 14 - QUESTIONS BY MEMBERS

The following question has been received from **Cllr Crookes**:

In previous correspondence I was informed that Cabinet would consider and approve an Odiham Common Management Plan by the end of 2021. This item does not appear on the Cabinet work programme. In a recent Odiham Common consultative meeting we were informed that the Council has already submitted a Woodland Management Plan that does not honour the agreement reached last year with the residents and a Countryside Stewardship grant application.

Will you now make public both the Woodland Management Plan and Countryside Stewardship grant application and provide any update since their submission?

Councillor Neighbour to respond.

The following question has been received from **Cllr Crampton**:

Hart District Council asked residents to complete an online consultation on the new Shapley Heath Garden Community project. They were told that this would “give them a voice and a chance to share their views”.

When will you therefore share the results of this consultation with our residents?

Councillor Cockarill to respond.

The following question has been received from **Cllr Harward**:

Frogmore Green is a small village green that is mainly surrounded by bungalows and low-rise cottages. Over the years, this locality has benefitted from consistent and robust Planning decisions that have preserved its scale and character.

In this vein, a recent Planning application to build a chalet bungalow a few doors from The Bell was refused as the proposed ridge height modestly exceeded that of surrounding bungalows. A correct decision in my view as it prompted an excellent re-submission which accords with the scale and design of its surroundings. However, a more recent approval a few doors away will replace The Bell Inn (also a bungalow) with a three-story development that will dwarf its surroundings.

I have been asked why this large dominant development was granted when this modest chalet bungalow was refused. A question that I find impossible to answer. Could someone help me please?

Councillor Oliver to respond.

6. CHAIRMAN'S ANNOUNCEMENTS

7. CABINET MEMBERS' ANNOUNCEMENTS

Chairman will ask Cabinet Member whether they have any announcements of importance to the Council.

The Leader of the Council, Councillor Neighbour
The Cabinet Member for Finance and Corporate Services, Councillor Radley
The Cabinet Member for Digital, Councillor Clarke
The Cabinet Member for Community, Councillor Bailey
The Cabinet Member for Place, Councillor Cockarill
The Cabinet Member for Regulatory, Councillor Kinnell
The Cabinet Member for Environment, Councillor Oliver
The Cabinet Member for Commercialisation, Councillor Quarterman

8. JOINT CHIEF EXECUTIVE'S REPORTS

9. MINUTES OF COMMITTEES

Note: 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
Cabinet	5 Aug 2021	12-18	
Cabinet (draft)	2 Sep 2021	19-24	
Planning	11 Aug 2021	24-26	
Planning (draft)	8 Sep 2021	27-28	
Overview & Scrutiny	17 Aug 2021	12-17	
Audit	27 July 2021	4-8	
Standards (draft)	15 Sep 2021	1-2	Minute 6 - The Hart Members Code of Conduct see Annex.

The **Chairman** will ask if there are any questions on the minutes of each Committee in turn, and to whom the question is to be put. After questions have been asked on that Committee's minutes the Chairman of the relevant Committee will ask for a vote for any recommendations to Council contained in those minutes.

10. OUTSIDE BODIES - FEEDBACK FROM MEMBERS

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

NOTES:

Rules of Council:

When the Chairman asks, members must stop speaking at the time, and the Chairman may mute the microphone.

RULES OF DEBATE

No speeches until motion seconded

1. No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

Secunder's speech

2. When seconding a motion or amendment, the Member may reserve their speech until later in the debate.

Content and length of speeches

3. No speech may exceed three minutes without the permission of the Chairman.

When a Member may speak again

4. A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

1. to speak once on an amendment moved by another Member
2. to move a further amendment if the motion has been amended

5. If the first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which they spoke was carried)

1. in exercise of a right of reply
2. on a point of order
3. by way of personal explanation
4. by way of a point of information.

Amendments to motions

6. An amendment to a motion must be relevant to the motion, **may not have the effect of being a direct negative to the motion itself**, and will either be:

1. to refer the matter to an appropriate body or individual for consideration or reconsideration
2. to leave out words
3. to leave out words and insert or add others
4. to insert or add words

7. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

8. If an amendment is not carried, other amendments to the original motion may be moved.

9. If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments may be moved.

Right of reply

10. The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

11. If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it.

12. The mover of the amendment has no right of reply to the debate on his or her amendment.

Point of order

13. A Member may raise a point of order at any time whilst the specific item of business is under discussion. A point of order may only relate to an alleged breach of the Rules or the law. The Member must indicate the rule or law and the way in which he considers it has been broken.

Personal explanation

14. Members do not have an automatic right to reply simply because there are named in another Members speech. A Member may, however, make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member in the debate which may appear to have been misunderstood. The procedure should not be used as a way to continue or expand the Members' original speech but should focus solely on clarifying any misunderstanding.

Point of information

15. A Member may raise a point of information during another Members' speech. It is within the absolute discretion of the Chairman to decide to accept the information. It is also within the discretion of the speaker to accept or decline the information. During the raising of this point of information the time allowed to the speaker will be extended to include the point of information.

COUNCIL MEETING 30 SEPTEMBER 2021

QUESTIONS RECEIVED From the Public:

David Turver to ask:

To Portfolio Holder for Finance (or suitable deputy)

- 1) Can you please share with the public the results of the [investigation](#) carried out by the external consultants into the £1.1m adverse variance on the Waste Contract?
- 2) Now that the Garden Community project has been [postponed](#), how much has the project cost so far this financial year; what spending commitments are remaining and what is the expected full year outturn?

To the Chair of the Audit Committee

- 3) FY2018/19 started with zero budget for the [New Settlement](#), in November 2018 £50K was approved, that was overspent by December and overall £90K was spent in the year. In FY20/21, the budget started at £167K, rose to £500K, fell to £68.6K (2 x £34.3K half year budget) and eventually fell to zero. Overall £283K was transferred from reserves to cover the expenditure. Do you agree that the Audit Committee should subject the New Settlement to an internal audit to learn the lessons of proper budgeting and financial control for other projects?

COUNCIL MEETING 30 SEPTEMBER 2021

QUESTIONS RECEIVED from Members:

Councillor Crookes to ask:

In previous correspondence I was informed that Cabinet would consider and approve an Odiham Common Management Plan by the end of 2021. This item does not appear on the Cabinet work programme. In a recent Odiham Common consultative meeting we were informed that the Council has already submitted a Woodland Management Plan that does not honour the agreement reached last year with the residents and a Countryside Stewardship grant application.

Will you now make public both the Woodland Management Plan and Countryside Stewardship grant application and provide any update since their submission?

Councillor Crampton to ask:

Hart District Council asked residents to complete an online consultation on the new Shapley Heath Garden Community project. They were told that this would “give them a voice and a chance to share their views”.

When will you therefore share the results of this consultation with our residents?

Councillor Harward to ask:

Frogmore Green is a small village green that is mainly surrounded by bungalows and low-rise cottages. Over the years, this locality has benefitted from consistent and robust Planning decisions that have preserved its scale and character.

In this vein, a recent Planning application to build a chalet bungalow a few doors from The Bell was refused as the proposed ridge height modestly exceeded that of surrounding bungalows. A correct decision in my view as it prompted an excellent re-submission which accords with the scale and design of its surroundings. However, a more recent approval a few doors away will replace The Bell Inn (also a bungalow) with a three-story development that will dwarf its surroundings.

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