



## NOTICE OF MEETING

**Meeting:** Cabinet

**Date and Time:** Thursday, 6th August, 2020 and 7.00 pm

**Place:** Council Chamber

**Enquiries to:** 01252 622122  
committeeservices@hart.gov.uk

**Members:** Ambler, Bailey, Cockarill, Kinnell, Neighbour,  
Oliver, Quarterman and Radley

Joint Chief Executive

CIVIC OFFICES, HARLINGTON WAY  
FLEET, HAMPSHIRE GU51 4AE

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## AGENDA

**This meeting is being administered under the provisioning of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. The provision made in this regulation applies notwithstanding any prohibition or other restriction contained in the standing orders or any other rules of the Council governing the meeting and any such prohibition or restriction has no effect.**

**This Agenda and associated appendices are provided in electronic form only and are published in [Council meetings](#)**

**1 MINUTES OF THE PREVIOUS MEETING** 4 - 10

The minutes of the meeting held on 4 June 2020 are attached for confirmation and signature as a current record.

**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 CHAIRMAN'S ANNOUNCEMENTS**

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

**6 THE PAVILION, SOUTHAMPTON**

**This is an information note only.** In accordance with the delegated authority authorised by Cabinet in August 2018 it is confirmed to Cabinet that on 9 March 2020 the Council procured an investment asset comprising an office called The Pavilion at Hedge End in Eastleigh. The purchase price was £6m and will achieve an initial 3.91% net investment return. The purchase is currently being financed by internal borrowing. At a later stage a WPLB loan may be required. The process by which the asset was procured was reviewed at Overview & Scrutiny Committee at its meeting on 14 July 2020.

**7 THE SWAN PUBLIC HOUSE, NORTH WARNBOROUGH** 11 - 13

To confirm that the District Council has now acquired the former Swan Public House by Compulsory Purchase Order and for Cabinet to agree the next steps.

**8 DELEGATION OF COMMUNITY PROTECTION NOTICE POWERS TO HOUSING ASSOCIATIONS** 14 - 21

To seek Cabinet's approval to delegate Community Protection Notice (CPN) powers to the Registered Provider (Housing Association) 'Vivid Housing Limited'.

- |           |  |         |
|-----------|--|---------|
| <b>9</b>  | <b>HARLINGTON ROOF REPAIRS</b>   | 22 - 23 |
|           | To inform Cabinet of an urgent decision taken to enable works to be carried out to the roof of the Harlington. |         |
| <b>10</b> | <b>CIVIC CAMPUS REGENERATION WORKING GROUP</b>   | 24 - 26 |
|           | To note the minutes of the meeting of 9 June 2020.   |         |
| <b>11</b> | <b>CABINET WORK PROGRAMME</b>  | 27 - 31 |
|           | The Cabinet Work Programme is attached for consideration and amendment.  |         |

**Date of Publication:        Tuesday, 28 July 2020**

## **CABINET**

**Date and Time:** Thursday, 2 July 2020 at 7pm

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

**Present:**

## **COUNCILLORS**

Ambler, Bailey, Cockarill, Kinnell, Neighbour (Chairman), Oliver, Quarterman, Radley

**In attendance:**

Councillors Crampton, Dorn, Farmer, Forster, Smith.

**Officers:**

Patricia Hughes	Joint Chief Executive
John Elson	Head of Environmental and Technical Services
Adam Green	Countryside Manager
Helen Vincent	Committee Services
Celia Wood	Committee Services
Caroline Winchurch	Hart Voluntary Action

## **1 MINUTES OF PREVIOUS MEETING**

The minutes of the meeting of 5 March 2020 were confirmed and signed as a correct record.

## **2 APOLOGIES FOR ABSENCE**

None received.

## **3 CHAIRMAN'S ANNOUNCEMENTS**

There will be a change in the order of Agenda and Item 10 will now be Item 7.

## **4 DECLARATIONS OF INTEREST**

Cllr Ambler declared a non-pecuniary interest in the Crookham Village Neighbourhood Plan as he was a member of Crookham Village Parish Council and Crookham War Memorial Hall Trust.

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

The Chairman invited Julia Ambler representing Crookham Village Parish Council to speak on Item 6.

## **6 CROOKHAM VILLAGE NEIGHBOURHOOD PLAN: EXAMINER'S REPORT AND DECISION TO PROCEED TO REFERENDUM**

To seek agreement for the Crookham Village Parish Neighbourhood Plan to proceed to referendum at the next available opportunity. This would mean the Plan attracts 'significant weight' for decision-making purposes, despite Neighbourhood Plan referenda being postponed until May 2021.

Appendix 1 – Examiners Report  
Appendix 2 – Decision Statement

Julia Ambler the Vice-Chairman of the Neighbourhood Plan Steering Group for Crookham Village Parish Council, spoke briefly in support of the Crookham Village Neighbourhood Plan. She commended the plan to Cabinet for approval and confirms that all queries raised by both the Inspector and Hart District Council had been dealt with in an equitable manner. She also thanked all the members of the Steering Group for their invaluable help in preparing the plan on behalf of Crookham Village Parish Council, in particular Peter Kenaghan, Kerry ten Kate and David Jackson.

### **DECISION**

Members supported the recommendation to proceed action to a referendum on 6 May 2021. This was approved.

## **7 NOMINATIONS TO OUTSIDE BODIES 2020/2021**

That the list of nominations to Hart's approved list of Outside Bodies, as set out in Appendix 1, be approved.

Members discussed:

- HARAHA (Hampshire Alliance for Rural Affordable Housing) is no longer in existence.
- Military Community Covenant to be represented by Councillor Dorn and Councillor Clarke in reserve.

### **DECISION**

Committee approved the Outside Bodies noting that a full report of responses will be brought forward to the next Council Meeting.

## 8 COUNCIL RESPONSE TO COVID-19 AND NEXT STEPS

To receive a report from the Joint Chief Executive which provides an overview of the Council's work to support the district during the outbreak of Coronavirus (COVID-19) and also provides the council's emerging recovery plan to support the district in the coming months as peak infection passes. The report includes a list of Executive decision and includes a high-level assessment of the emerging financial impacts on the council budget.

Members discussed ensuring we capture the lessons learnt from the current COVID-19 pandemic, to help inform future decision making should there be a second peak

Members were advised a mid-term review was underway, whilst recognising that we are still in response phase, with recovery running in parallel. Local Outbreak Control is a statutory requirement of Hampshire County Council with whom we are working closely as we (and in particular our Environmental Health staff) have a key role to play. The Hampshire Local Outbreak Plan is published on the HCC website .

Members asked whether data down to postcode level would be available for members of the public. It was confirmed that information would not be made available at this detail and that Hampshire County Council would control this data.

Members were keen to exploit opportunities within Hart's workstream for Community Recovery and were advised that the Covid-19 survey provided the Council the ability to collate these and formulate a plan to help embed them.

It was discussed that the Covid-19 Survey feedback didn't give enough opportunities for residents to give feedback on what they would have liked to see. It was assured that there are a range of free text boxes available for comments.

Members referenced the Secretary of State's announcement (made earlier in the day) regarding additional funding for lost income, fees and charges from Car Parking and Leisure Centres that are run by local Councils.

Members asked how Emergency Decisions were recorded, for audit purposes and were advised all such decisions formed part on an on-line Emergency Decision Log.

They also sought reassurance that the weekly meetings with Group Leaders was an effective mechanism for consultation on emergency decisions and the process enabled healthy debate.

### **DECISION**

Members supported and approved the report.

## **9 REINSTATEMENT OF CAR CHARGES**

To seek approval to reinstate car park charges in Harts car parks with effect from 1 August 2020 and to discuss changes to be made to off street parking tariffs before January 2021.

Members discussed the impact of the £300K income loss to Hart and that by comparison to adjacent local authorities, Hart had taken a very generous approach.

They also discussed how the council would review the impact of the car parking charges on use and how, having established a contactless system to enable payment, residents could be encouraged to return reassured they would not need to touch payment machines – with no charge to use this service, for car parking charges under £1.60, to the public.

Members discussed the recovery phase and the appetite for local Parishes to be part of discussions regarding changes to car parking tariffs.

It was acknowledged that the Council would want to reduce bureaucracy and costs to the public purse and only serve one parking notice (with the commensurate costs associated with signage and machine re-programming). Parishes would be encouraged to give a final view on whether they wished to seek any changes, to allow those that do want changes, to move forward.

### **DECISION**

It was agreed to reinstate car park charges in all Hart off street car parks from 1 August 2020 and that no changes will be made to off street parking tariffs before January 2021.

## **10 COMMUNITY GARDEN AT EDENBROOK COUNTRY PARK**

To seek Cabinet support for the delivery of a Community Garden initiative at Edenbrook Country Park and to release capital funding of £120,000 from the Hartland Park Development.

Members discussed:

- HVA, Hart District Council, and Hart Allotments Association to work together as one unit and to look after the administration. Management will be down to volunteers from the joint organisations and various Charitable Groups.
- Officers explained that the draft scheme and site plans are of a high standard Good quality fencing would be used including a 6ft chain link, reinforced with a substantial hedgerow forming a secure barrier.
- CCTV to prevent anti-social behaviour was confirmed as included in the fund breakdown and similarly, it was confirmed the cycle pump tracks and kneel rails along with a skate park had been risk assessed and that footpaths would be wheelchair friendly.

- HVA confirmed they had sufficient volunteers who would be happy to start the project and help with this new community garden.

## **DECISION**

Members agreed to release the £120,00 funding.

## **11 SERVICE PLANS**

The Autumn Service Plans had been reworked for Spring to include the impact of COVID-19. Members considered the draft Service Plans for 2020/2021.

Members noted that:

- The review of the Civic Regeneration in Fleet be included.
- Additional statutory obligations were required due to Covid-19
- Requirement for safe home visits and provisions in place for contractor's safety and the safety of our own staff when visiting disabled and vulnerable recipients meant that visits had been paused during lockdown.
- Delegation of Community Protection Orders to Housing Association was missing and to be added.

## **DECISION**

The revised Service Plans were approved and agreed.

## **12 CABINET WORK PROGRAMME**

The Cabinet Work Programme was considered and updated.

- To include negotiations for the Harlington Lease.
- LGA peer review to be noted as TBA

The meeting closed at 9.29pm



**HART REPRESENTATIVES ON OUTSIDE BODIES 2020/21**

Outside Bodies are external organisations that have invited Hart to nominate a representative to participate in meetings etc.

<b>Outside Bodies</b>	<b>No. of Representatives</b>	<b>Nominee(s)</b>
Basingstoke Canal Joint Management Committee	2 Councillors (normally taken from Wards that include the line of the Canal)	1. Makepeace-Browne 2. Ambler
Blackbushe Airport Consultative Committee	2 Councillors 1 Reserve	1. Crisp 2. Harward Reserve: Quarterman
Blackbushe Metals Liaison Panel	2 Councillors	1. Crisp 2. Harward
Blackwater Valley Advisory Committee for Public Transport	2 Councillors 1 Reserve Councillor	1. Oliver 2. Quarterman Reserve: Radley
Blackwater Valley Recreation & Countryside Management Committee	2 Councillors (1xCabinet Member)	1. Kinnell 2. Neighbour
Citizens Advice Hart	1 Councillor (1xCabinet Member)	Bailey
Crookham Almshouse Charity (Trustee)	1 Councillor	Butler
District Councils Network	1 Councillor (Leader)	Neighbour
District Health and Wellbeing Forum	1 Councillor	Bailey
Enterprise M3 Leaders Board	1 Councillor (Leader)	Neighbour
Farnborough Aerodrome Consultative Committee (FACC)	2 Councillors 1 Reserve Councillor	1. Radley 2. Axam Reserve: Ambler
Fleet Business Improvement District	1 Councillor	Oliver
Fleet Pond Society	1 Councillor 1 Reserve Councillor	1. Wheale Reserve: Wright
Hampshire Partnership	1 Councillor, 1 Reserve (Leader & Deputy Leader)	1. Neighbour Reserve: Radley
Hampshire Police and Crime Panel	1 Councillor	Radley
Hart Voluntary Action	1 Councillor (1x Cabinet Member)	Bailey
Inclusion Hampshire	1 Councillor	Bailey
LGA General Assembly (Annual Event)	1 Councillor (Leader or Deputy Leader)	Neighbour Reserve: Radley

Local Government Association HIOW	I Councillor (Leader) I Reserve	Radley Reserve: Oliver
Military Community Covenant	I Councillor I Reserve	Dorn Reserve: Clarke
North East Hampshire CPRE	I Councillor (Observer)	Clarke
North Hampshire Road Safety Council	I Councillor I Reserve	Oliver Reserve: Wheale
Project Integra Strategy Board	I Councillor I Reserve Councillor (2xCabinet Members)	Oliver Reserve: Neighbour
Safer North Hampshire Community Safety Partnership	I Cabinet Member	Radley
South East England Councils (SEEC)	I Councillor (Leader & Deputy Leader)	Neighbour Reserve: Radley
Thames Basin Heaths – Joint Strategic Partnership	I Councillor I Reserve Councillor	Radley Reserve: Cockarill
Thames Basin Heaths – Strategic Access Management and Monitoring Project Board	I Councillor I Reserve Councillor	Radley Reserve: Cockarill
The Vine Day Centre	2 Councillors	Bailey
Vivid Housing Association	I Councillor (Observer)	1. Bailey 2. Head of Community Services

## **CABINET**

**DATE OF MEETING: 6 AUGUST 2020**

**TITLE OF REPORT: THE SWAN PUBLIC HOUSE, NORTH  
WARNBOROUGH**

**Report of: JOINT CHIEF EXECUTIVE**

**Cabinet member: Councillor Radley**

### **I. THE PURPOSE**

1.1 The purpose of this report is to confirm that the District Council has now acquired the Swan Public House by Compulsory Purchase Order and for Cabinet to agree the next steps.

### **2. RECOMMENDATION**

2.1 Cabinet agrees to make

- A. £30k provision from General Fund Reserves for the Joint Chief Executive to authorise the commissioning of a structural survey of the building to assess its current condition and also to prepare an appraisal study which would look at options for the future viable and beneficial use of the land.
- B. £19k provision from General Fund Reserves to fund urgent works to be carried out to include (but not necessarily limited only to) tidying the site, the erection of hoardings across the site frontage and to erect secure fencing to the exposed side boundary, and also continuing hire cost for the current scaffolding.

### **3. BACKGROUND**

3.1 The Swan Public House is a Grade 2 listed building. It also lies within the North Warnborough Conservation Area and is adjacent to the Basingstoke Canal (also a Conservation Area). It has been vacant and in a poor state of repair since the serious fire in 2010. The building is in a poor condition and although there is some protection in place (erected at the expense of the District Council) it is not fully wind or weather tight. The former bottle store is also in imminent danger of total collapse as there is no structural integrity left to hold it up.

3.2 The Council pursued the Compulsory Purchase Order (CPO) on the basis that it proposed to repair the building and to convert the former public house into two cottages. This approach was supported by Historic England who confirmed to the Secretary of State that the form of the building means that such a conversion could be undertaken with little adverse impact on the architectural and historic interest of the listed building. In this sense it was agreed with the Secretary of State that such a proposal was feasible and that it would also benefit the listed building by providing it with a sustainable use.

3.3 Historic England also commented that the proposed construction of an additional dwelling alongside would have minimal impact on the setting and significance of the listed building.

#### **4. CONSIDERATIONS**

4.1 Cabinet is asked to consider the way forward. It is not however the intention at this stage to confirm the final approach and neither is it recommended at this time that the property is put on the market for disposal. What is required is budget provision to commission a full structural and feasibility study to explore the future options for the site including the opportunity to consider if refurbished the property could provide a commercial income stream to support the delivery of Council services. Once feasible options have been fully worked up a further report will be prepared for Cabinet sometime later this autumn.

#### **5. ALTERNATIVE OPTIONS CONSIDERED**

5.1 The alternative option considered was simply to leave the property as it is and to put the site to market. There is no guarantee however that there would be a quick sale and there would be no certainty that the property would be fully protected in the interim or that a satisfactory future long term viable and beneficial use could be found. It would leave the property exposed to further long-term uncertainty compounded by the Council having given up the control it has worked so hard to secure over the past years.

#### **6. FINANCIAL AND RESOURCES IMPLICATIONS**

6.1 The Council has already spent over £120k over the past 10 years in giving interim protection for the building and pursuing the CPO. These costs are ongoing and do not include Officer time.

6.2 This project is not identified in any specific service plan, but it has been a longstanding objective of the Council to secure the property through CPO. A project team has therefore been put together. It requires a budget provision to carry out the next stage of feasibility work which includes carrying out a thorough structural survey of the building to assess its current condition. This then will influence a further appraisal study which would look at options for the future viable and beneficial use of the land. The estimated cost of these works is £30k.

6.3 In the meantime, the site must urgently be made secure. Contractors have been commissioned to tidy the site and to erect proper hoardings across the site frontage and for secure fencing to be erected to the exposed side boundary. Work is expected to start shortly but the cost is quoted to be £19k which includes the continuing hire cost for the current scaffolding.

## **7. ACTION**

7.1 The Council has a statutory obligation to look after this listed building now that it has acquired it by CPO. It therefore needs to move swiftly to establish the condition of the asset and also to tidy the site and provide proper and secure protection. In the meantime, there is a need to bring forward an options appraisal to guide the future development of the site pursuant to the CPO objectives.

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

### **BACKGROUND PAPERS:**

Joint Chief Executives Report 2 October 2014  
Head of Regulatory Services Report 5 March 2016  
Joint Chief Executives Report 1 December 2016

## CABINET

**DATE OF MEETING:** 6 AUGUST 2020

**TITLE OF REPORT:** DELEGATION OF COMMUNITY PROTECTION NOTICE POWERS

**Report of:** HEAD OF PLACE

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

### 1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek Cabinet's approval to delegate Community Protection Notice (CPN) powers to the Registered Provider (Housing Association) 'Vivid Housing Limited'.
- 1.2 The delegation of powers falls under section 53 of the Anti-Social Behaviour Crime and Policing Act 2014 and the 'Anti-Social Behaviour (Authorised Persons) Order 2015/749 to 'Vivid Housing Limited' acting in their capacity as a Registered Provider operating within the administrative area of Hart District Council.

### 2 OFFICER RECOMMENDATION

- 2.1 It is recommended that Cabinet approve the formal delegation of powers held by Hart District Council to include Vivid Housing Limited as an authorised body for the service of Community Protection Notices under Sections 43 and 53 of the Anti-Social Behaviour Crime and Policing Act 2014.

### 3 BACKGROUND

- 3.1 The Anti-Social Behaviour Crime and Policing Act 2014 introduced a wide range of powers designed to deal with anti-social behaviour and low-level community nuisance. It conferred a range of new powers to the Police, Local Authorities and Community Safety teams. Provisions within the Act were designed to provide a more flexible and effective way of dealing with the wide range of potential community nuisances. Nuisance commonly including matters such as noise, fly-tipping, graffiti, and general anti-social actions that affected a wider community.
- 3.2 The discretionary powers were designed to supplement existing legislation. Legislation that could often only deal with higher level impacts, or were too prescriptive, or inflexible in their application.
- 3.3 Within the Act was a conferred power to serve Community Protection Notices (CPNs). These were designed as a flexible low-level mechanism to provide authorised persons with a direct ability to tackle persistent anti-social actions. These could be served upon businesses, individuals, or any identifiable group. Community Protection Notices were specifically designed to fit

individual situations, and to enable reasoned restrictions, (or positive requirements), to be put on anti-social behaviours. [Please see Appendix 1 for further information on CPN powers and their application].

- 3.4** Hart District Council's Environmental Health Team have been at the forefront of adopting these new tools to supplement their powers in relation to nuisance.
- 3.5** Use of CPNs has become an increasingly efficient and effective tool for regulatory work within Hart. Compliance with served CPNs has proven high, and overall complexities of legal challenge have been reduced.
- 3.6** In Hart, Environmental Health work closely with a range of Registered Providers in dealing with noise and nuisance from tenanted properties. In a bid to promote joint working and increase the effectiveness of enforcement it is proposed to extend these powers to Vivid Homes Limited (Vivid).
- 3.7** Vivid are the largest social housing provider within Hart, owning 2,790 properties, with an additional 30,000 properties within Hampshire and surrounding counties. Existing enforcement powers available to Registered Providers are often slow and ineffective and there is a regulatory gap in how persistent low-level community nuisance can be actioned directly by Registered Providers
- 3.8** Hart's Environmental Health Team have led a series of meetings and training events with local Registered Providers to promote the potential benefits of CPN powers. This has also included hosting a multi-agency forum to engage with wider stakeholder groups. These have identified strong local support for the initiative.
- 3.9** It is considered that delegation of the CPN powers would provide a positive benefit to Hart District Council, Registered Providers and those residents impacted by low level anti-social behaviour. Registered Providers would have access to an enhanced enforcement mechanism to tackle and enforce nuisance concerns within managed housing stock at an early stage; dealing with low level issues before they escalate to more serious and complex issues that are inevitably more difficult to resolve. Hart residents would benefit overall from a more effective, better resourced and increasingly co-ordinated level of protection.
- 3.10** It should be noted that when introduced the Anti-Social Behaviour Crime and Policing Act was clearly focused at joint working and wider dissemination of anti-social behaviour controls. Registered Providers were specifically identified within the Act and its supporting guidance. These were named bodies who could use the powers, although specific delegation was required from a Local Authority.
- 3.11** Nationally Local Authorities have been slow on the up-take of these powers, however, this is now changing with increased awareness and growing base of case law. Hart facilitated early training to other Environmental Health and Community Safety services across Hampshire and the I.O.W and, as a result, the use of CPN provisions is becoming established practice.

- 3.12** North Norfolk is one of the first Local Authorities to have delegated powers to its Registered Providers. Feedback has identified that the delegation has been a positive success for both the Council and the delegated Registered Provider.
- 3.13** Vivid are keen to receive the delegated powers and have expressed their intention to use Hart as a trial authority area, before potentially seeking to request the same arrangements with other Hampshire and Surrey local authorities. Silva Housing Association have also expressed their interest and hope to follow Vivid's lead.
- 3.14** The adoption of this initiative within Hart has been raised with Hampshire and I.O.W. Environmental Control Advisory Committee (E.C.A.C) as a representing and co-ordinating body for Hampshire 'Environmental Protection' services. Progress is being reported to the group, with the intention that a successful implementation can be replicated across Hampshire.

## **4 CONSIDERATIONS**

### **Implementation and Enforcement**

- 4.1** It is proposed that the new delegation of powers will be limited to key individuals working within Vivid's 'Neighbourhood Enforcement Team'. These individuals will be named and subject to an approved internal scheme of delegation within Vivid Housing Association. The Scheme of Delegation will be subject to approval by Hart District Council.
- 4.2** Training will be facilitated by Hart District Council to approved individuals within Vivid. Training will be undertaken both internally, and, via an externally recommend programme of training packages to ensure that those using the powers are competent to do so.
- 4.3** An early review mechanism will be established between the Council's Environmental Health Team and Vivid to review cases and served CPNs. Vivid will ultimately be responsible for the enforcement action that they take under these powers, however, liaison will be maintained to ensure consistency of approach and appropriate application of the powers.
- 4.4** A Service Level Agreement will be drawn up between Hart District Council and Vivid to help implement the delegation, define working arrangements and to establish parameters of regulatory responsibility.
- 4.5** Enforcement of served Notices and incurred legal costs, will be the responsibility of the serving body.
- 4.6** Should the success of this initiative be demonstrated, we will seek to be replicate the arrangement with other suitable Registered providers operating within Hart.



## 5 FINANCIAL AND RESOURCE IMPLICATIONS

Is the proposal identified in the Service Plan?	Yes
Is the proposal being funded from current budgets?	Yes
Have staffing resources already been identified and set aside for this proposal?	Yes

- 5.1 There will be an initial resource requirement in relation to officer time to facilitate training; agree a Service Level Agreement, policies and procedures; and to hold partnership review meetings.
- 5.2 The initial set up costs will be a one-off cost that will be absorbed within current Environmental Health staff resources.
- 5.3 It is anticipated that the time resource allocated to this will be offset in the longer term by a reduction in the number and complexity of cases requiring the Council's Environmental Health Team to enforce in Registered Provider properties.

## 6 ACTION AND NEXT STEPS

- 6.1 With approval, a service Level agreement would be drawn up between Hart District Council and Vivid Homes Limited. This would be put forward for agreement with both parties and their legal representatives.
- 6.2 A modification to the Council's written constitution and corporate scheme of delegation would be made.
- 6.3 A programme of officer training would be initiated by Vivid with the support of the Council's Environmental Health team.
- 6.4 A formal scheme of delegation within Vivid would be produced for Hart District Council approval.
- 6.5 A programme of implementation and review meetings would be set up between Hart Environmental Health and Vivid. On-going meeting would be used to ensure consistency of approach.
- 6.6 Communication would be made to all impacted stakeholders. This may also include media releases, and advisories to other parties seeking to replicate.
- 6.7 The joint working initiative and any established procedures would be subject to an annual review by Environmental Health.

**Contact Details:** Mark Jaggard x4290

**Neil Hince (S.E.H.O)** x4280 / [Neil.hince@hart.gov.uk](mailto:Neil.hince@hart.gov.uk)

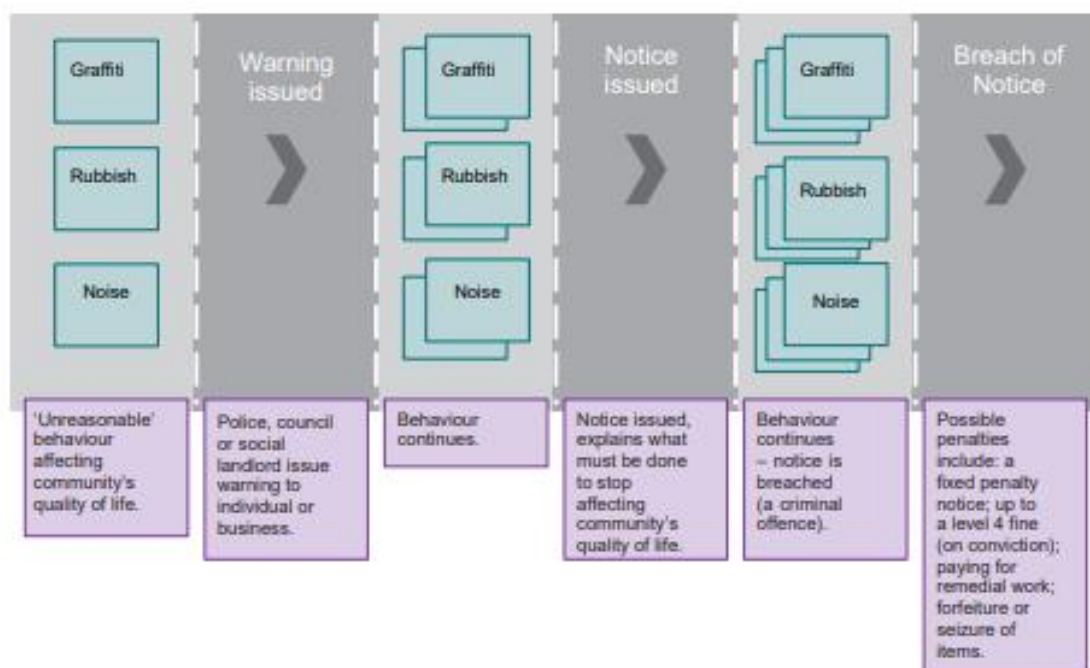
**Appendix 1 - Summary of Community Protection Notices**

## Appendix 1

### Summary of Community Protection Notices

Purpose	To stop a person aged 16 or over, business or organisation committing anti-social behaviour which spoils the community's quality of life.
Who can issue a CPN	<ul style="list-style-type: none"> <li>• Council officers;</li> <li>• Police officers;</li> <li>• Police community support officers (PCSOs) if designated; and</li> <li>• Social landlords (if designated by the council).</li> </ul>
Test	Behaviour has to: <ul style="list-style-type: none"> <li>• have a detrimental effect on the quality of life of those in the locality;</li> <li>• be of a persistent or continuing nature; and</li> <li>• be unreasonable.</li> </ul>
Details	<ul style="list-style-type: none"> <li>• The Community Protection Notice (CPN) can deal with a range of behaviours; for instance, it can deal with noise nuisance and litter on private land.</li> <li>• The CPN can include requirements to ensure that problems are rectified and that steps are taken to prevent the anti-social behaviour occurring again.</li> <li>• A written warning must first be issued informing the perpetrator of problem behaviour, requesting them to stop, and the consequences of continuing.</li> <li>• A CPN can then be issued including requirement to stop things, do things or take reasonable steps to avoid further anti-social behaviour.</li> <li>• Can allow council to carry out works in default on behalf of a perpetrator.</li> </ul>
Penalty on breach	<ul style="list-style-type: none"> <li>• Breach is a criminal offence.</li> <li>• A fixed penalty notice can be issued of up to £100 if appropriate.</li> <li>• A fine of up to level 4 (for individuals), or £20,000 for businesses.</li> </ul>
Appeals	<ul style="list-style-type: none"> <li>• Terms of a CPN can be appealed by the perpetrator within 21 days of issue.</li> <li>• The cost of works undertaken on behalf of the perpetrator by the council can be challenged by the perpetrator if they think they are disproportionate.</li> </ul>
The legislation	Sections 43 to 58 of the Anti-social Behaviour, Crime and Policing Act 2014.
Protecting the vulnerable	<ul style="list-style-type: none"> <li>• Particular care should be taken to consider how use of the power might impact on more vulnerable members of society.</li> </ul>

## Community Protection Notice



### Purpose

The Community Protection Notice can be used to deal with particular, ongoing problems or nuisances which are having a detrimental effect on the community's quality of life by targeting those responsible.

### Who can issue a Community Protection Notice

Local councils have traditionally taken the lead in dealing with the sort of issues that can be addressed through the use of Community Protection Notices, but the police are also able to issue these Notices, as are social landlords where they have been designated to do so by the relevant local authority, recognising their role in responding to anti-social behaviour in the dwellings they manage.

## Details

**The legal tests:** These focus on the impact that the behaviour is having on victims and communities. A Community Protection Notice can be issued by one of the bodies mentioned above if they are satisfied, on reasonable grounds, that the conduct of an individual, business or organisation:

- is having a detrimental effect on the quality of life of those in the locality;
- is persistent or continuing in nature; and
- is unreasonable.

Agencies should have sufficient evidence to satisfy themselves that the behaviour in question is genuinely having a detrimental effect on others' quality of life, in terms of the nuisance or harm that is being caused to others, rather than being a behaviour that others may just find annoying.

Similarly, decisions on whether behaviour is persistent or continuing in nature should be taken on a case by case basis. For example, where an individual is storing rubbish in their garden for many months, proving persistence will be relatively straightforward. However, there will be cases where behaviour is continuing over a much shorter time period and the individual has been asked to cease the behaviour but has refused to do so and persists with the behaviour.

The issuing officer must also make a judgement as to whether the behaviour in question is unreasonable. For instance, a baby crying in the middle of the night may well have a detrimental effect on immediate neighbours and is likely to be persistent in nature. However, it is unlikely to be reasonable to issue the parents with a Community Protection Notice if there is not a great deal that they can do to control or affect the behaviour.

There is significant merit in involving the local council, who will have many years of experience in tackling environmental issues, when deciding whether or not to serve a Community Protection Notice. In addition, the issuing body should be satisfied that it has sufficient evidence that the activity in question is having a detrimental effect on others' quality of life, is persistent or continuing and is unreasonable.

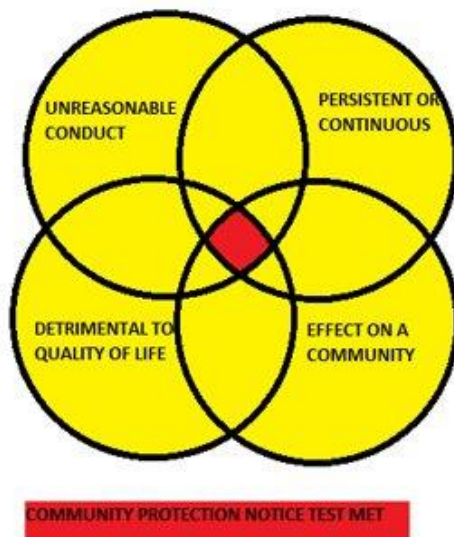
**Who can a Community Protection Notice be issued to?** A Community Protection Notice can be issued against any person aged 16 or over or to a body, including a business. Where a body is issued with a Community Protection Notice, it should be issued to the most appropriate person. In the case of a small business, it could be the shop owner whereas in the case of a major supermarket it may well be the store manager. The issuing officer will need to be satisfied that the person issued with the Community Protection Notice can be reasonably expected to control or affect the behaviour in question, taking into consideration all the available circumstances. There is also a need to have due regard to the Equality Act 2010.

The Community Protection Notice can be handed directly to the person in question or it can be posted. In circumstances where the owner or occupier cannot be determined, the issuing officer can post the Community Protection Notice on the premises and it is considered as having been served at that point. In such a scenario, the issuing officer would need to demonstrate that reasonable enquiries had been undertaken to ascertain the identity of the owner or occupier, for instance, checking with the Land Registry.

**Partnership working:** In many cases, the issuing agency will have already had contact with other partners in dealing with a persistent issue. For instance, in a case dealing with a build-up of litter, the council may have spoken to the local neighbourhood policing team or social landlord. However, in situations that develop more quickly, the relevant officer will have to decide whether there are other individuals or bodies that should be informed. In particular, for matters that could amount to a statutory nuisance it will often be advisable to seek the expert view of council environmental health officers before issuing a Community Protection Notice.

**Appeals:** Anyone issued with a Community Protection Notice has the opportunity to appeal it. Appeals are heard in a magistrates' court and the Notice should provide details of the process, how an individual can appeal and the timeframe to appeal (within 21 days of the person being issued with the notice). As the legislation makes clear, an appeal can be made on the following grounds:

### Tests to be met in applying Community Protection Notices.



### Reference:

Anti-social behaviour, Crime and Policing Act 2014: Statutory Guidance for frontline Professionals .  
Updated August 2019



## **CABINET**

**DATE OF MEETING: 6 AUGUST 2020**

**TITLE OF REPORT: URGENT WORKS – HARLINGTON ROOF**

**Report of: Head of Corporate Services**

**Cabinet Member: Councillor James Radley, Deputy Leader and Finance**

### **1 PURPOSE OF REPORT**

- 1.1 To inform Cabinet of an urgent decision taken to enable works to be carried out to the roof of the Harlington

### **2 OFFICER RECOMMENDATION**

- 2.1 That Cabinet note the urgent decision taken to spend up to £9K on urgent works to the Harlington Roof in consultation between the Portfolio Holder for Commercialisation and the Chairman of Overview and Scrutiny.

### **3 BACKGROUND**

- 3.1 Members will recall that the Harlington is owned by Hart District Council. A lease is being negotiated with Fleet Town Council, however as freeholder we retain legal liabilities for certain aspects of the building including much of the infrastructure.
- 3.2 Due to the closure of the Harlington, due to the Covid-19 pandemic, it appeared an appropriate time to carry out more in-depth investigation into the issues associated with the roof. With this in mind, it was agreed that Hart District Council would pay for scaffolding to facilitate this process.
- 3.3. A full report on the roof has now been received, which set out a series of works which will need to be carried out to ensure the Harlington is kept in good condition.
- 3.4 Fleet Town Council requested that one element of those works would be carried out urgently, as
- commissioning and completion of those works whilst the scaffolding is in situ would reduce the cost to the public purse.
  - the preferred contractor was available immediately, then not available for the next few months.

### **4 REASON FOR URGENT DECISION**

- 4.1 In accordance with the Constitution, the Council can take decisions, outside of the budget or policy framework if the decision is a matter of urgency. Such decisions may only be taken if it is not practicable to convene a quorate meeting of the full Council and if the chairman of Overview and Scrutiny Committee agrees that the decision is urgent.

- 4.4 In this case, the request was made to Hart District Council by Fleet Town Council at midday on Wednesday 22<sup>nd</sup> July. After discussion with both the Portfolio Holder and Chairman of Overview and Scrutiny, details of the request were provided to them at 6pm that evening.
- 4.5 The Portfolio Holder and Chairman of Overview and Scrutiny considered and discussed the request and formal notification of agreement to the urgent decision was received around midday on Thursday 23<sup>rd</sup> July. Fleet Town Council were duly notified. The timescales requested by Fleet Town Council did not allow for the convening of a quorate Council meeting.

## **5 BUDGETARY IMPACT**

- 5.1 The costs associated with this decision is up to £9K and whilst not anticipated at the beginning of the year (and therefore outside the budgetary framework) it will be taken from the building maintenance budget for 2020/2021

## **6 NEXT STEPS**

- 6.1 Further works were identified within the aforementioned investigative report into the Harlington roof. However consideration of any further works and the budgetary impact of this, will be subject to a future Cabinet report for consideration.

**Contact Details: Patricia Hughes [patricia.hughes@hart.gov.uk](mailto:patricia.hughes@hart.gov.uk)**

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## **Civic Campus Regeneration Working Group**

### **Agenda**

**14<sup>th</sup> July 2020**

**10:00 – Virtual Teams Call**

#### **Attendees**

Cllr Richard Quarterman

Cllr Chris Dorn

Cllr Wendy Makepeace-Browne

Cllr Bob Schofield (Fleet Town Council)

Glyn Lloyd

Martina Duffin

Apologies: Patricia Hughes, Cllr Anne Crampton, Cllr David Neighbour, Cllr James Radley

#### **Items**

**1. Introduction (RQ / all)**

- Minutes from WG interviews on 07 July 2020 approved.

**2. GL to provide update following interviews from 7<sup>th</sup> July 2020. WG to discuss on preferred way forward.**

- GL advised the WG that respondent 4 have been requested to provide terms of engagement for review. GL requested a reduced fee of £42,000 and recommended WG accept this.
- Respondent 3 were disappointed not to be engaged at this point as they thought their low cost quote had been competitive and attractive. Respondent 3 would like to be involved and were given more time to see



what their approach could be. Cllrs expressed the importance of community involvement and the value of both company's approaches.

- GL requested that the WG consider giving the Chairman the capacity to make the final decision on the Terms of Engagement, subject to recommendation by GL as Commercialisation manager. WG agreed in order to keep momentum with the project.

### **3. WG to consider paper prepared by GL regarding 'Joint Venture' partnerships**

- GL provided an overview of the JV paper.
- WG then queried and discussed what this would mean for this project.
- WG considered the positives and negatives taking on board that the paper was hypothetical and in practice, Joint Venture partnerships are complicated and require detailed thought and negotiation.
- WG agreed that this had been a useful discussion about a JV scheme, which will be looked at again further down the line once the WG have investigated current opportunities in the site.
- GL to provide a business plan / flow chart of both approaches for WG to consider at a later date.

### **4. AOB**

- GL asked WG to consider Mark Jaggard and his role as Head of Place, asking when the WG would like him to be invited to be involved in the project. WG members agreed that MJ should be brought onboard ASAP.
- Current diarised meetings clash with Leadership team meetings, therefore at present the Leader, JCX, EF and MJ can't attend. Cllrs agreed to move the meeting time. GL to ask SW to help reschedule. Tuesday afternoon was suggested as an alternative.

- RQ may be away in September. It was proposed that Cllr WM-B chair the meeting in September. Agreed by members.

**5. RQ / GL to provide WG with an update on Harlington occupational Lease**

- WG was provided with an update to negotiations. Outstanding items still remain. RQ has been asked by Cabinet members to continue negotiations where possible to a successful conclusion.
- RQ/GL to seek a meeting with FTC and their legal representatives to discuss the final outstanding points.

Meeting closed at 11.06am

## CABINET

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

Aug 2020

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

Report Title	Date item agreed for report	Outline/Reason for Report/Comments	Original Due Date	Revised Due Date	Key Decision Y? Note 1	Cabinet Member (Note 2)	Service (Note 3)	* This item may contain Exempt Information
The Swan Pub, North Warnborough	July 20	To confirm that the District Council has now acquired the Swan Public House by Compulsory Purchase Order and for Cabinet to agree the next steps	Jul 20	Aug 20		JR	CP	
Delegation of Community Protection Notice powers to Housing Associations	May 20	To seek approval to delegate Community Protection Notice (CPN) powers to the Registered Provider (Housing Association) 'Vivid Housing Limited'	July 20	Aug 20		SK	RS	
The Pavilion Office, Hedge End, Southampton	July 20	Note purchase of the commercialisation asset	Aug 20			RQ	CS	

<b>Report Title</b>	<b>Date item agreed for report</b>	<b>Outline/Reason for Report/Comments</b>	<b>Original Due Date</b>	<b>Revised Due Date</b>	<b>Key Decision Y? Note 1</b>	<b>Cabinet Member (Note 2)</b>	<b>Service (Note 3)</b>	<b>* This item may contain Exempt Information</b>
Harlington Roof Repairs	July 20	To inform Cabinet of an urgent decision taken to enable works to be carried out to the roof of the Harlington	Aug 20			JR	CS	
Budget Monitoring	May 20	Quarterly budget monitoring	Jul 20	Sep 20		RG	CS	
Food and Health and Safety Service Plan	Annual	To recommend to Council that the annual Food Safety Plan be adopted	Jun 20	Sep 20		SK	RS	
Revenue and Capital Outturn 2019/20	Annual	Post consideration by Overview & Scrutiny Committee, to consider the Annual report on outturn	Sep 20			JR	F	
Treasury Management 2019/20(Annual Report)	Annual	Post consideration by Overview & Scrutiny Committee, to consider the Annual report on Treasury Management Activities 2019/20	Sep 20			JR	F	
Revised Budgets	Jun 20	Revised budget for 2019/2020 taking into account COVID-19 risks	Sep 20			JR	F	

Report Title	Date item agreed for report	Outline/Reason for Report/Comments	Original Due Date	Revised Due Date	Key Decision Y? Note 1	Cabinet Member (Note 2)	Service (Note 3)	* This item may contain Exempt Information
Community Infrastructure Levy (CIL)	Apr 19	Post consideration by Overview and Scrutiny to consider if it is beneficial to introduce CIL rather than retain the current S106 arrangements	Feb 20	October 20		GC	P	
Planning Management Development Peer Review	Aug 19	Post consideration by Overview and Scrutiny in July to consider the Action Plan for Planning Management post the Peer Review	Feb 20	October 20		GC	P	
Medium Term Financial Strategy	Annual	Post Consideration by Overview and Scrutiny to consider the Medium-Term Financial Strategy	Dec 20			JR	F	
Treasury Management 2019/20 (Half Year Report)	Annual	Post consideration by Overview & Scrutiny Committee, to consider a Half Year review report on Treasury Management Strategy 2019/20	Dec 20			JR	F	

Report Title	Date item agreed for report	Outline/Reason for Report/Comments	Original Due Date	Revised Due Date	Key Decision Y? Note 1	Cabinet Member (Note 2)	Service (Note 3)	* This item may contain Exempt Information
Draft 2020/21 Revenue Budget, Capital Programme and Council Tax Proposals	Annual	Post consideration by Overview & Scrutiny Committee, to agree to recommend to Council the 2020/21 Revenue Budget, Capital Programme and Council Tax Proposals	Feb 21			JR	F	
Draft 2020/21 Capital Strategy, Treasury Management Strategy Statement and Asset Management Plan	Annual	Post consideration by Overview & Scrutiny Committee, to agree to recommend to Council the 2020/21 draft Capital Strategy, the 2020/21 Treasury Management Strategy Statement and Asset Management Plan	Feb 21			JR	F	
Update on Peer Review further to revisit of LGA	Dec 18	Post consideration by Overview and Scrutiny in June to consider the outcomes of the revisit of the LGA	Jan 20	TBA		DN	JCX	

**Note 1**

A “key decision” means an executive decision which, is likely to -

- a) result in Council incurring expenditure or the making of savings which amount to £30,000 or 25% (whichever is the larger) of the budget for the service or function to which the decision relates; or

b) be significant in terms of its effects on communities living or working in an area comprising two or more wards within the area of the district of Hart.

**Note 2**

**Cabinet Members**

DN	Leader	SA	Digital	RQ	Commercialisation (Cn)	SB	Community
						(Cy)	
SK	Regulatory	AO	Environment	JR	Finance and Corporate Services	GC	Place

**Note 3**

**Service:**

JCX	Joint Chief Executive	CS	Corporate Services	P	Place Services
CS	Community Safety	PP	Planning Policy	TS	Environmental & Technical Services
F	Finance	H	Community Services		
SLS	Shared Legal Services	MO	Monitoring Officer		

**Note 4**

\* **This item may contain Exempt Information** - Regulation 5 of the Local Authority (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

**EXECUTIVE DECISIONS**

17/03/20	Cllr Radley	Local Discretionary Business Rates Relief Scheme 2019/20	
14/07/20	Cllr Oliver	To trial for a temporary period 6 Sunday car boot sales on Victoria Road Car park.	
23/07/20	Cllr Radley	Harlington Roof Funding Repairs	