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SUMMONS

NOTICE IS HEREBY GIVEN THAT A MEETING OF THE HART DISTRICT COUNCIL
WILL BE HELD IN COUNCIL CHAMBER ON THURSDAY, 28TH JULY, 2022 AT 7.00
PM

Joint Chief Executive

CIVIC OFFICES, HARLINGTON WAY
FLEET, HAMPSHIRE GU51 4AE

AGENDA VERSION 2

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 - 8)

To confirm the Minutes of the Council Meeting held 19th May 2022.

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, 22nd July 2022***

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 25th July 2022***

The text of any question under Council Procedure Rule 14.4 must be submitted to the **Chief Executive before 10.00am on 28th July 2022**

6 CHAIRMAN'S ANNOUNCEMENTS

7 CABINET MEMBERS' ANNOUNCEMENTS

8 CHIEF EXECUTIVE'S REPORTS

9 MINUTES OF COMMITTEES (Pages 9 - 36)

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

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

Meeting	Date	Pages	For Decision
Cabinet	9 Jun 2022	9-11	
Cabinet (draft)	7 Jul 2022	12-13	
Overview & Scrutiny	14 Jun 2022	14-16	
Overview & Scrutiny (draft)	12 Jul 2022	17-19	
Audit (draft)	24 May 2022	20-23	
Licensing (draft)	7 Jun 2022	24-27	
Planning (draft)	15 Jun 2022	28-32	

10 YATELEY, DARBY GREEN AND FROGMORE NEIGHBOURHOOD PLAN - 'MAKING' THE PLAN (Pages 37 - 40)

To 'make' the Yateley Neighbourhood Planning following the positive referendum result. The Council has a legal duty to make the Plan, unless it would fail to meet retained EU obligations or human rights convention, in which case it can decide not to make the plan, and the plan would cease to be part of the development plan for Hart.

11 OUTSIDE BODIES - FEEDBACK FROM MEMBERS

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

Date of Publication: Wednesday, 20 July 2022

Public Document Pack Agenda Item 1

COUNCIL

Date and Time: Thursday 19 May 2022 at 7.00 pm

Place: Council Chamber

Present:

COUNCILLORS -

Worlock (Chairman)

Axam	Delaney	Neighbour
Bailey	Dorn	Oliver
Blewett	Engström	Quarterman
Butcher	Forster	Radley
Butler	Farmer	Smith
Clarke	Hale	Southern
Coburn	Harward	Wildsmith
Cockarill	Kennett	Woods
Collins	Kinnell	Wright
Crampton	Lamb	
Davies	Makepeace-Browne	

Officers Present:

Daryl Phillips	Joint Chief Executive
Patricia Hughes	Joint Chief Executive
Sharon Black	Committee Services Officer
Claire Lord	Committee Services Officer

1 ELECTION OF CHAIRMAN

Councillor Worlock was proposed by the current Chairman and seconded by Councillor Neighbour as Chairman of the Council.

DECISION

That Councillor Worlock be elected Chairman of the Council for the municipal year 2022/23.

Cllr Worlock thanked Mr Ambler for his work as Chairman during 2021/22, and presented him with his past Chairman's badge.

Mr Ambler in response thanked Members, officers and staff for their support during his tenure.

2 ELECTION OF VICE CHAIRMAN

Councillor Wildsmith was proposed by Councillor Neighbour and seconded by Councillor Crampton as Vice Chairman of the Council.

Voting by a show of hands was not unanimous. A recorded vote was undertaken, which showed that all Members voted in favour of Mr Wildsmith's appointment.

DECISION

That Councillor Wildsmith be elected Vice Chairman of the Council for the municipal year 2022/23.

3 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of 28 April 2022 were confirmed and signed as a correct record.

A matter arising, under Minute 87 was raised. This related to an apology from Councillor Kinnell to Councillors Forster and Butcher, as required by the recent Appeals Panel hearing, and which had been deferred to this meeting.

Councillor Kinnell read out her apology statement. Councillor Forster felt this was not a valid apology. He highlighted that an apology is the act of declaring one's regret, or remorse for having wronged another. In order to count as valid, an apology must meet a number of conditions. There must be an acknowledgment the incident occurred and was inappropriate; a recognition of responsibility for the act; the expression of an attitude of regret and a feeling of remorse; and the declaration of an intention to refrain from similar acts in the future.

In his opinion the words offered by Councillor Kinnell did not meet these criteria and therefore it was not accepted by him as an appropriate apology.

4 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Crisp.

5 DECLARATIONS OF INTEREST

No declarations were made.

6 CHAIRMAN AND JOINT CHIEF EXECUTIVES' ANNOUNCEMENTS

The Chairman welcomed all members to the municipal year, particularly those Councillors new to Hart.

JOINT CHIEF EXECUTIVES' ANNOUNCEMENTS

Forthcoming training for all Councillors:

Thursday 8 June 11am-1pm – workshop on UK Shared Prosperity Fund. This will be open for Parish representatives and external agencies also.

The Overview and Scrutiny meeting on 14 June will be a single item agenda meeting on Cyber Security and will be open for all Councillors.

7 MEMBERSHIP OF CABINET

The Leader confirmed membership of Cabinet and their Portfolios:

Councillor Neighbour	Leader - Strategic Direction and Partnerships
Councillor Radley	Deputy Leader - Finance
Councillor Oliver	Environment
Councillor Cockarill	Place
Councillor Collins	Regulatory
Councillor Clarke	Digital and Communications
Councillor Bailey	Community
Councillor Quarterman	Commercialisation and Corporate Services

8 MEMBERSHIP OF COMMITTEES

The number of places for the Conservatives was incorrect and would be amended to read 15.

The nominations for Membership for each Committee, with regards to the rules of political proportionality, were confirmed:

Committee	Seats	Con	Lib Dem	CCH	Ind
Audit	7	Southern Hale	Blewett Engström	Axam Davies	Smith
Licensing	11	Forster Coburn Farmer	Crisp Harward Lamb Wildsmith	Butler Collins Delaney	Smith
O&S	11	Dorn Farmer Coburn Butcher	Engström Wildsmith Woods	Davies Butler Axam Smith (Ind)	
Crime & Disorder	3	Butcher	Wildsmith	Butler	

5 Councils	2		Wildsmith	Axam
Planning	11	Forster Southern Worlock Kennett	Blewett Wildsmith Cockarill Quarterman	Radley Makepeace-Browne Oliver
Staffing	9	Farmer Worlock Crampton	Bailey Wildsmith Neighbour	Butler Makepeace-Browne Radley
Standards	6	Dorn Kennett	Bailey Neighbour	Makepeace-Browne Clarke

It was noted that an advert for a replacement lay person for Peter Kern would be published and an update given in due course.

Appeals Panel	6	Hale Kennett	Engström Harward	Collins Butler
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DECISION:

That the membership of the Committees be agreed as above.

9 ELECTION OF CHAIRMEN OF COMMITTEES

Members of the Committees established under Minute No 8 above elected their Chairmen for the 2022/2023 municipal year.

DECISION

That the Committee Chairmen be agreed:

Committee	Chairman
Audit	Axam
Licensing	Wildsmith*
Planning	Quarterman
Overview & Scrutiny	Dorn
Staffing	Makepeace-Browne

*Council consented to waive Standing Order 28.8 to agree the election of Councillor Wildsmith as Chairman of Licensing Committee. This was done by way of a recorded vote:

For: Axam; Bailey; Blewett; Butcher; Butler; Clarke; Coburn; Cockarill; Collins; Crampton; Davies; Delaney; Engström; Farmer; Hale; Harward; Kennett; Kinnell;

Lamb; Makepeace-Browne; Neighbour; Oliver; Quarterman; Radley; Smith; Wildsmith; Woods; Worlock; Wright

Against: Dorn; Forster; Southern

10 ANNUAL REPORT FROM THE CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE

The Chairman of the 2021/22 Overview and Scrutiny Committee, Councillor Worlock, presented the Committee's Annual Report, highlighting some key areas.

The Committee had dealt with a number of new initiatives during the year, and had reintroduced outside speakers which had proven hugely informative.

Councillor Worlock met monthly with the Leader of the Council and had monthly briefings with officers and staff. In particular, she thanked Emma Foy for her work and support of the Committee.

She thanked Committee members for their work and welcomed Councillor Dorn as Chairman for 2022/23.

The meeting closed at 7.47 pm

Public Document Pack Agenda Item 9

CABINET

Date and Time: Thursday 9 June 2022 at 7.00 pm

Place: Council Chamber

Present:

Neighbour (Leader), Radley (Deputy Leader), Bailey, Clarke, Cockarill, Collins, Oliver and Quarterman

In attendance: Farmer, Forster, Cllr Tim Davies (HCC)

Officers:

Patricia Hughes, Joint Chief Executive

Daryl Phillips, Joint Chief Executive

John Elson, Head of Environmental and Technical Services

Steven Bennett, Change and Digital Manager

Sharon Black, Committee Services Officer

1 MINUTES OF THE PREVIOUS MEETING

The minutes of 7 April 2022 were amended as follows:

Under minute 142, Draft Service Plans 2022/23, there was an error in the 4th bullet point. This was amended to read “The reason why the data transfer from Hart to Basingstoke and Deane relating to licensing charges....”

With this amendment the minutes were agreed and signed as a correct record.

2 APOLOGIES FOR ABSENCE

No apologies had been received.

3 DECLARATIONS OF INTEREST

Cllr Forster declared an interest in agenda item 7 as he was a Hampshire County Council Member, although this was not prejudicial.

4 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements.

5 PUBLIC PARTICIPATION (ITEMS PERTAINING TO THE AGENDA)

No questions from the public had been received.

Cllr Tim Davies from Hampshire County Council was at the meeting, and it was agreed that he could speak to Agenda Item 7.

6 ACCESSIBILITY PROJECT

Cllr Clarke and the Change and Digital Manager provided the background to the requirements for the accessibility project. This would tie in with the launch of the new Hart website in November 2022. There was a need to ensure that Hart's documents were accessible to all, regardless of what type of device they were accessed on.

Questions and discussion included:

- Future processes to ensure all documents were compliant
- Mapping compliance
- Video/live streaming captions
- Digital reserve funds
- Accessibility of new website
- Scale of project

DECISION

That Cabinet:

1. approves use of Digital reserves to recruit a temporary resource to conduct a programme of remediation to all published web content currently available on the corporate website
2. approves the creation of a series of training and awareness events for all staff and Councillors across the organisation to embed the principles of accessibility
3. approves the development of an accessibility strategy to embed the workflow and culture required to ensure ongoing compliance with the guidelines

7 TERMINATION OF HAMPSHIRE COUNTY COUNCIL AGENCY AGREEMENTS FOR TRAFFIC MANAGEMENT AND CIVIL PARKING ENFORCEMENT (ON-STREET)

Cllr Oliver and the Head of Environmental and Technical Services outlined the background to the proposal. In brief, Hampshire County Council had stated they were taking back responsibility for traffic management and on-street civil parking enforcement. It was felt that this was likely to be for reasons of efficiency and safety. Hart was discussing with HCC how to make the transfer of the service as easy as possible.

Cabinet discussed:

- The list of outstanding traffic regulations, and amendments to this list

- Criteria for future changes to this list
- Safety of residents, particularly around schools at drop off/pick up times
- Potential lack of enforcement action when service returns to HCC
- Number of enforcement officers and enforcement visits
- Issues with particular roads and traffic
- The excellent job that our enforcement officers and parking team does.

An amendment to the proposal was agreed so that the 3rd paragraph referred to just Rushmoor Borough Council.

DECISION

1. Cabinet noted Hampshire County Council's decision to terminate the agency agreements for Traffic Management and Civil Parking Enforcement (On-Street) and agreed:
2. That the notice period for the Civil Parking Enforcement Agreement was reduced from 18 months to 12 months, to allow for the termination of both agency agreements on 31st March 2023.
3. That implementation of the 2022/23 Traffic Management Programme attached at Appendix 1 to the paper, was prioritised to ensure its delivery before 31st March 2023.
4. That the opportunity for delivering a shared off street car parking service with Rushmoor Borough Council was investigated.
5. That £7,000 was allocated from the general fund to jointly commission, with neighbouring authorities, consultants to evaluate options for a shared off street parking service.

8 CABINET WORK PROGRAMME

The Cabinet Work Programme was considered and noted.

9 EXCLUSION OF THE PUBLIC

The following item contained exempt information.

A recorded vote was held as to whether to go into exempt session:

For – Bailey; Clarke; Collins; Neighbour; Oliver; Quarterman; Radley

Against – none

Abstain – Cockarill

DECISION

Members decided that the public interest in maintaining an exemption outweighed the public interest in disclosing the information.

In accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to, on the grounds that they involved the likely disclosure of exempt information, as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, and the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

It was noted that whilst this was an exempt discussion regarding Cyber Security there was no need for alarm. Hart was in a good place, but was not being complacent.

Cllr Davies from HCC left the meeting at this point.

10 INFORMATION TECHNOLOGY: CYBER SUPPORT FUND

Cabinet considered and discussed the Cyber Support Fund paper.

DECISION

Cabinet authorised the Business Improvement & IT Client Officer, in consultation with the Portfolio Holder for Digital and Communications to use the £125k Cyber Support Fund grant secured from the Department for Levelling Up, Housing, and Communities (DLUHC) to implement measures to improve the resilience of the Council's backups and security posture to minimise the impact of a ransomware attack.

The meeting closed at 8.15 pm

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CABINET

Date and Time: Thursday 7 July 2022 at 7.00 pm

Place: Council Chamber

Present:

Neighbour (Leader), Radley (Deputy Leader), Bailey, Collins, Oliver and Cockarill

In attendance: Axam, Butcher, Clarke, Forster, Worlock

Officers:

Patricia Hughes, Joint Chief Executive

Ashley Grist, Contracts & Procurement Manager

Christine Tetlow, Planning Policy - Strategic & Corporate Projects Manager

Sharon Black, Committee Services Officer

Rebecca Borrett, Committee Services Officer

Claire Lord, Committee Services Officer

Jenny Murton, Committee Services Officer

11 MINUTES OF THE PREVIOUS MEETING

The minutes of 9th June 2022 were confirmed and signed as a correct record.

12 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Cllr Quarterman.

13 DECLARATIONS OF INTEREST

No declarations of interest were made.

14 CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

15 PUBLIC PARTICIPATION (ITEMS PERTAINING TO THE AGENDA)

There were none.

16 FARNBOROUGH COLLEGE OF TECHNOLOGY: PROPOSED LEASE OF THIRD FLOOR, CIVIC OFFICES

Cabinet noted that the Portfolio Holder for Corporate Services and Commercialisation, in consultation with the Portfolio Holder for Finance and the Chairman of Overview & Scrutiny Committee, had used urgent delegated powers to

1. authorise the Joint Chief Executive to grant Farnborough College of Technology (FCT) a 5-year lease/license to occupy the third floor of the Civic Offices for the purposes of providing a higher/further education facility and,
2. authorise the Joint Chief Executive, to implement any necessary security enhancement works to facilitate use of the third floor by FCT to be funded from the August 2018 Cabinet approved £500k 'invest to grow' budget reserve that is allocated to the Joint Chief Executives.

A query was raised on why the additional works were to be funded from the "invest to grow" fund, and how the Council was able to spend this fund. A written response would be provided to this question in due course.

17 UK SHARED PROSPERITY FUND

(Cllr Bailey arrived at 7.05 during this item)

The background to the fund, and the way in which the funding would be provided was given.

Cabinet discussed:

- the certainty of the funding being available during the 3 year funding period before further resources were committed
- how the funding allocation would be split
- the project to refresh the local economic development strategy
- capacity of the Council to deliver the planned work
- the costs allocated to the individual projects
- the fact that this was a levelling up fund for areas within Hart
- that the full proposals including costs would return to Cabinet for approval in due course

DECISION

Cabinet unanimously:

- Approved the drafting of the Local Investment Plan for the administration of the UKSPF in Hart based on the proposed framework presented in this paper;
Agreed in principle, and subject to guarantees from Central Government in their confirmation agreement to the Investment Plan, to forward fund projects identified from the Council's reserves as set out in paragraph 22 to 24; and Delegated final authority to submit Hart District Council's UKSPF Investment Plan to DHLUC, to the Joint Chief Executive in consultation with the Leader

18 HART AND RUSHMOOR WORKING TOGETHER

The background to the report was outlined to Cabinet where it was emphasised that it was not about merging the two Councils, but a way in which both would be able to reduce costs and gain economies of scale.

Cabinet discussed:

- Whether the suggestions for areas of shared working could be amended during the process
- The differences in the cultures of the two Councils
- Ensuring that the business cases stood up to scrutiny before any final decisions were made as to whether to proceed further
- Risk assessments required for key aspects of the proposals and any mitigation required

The Leader of the Opposition was thanked for her support of the proposals.

DECISION

Cabinet unanimously:

1. Approved the Joint Working Together Statement at Appendix 1 of this report.
2. Noted the report of the independent consultant on sharing a Chief Executive at Appendix 2 and agreed to proceed with further work to produce a business case to consider a shared Chief Executive, including obtaining relevant HR and Legal advice.
3. Agreed to undertake work to assess services which may be suitable to be delivered as shared services, based on the approach outlined in Appendix 3 of this report.
4. Agreed a budget of £27,500 (50% of the overall cost) to undertake the work identified.
5. Noted the timeline of these activities shown in Appendix 4.
6. Noted the risks identified in Paragraph 37 of this report.

19 QUARTERLY PERFORMANCE PLANS

Cabinet considered the report for Q4 for 2021/22 and noted that significant achievements had been made in all areas regardless of challenges faced.

Cabinet discussed:

- Issues with KPIs for missed bin collections – additional information from Serco would be forthcoming relating to late bin collections in future reports
- Recycling issues
- The reasons for the lack of targets in some areas
- Poor CCTV figures. With the impending move to Runnymede, a site visit was to be arranged for Councillors to the new facility
- Prosecutions and enforcement actions for flytipping. The possibility of moving towards a zero tolerance approach was suggested, and a written response would be provided to the Councillor raising the issue giving details of current procedures and suggestions for the future

DECISION

The report for Quarter 4 2021/22 was noted.

20 WHISTLEBLOWING POLICY

Cabinet received the updated Whistleblowing Policy which had previously been considered by Overview and Scrutiny.

Cabinet discussed:

- The fact that the policy had not been used in more than 5 years
- Confidentiality of staff raising an issue
- Possibility of adding a route whereby staff could raise issues anonymously. The LGA would be asked if they could provide some guidance on best practice

DECISION

The reviewed and updated Whistleblowing Policy was unanimously approved.

21 OUTSIDE BODIES REPRESENTATION AND REPORTS

(Cllr Worlock arrived at 8.15 during this item)

Cabinet discussed:

- That other reports from Members on Outside Bodies were presented to Overview and Scrutiny
- Made amendments to the representation as follows:
 - Basingstoke Canal Joint Management Committee: Cllr Wildsmith and Cllr Southern
 - Blackwater Valley Advisory Committee for Public Transport: Cllr Oliver and Cllr Woods
 - Fleet Pond Society: Cllr Wright with Cllr Wildsmith as Reserve
 - Local Government Association HIOW District Councils Network: Reserve to be Cllr Oliver

- Hampshire Partnership no longer meets
- Add Fleet, Crondall and Crookham Welfare Trust: Cllr Wright
- Hampshire Police and Crime Panel: there was a vacancy for a Conservative Cllr to join the panel, Cllr Worlock would like to be put forward if possible. If not will become Cllr Bailey's deputy.

DECISION

Cabinet unanimously

1. noted the feedback from the key partner meetings that have been held as set out in Appendix 1
2. considered the list of Outside Bodies it wished to formally be appointed to as set out in Appendix 2.
3. nominated and approved the representatives for each of the Outside Bodies as identified in Appendix 2

22 CABINET WORK PROGRAMME

Amendments to the Work Programme that would be incorporated into the August paper were noted.

A paper on future waste strategy and contract change was likely to be put to Cabinet later in the year.

The Cabinet Work Programme was further considered and approved.

The meeting closed at 8.58 pm

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OVERVIEW AND SCRUTINY COMMITTEE

Date and Time: Tuesday 14 June 2022 at 7.00 pm

Place: Council Chamber

Present:

Dorn (Chairman), Blewett, Butcher, Coburn, Davies, Farmer, Kinnell, Makepeace-Browne, Smith and Wildsmith

In attendance: Lamb (substitute), Forster

Officers: Hughes, Joint Chief Executive
Lord, Committee & Member Services Officer

1 CYBER SECURITY TRAINING

This item was deferred until a later date and will be confirmed to the Members in due course.

2 ELECTION OF VICE CHAIRMAN

Councillor Smith was elected Vice-Chairman for the year 2022/23

3 MINUTES OF PREVIOUS MEETING

The minutes of 19th April 2022 were confirmed and signed as a correct record.

4 APOLOGIES FOR ABSENCE

Apologies had been received from

Councillor Axaam (substitute Councillor Makepeace-Browne)

Councillor Butler (substitute Councillor Kinnell)

Councillor Engström (substitute Councillor Lamb)

Councillor Woods.(substitute Councillor Blewett)

5 DECLARATIONS OF INTEREST

No declarations made.

6 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed everyone and outlined the duties of the committee in its role as 'Critical Friend' to Cabinet.

7 PUBLIC PARTICIPATION (ITEMS PERTAINING TO THE AGENDA)

None.

8 NOMINATIONS TO SERVICE BOARDS, PLANNING SCRUTINY PANEL, AND HOUSING COMPANY SCRUTINY

Members debated membership including a query regarding the previous Development Management and Peer Review Panel, and the Planning (Development) panel. A written response would be provided however it was understood that these would now be dealt with via the Service Panels.

Members agreed that as the Housing Development Opportunity Group is due to meet tomorrow, membership would stand as existing and membership would be reviewed at the next Overview and Scrutiny Meeting.

Membership of the Service panels was discussed.

Decision: The Service Panels would be as follows

Community - Councillors Butcher, Butler and Wildsmith
Corporate Services – Councillors Axam, Farmer and Smith
Place – Councillors Coburn, Davies and Engström
Environment and Technical Services – Councillors Axam, Farmer and Woods

Membership of the Housing Company Scrutiny Panel was discussed and confirmation provided that at present, they meet twice a year.

DECISION: The Housing Company Scrutiny Panel would be as follows

Councillors Davies, Engström, Farmer and Smith

9 CABINET WORK PROGRAMME

Members identified that Overview and Scrutiny would not always have the ability to debate all reports that were due for consideration by Cabinet.

It was felt that this would be limit Overview and Scrutiny's ability to be a 'Critical Friend' and it would also be detrimental as Overview and scrutiny often requested more information that could assist Cabinet in the decision-making progress.

It was clarified that not all reports would routinely come to Overview and Scrutiny unless they were Key Decisions, or they had been requested by the Overview and Scrutiny Committee.

10 OVERVIEW AND SCRUTINY WORK PROGRAMME

Members debated the Overview and Scrutiny Work Programme including

- The County Deal and the all Member Briefing
- The timing of the UKSPF investment plan submission
- Odiham Common Management Plan
- Cross Party Working Groups was raised and the ability to raise issues with respective Group Members on those working groups, or directly at Cabinet meetings and that for transparency, their minutes are published, to Cabinet
- Whilst noting Overview and Scrutiny does not control the work programme of Cabinet, it noted that if reports on the following subjects were coming forward, they would like to see them in advance of Cabinet, Civic Quarter Regeneration, The Green Grid, Climate Change, Off Street Parking, Hart Housing (a mid-term review as well as an annual review) which as noted would be facilitated by two Housing Company Scrutiny Panel meetings

DECISION: The work programme with the above additions was agreed

The meeting closed at 7.56 pm

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OVERVIEW AND SCRUTINY COMMITTEE

Date and Time: Tuesday 12 July 2022 at 7.00 pm

Place: Council Chamber

Present:

Dorn (Chairman), Axam, Butcher, Butler, Coburn, Davies, Engström, Farmer, Smith (Vice-Chairman), Wildsmith and Woods

In attendance:

Forster, Neighbour

Officers: Phillips, Joint Chief Executive
Black, Committee Services and Members Officer
Lord, Committee Services and Members Officer

Virtual - Brittain, S151 Officer, Bennet, Change and Digital Manager

1 MINUTES OF PREVIOUS MEETING

The minutes of 14th June 2022 were confirmed and signed as a correct record.

It was noted that the task and finish group would not be continuing and so no new members needed to be appointed to it.

2 APOLOGIES FOR ABSENCE

No apologies received.

3 DECLARATIONS OF INTEREST

Councillor Farmer declared an interest in Minute 7 as Chairman of the Swimming Club at the Sports Centre.

Councillor Dorn declared an interest in Minute 7 as a member of the Sports Centre

4 CHAIRMAN'S ANNOUNCEMENTS

No announcements.

The chairman asked Mr Philips to explain to the committee how the version control worked with in the Mod Gov reporting system.

The meeting was also informed that an Executive Decision had been made by Cabinet with regards to the letting of the 3rd floor of the council offices to Farnborough College of Technology. The chairman stated that he was consulted about the decision and supported it.

5 PUBLIC PARTICIPATION (ITEMS PERTAINING TO THE AGENDA)

None.

6 CRIME AND DISORDER JOINT COMMITTEE UPDATE

The committee was given a verbal report from the recent Crime and Disorder Committee.

The members were told that the meeting was very productive and that the new Chief Inspectors for Rushmoor and Basingstoke were there. Much of the discussion was around Anti-social behaviour, Knife crimes and crimes against women and girls.

Discussion took place around the reporting system. It was explained that members of the public should be encouraged to report crimes using the on line system rather than phoning 101. A link would be circulated to Councillors to share with residents in their Ward

7 PROVISIONAL 2021/22 REVENUE AND CAPITAL OUTTURN POSITION

Councillor Butcher declared an interest as director of Fleet Market.

The Revenue and Capital Outturn report was introduced to the committee.

Discussion took place around the use of reserves. It was confirmed that a more detailed breakdown would be created and distributed when the report was prepared for Cabinet.

Questions were raised and answered on items such as the sale of the Dog Warden van, the Domestic abuse grant, the lose of income in the car parks and future balancing of the budget. The committee was reminded that the Outturn report was a retrospective one and a forward looking report would be available later on in the year.

8 COMPLAINTS ANALYSIS APRIL-JUNE 2022

The findings of the report were introduced to the committee.

The members agreed that it was a very useful report. However, they requested that in future there were more graphs, a grouping of complaints by underlying causes and that there were clearer breakdowns included, particularly with regards to the breakdown of complaints across the service areas.

Discussion took place about what information the committee would like to see in the future and what was done with the information; whether feedback was requested and analysed as well as what could be done to prevent upheld complaints happening. It was confirmed that the report was an organic document and that research would be carried out into how information could be collected and evaluated in the future.

Councillors Neighbour and Woods both left and returned during the discussion on this report.

9 CABINET WORK PROGRAMME

The committee was asked to review the Cabinet Work programme and to indicate if there was anything in it that they felt would benefit from detailed scrutiny. Members were reminded that once a report has reached Cabinet it could not come back to Overview and Scrutiny.

Points on the work programme relating to the technical information on the Cycle and Car parks and Fleet pond signs were queried and answered. Clarification was given about Odiham Common and when it would appear on the Cabinet work programme.

10 OVERVIEW AND SCRUTINY WORK PROGRAMME

Councillor Forster declared an interest as a member of Hampshire County Council.

The committee discussed the working programme and the supporting document. It was suggested that the members ensured that there were not duplicating work that was already been done in working groups, Cabinet or Full Council.

The members agreed that all the items on the supporting document should be included in the Work Programme. Discussion took place about other items that the committee would also like to see; including Tier 3 savings, the Corporate Plan and the Urban Capacity Study. It was agreed to review these items.

The inclusion of the Climate Change document was debated. There were arguments made for both including it in the work programme and for not including it. It was suggested that the committee could ask for the chairman of the Climate Change committee to talk to the meeting at a future date.

The meeting closed at 8.43 pm

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AUDIT COMMITTEE

Date and Time: Tuesday 24 May 2022 at 7.00 pm

Place: Council Chamber

Present:

Axam (Chairman), Blewett, Davies, Engström, Hale, Smith and Southern

In attendance:

Councillor Spencer Farmer
Chandrika Sharma, Ernst & Young LLP
Chris Harris, tiaa (The Internal Audit Agency)

Officers:

Emma Foy, Head of Corporate Services & S151 Officer
Joanne Innes, Audit Manager
Jenny Murton, Committee Services Officer

1 ELECTION OF VICE CHAIRMAN

Councillor Southern was elected as Vice-Chairman for the year 2022/23.

2 MINUTES OF THE PREVIOUS MEETING

The Minutes of the meeting held on 22 March 2022 were confirmed and signed as a correct record.

3 APOLOGIES FOR ABSENCE

None.

4 DECLARATIONS OF INTEREST

None.

5 CHAIRMAN'S ANNOUNCEMENTS

No announcements.

6 EY AUDIT PLANNING DOCUMENT FOR 2022-23

The Council's external auditor summarised the Audit Planning document for 2021/22. The plan highlighted their initial assessment of the key risks driving the development of a successful audit for the Council. It also outlined a planned audit strategy in response to those risks.

A member of the Committee highlighted that this was noted on the agenda as 2022/23 which was incorrect.

A member asked if the external auditor and the council foresaw any resource problems regarding this work going forward and was reassured all was sufficient.

DECISION

The Committee noted the content of the External Audit Planning report.

7 ANNUAL AUDIT LETTER 2020/21

The external auditor summarised that the Auditor's Annual Report (year ended 31 March 2021) replaces the Annual Audit Letter and that there are no areas of concern.

Members thanked Chandrika Sharma for her comprehensive report.

DECISION

The Committee noted the content of the Auditor's Annual Report.

8 INTERNAL AUDIT PROGRESS REPORT Q4

The Audit Manager highlighted the key findings from the Internal Audit Progress Report Q4 that ran from March to May 2022.

The Audit Manager stated that there were three reports, payroll, treasury management and waste management. There would be a fraud meeting next month to discuss work in this area which was currently progressing well.

Members of the Committee discussed:

- The lack of fraud risks to the disabled facilities grant process.
- The risk to systems and data in event of a disaster and the measures that are in place with Zellis to back this data up.

DECISION

The Internal Audit work completed between March and May 2022 was noted by the Committee.

9 SHAPLEY HEATH GARDEN COMMUNITY PROJECT

The Audit Director from tiaa apologised that the Committee did not have the final report for this meeting. He explained more data was needed and the 10,000-word document would be available before the next Audit Committee meeting in July.

The Chairman asked the Audit Director if he had everything he required and he confirmed he was comfortable he did.

The S151 Officer clarified that the report's factual accuracy needs to be checked by officers, along with GDPR and data protection before a final report can be issued. A decision will be made after this process to determine how and when it can be published.

Members of the Committee discussed:

- Making sure the report is with the Committee well in advance of the next Audit meeting in July, with sufficient time to process it and submit any potential questions.
- Making the report publicly available, dependent on GDPR and data protection issues and any redactions that may be required.
- The report is factual and does not include future recommendations on Shapley Heath.
- The cost of further 'out of scope' work on this report if deemed necessary.

The S151 Officer reiterated that the report critiques how the Shapley Heath Garden Community Project was handled and is not a judgement call on the project itself. The report covers a period from 2018 until the end of the 2021/22 financial year.

10 ANNUAL INTERNAL AUDIT REPORT 2021/22

The Audit Manager highlighted the key findings from the Annual Internal Audit Annual Report 2021/2022 and explained there was a satisfactory level of effectiveness.

The Chairman questioned Housing Benefit fraud and single person discount fraud; the Audit Manager explained all residents who receive single person discount were contacted and that over 300 had not responded to confirm their eligibility, therefore the single person discount has been removed.

Members of the Committee also discussed IT high risk finding and controls and the work the IT Manager and Data Manager are undertaking in this area.

The Audit Manager to provide an update to the Committee on this IT work at the next Audit Committee meeting.

DECISION

The Committee accepted the report.

11 THE PROVISION OF INTERNAL AUDIT

The S151 Officer explained that since the departure of the previous Audit Manager in 2021, the Council's internal audit work has been shared between Wokingham Borough Council and Basingstoke and Deane District Council and coordinated by Hart District Council's Internal Audit Manager.

This work going forward will be procured through one supplier and will be put in place by the interim S151 Officer for April 2023.

Members of the Committee stressed the importance that this work is planned well in advance and the S151 Officer confirmed that procurement had already commenced and the timescale for this work would be brought to the next Audit Committee meeting.

Members of the Committee also discussed:

- The departure of the current S151 Officer and the interim S151 Officer, adequate handovers of work and when a new permanent S151 Officer would be appointed.
- The length of the tendering process for the procured work and possible break clauses.

DECISION

The procurement process was noted by the Committee.

The meeting closed at 8.03 pm

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LICENSING COMMITTEE

Date and Time: Tuesday 7 June 2022 at 7.00 pm

Place: Council Chamber

Present:

Wildsmith (Chairman), Collins, Coburn, Farmer, Forster and Harward

In attendance: Butcher, Lamb, Smith

Officers: Mark Jaggard, Head of Place
Emma Coles, Licensing Team Leader, Shared Licensing Services
Robert Draper, Interim Head of Service
Louise Misselbrook, Shared Legal Services
Andrew Wake, Senior Licensing Officer, Shared Licensing Services
Neil Hince, Environmental Health & Licensing Manager
Chris Williams, Interim Regulatory Service Manager
Rebecca Borrett, Committee Services Officer

1 ELECTION OF VICE CHAIRMAN

Councillor Farmer was elected as Vice Chairman for the year 2022/23.

2 MINUTES OF THE PREVIOUS MEETING

The minutes of 5 April 2022 were agreed and confirmed and signed as a correct record.

3 APOLOGIES FOR ABSENCE

Apologies were received from Councillor's Butler and Delaney.

4 DECLARATIONS OF INTEREST

None declared.

5 CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced members of trade who attended the meeting would be given the opportunity to speak on Item 6 of the agenda.

6 HACKNEY CARRIAGE TARIFFS

Members were asked to consider an increase to the Hackney Carriage fares and to approve a proposal for public consultation.

Members attention was drawn to the following pages of the report:

- 29,30 and 32 - the 4/10 & 6/10 have been shown incorrectly in yards and meters and has been amended on the master document
- 27 - Waverley's last increase was in 2014
- 23 - the petrol and diesel price information has increased since the document was produced
- 25 & 26 there have been changes to Hackney Carriage Two Mile Tariff

Representatives of Hart Taxis and VGT Taxis read out pre-prepared written statements.

Members questioned:

- The proportion of short fares (2 miles) against longer fares
- If public consultation includes members of the public
- Why, as the previous two consultations process has three clear views and a clear choice received from trade, was a different option now offered?
- To what degree had neighbouring authorities applied increases
- If a higher cost of living in Hart had been taken into account
- Waiting times and booking fees being excluded from the proposal
- The number of Hackney Carriages in Hart and if there had been a reduction in numbers
- If additional feedback had been received
- The coloration on fuel prices to potential margins
- The need to look at both public and trade sides
- If there was a mathematical formula for the figures

Officers confirmed:

- Officers have attempted a hybrid using information from the trades suggestions also having in mind the public impact to create a solution that balances these two issues
- There is no statutory requirement to engage with trade prior to consultation but is undertaken to forge good working relations
- Balance needs to be achieved to support trade and protect the Community
- The tariffs suggested by the trade would have put Hart second highest rate in the country, and top five for two-mile rate
- Rushmoor had applied an increase and reflected recently due to cost of fuel and cost of living, but not reviewing further as at an appropriate level
- Basingstoke & Deane had not fed in the cost of living and will review in 6 months
- 234 licensed Hackney Carriage drivers in Hart, yet not all are currently using their licences
- Feedback received included: a long time since an increase had been

applied; the need for an increase but not at the expense of losing business

- Fuel and other costs total 15% of £10 so there is a tax opportunity
- Parts and increase can be applied in percentages, but adding up to 30% would be negative to the public who are also impacted by the cost of living increases

Members debated:

- Achieving balance between providing residents with a competitive service, but ensuring trade can provide a service
- Adding of booking and waiting fees
- The need for a regular review of not more than 12 months, looking at average CPI and costs for an upwards or downwards review
- Statutory consultation period to be applied, and extended to social media and parish councils
- A future review to take into account electric vehicles

Councillor Forster proposed the Committee agree to proceed to public consultation as set out in Appendix H, with these amendments, the flags to be set at £3.20, £4.60 & £6.80.

Members undertook a recorded vote:

Councillor Collins	Against
Councillor Coburn	For
Councillor Farmer	For
Councillor Forster	For
Councillor Harward	Against
Councillor Wildsmith	For

The proposal was accepted by a vote of 4 – 2.

DECISION

1. To approve an increase in the current Hackney Carriage Fare table, for public consultation as per Appendix H, with these amendments, a flag of £3.20, £4.60 & £6.80
2. To add booking fees and waiting times into the consultation document
3. To review Hackney Carriage Tariffs in no more than 12 months and at any relevant time within that period
4. To undertake a three-week consultation
5. The Committee to be sent copies of the amended proposal
6. To authorise the Head of Place to make minor administrative

amendments to the documents prior to consultation

7. To postpone the next meeting scheduled for 5 July 2022 and to convene a new meeting as soon as reasonably possible following the consultation

The meeting closed at 8.31 pm

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PLANNING COMMITTEE

Date and Time: Wednesday 15 June 2022 at 7.00 pm

Place: Council Chamber

Present:

Quarterman (Chairman), Blewett, Cockarill, Forster, Kennett, Makepeace-Browne, Oliver (Vice-Chairman), Radley, Southern, Worlock and Wildsmith

In attendance:

Tim Burden, Turley
David Gilchrist, Berkeley Homes Southern

Officers:

Mark Jaggard, Head of Place
Steph Baker, Development Management & Building Control Manager
Tola Otudeko, Shared Legal Services
Sharon Black, Committee Services Manager
Jenny Murton, Committee Services Officer

1 ELECTION OF VICE CHAIRMAN

Councillor Oliver was elected as Vice-Chairman.

2 MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 9 March 2022 were confirmed and signed as a correct record.

Members were aware that the Planning Major Sites Sub-Committee Minutes for meetings held on 22 September 2021 and 1 March 2022 were included in the Agenda but were for noting only, not for approval.

Members questioned whether discussions had concluded on securing additional car parking spaces for the application discussed at the meeting on 22 September 2021.

The Development Management & Building Control Manager confirmed that for application 2101254/REM included in the Minutes (the 39-unit scheme at Grove Farm, phase 2) eight additional visitor spaces and six allocated spaces had been agreed.

3 APOLOGIES FOR ABSENCE

None.

4 DECLARATIONS OF INTEREST

Councillor Forster declared a non-prejudicial interest as he is also a Hampshire County Councillor and footpaths are featured in the application.

Councillor Oliver declared a non-prejudicial interest as he is also a Fleet Town Councillor, and Section 106 agreements are included in the application.

5 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had two announcements:

1. The Chairman highlighted the site visit that had occurred on Tuesday 14 June and announced that he wanted to give more notice to the Committee for future site visits.

The Development Management & Building Control Manager agreed that where possible, she will give more notice to the Planning Committee for visits on future applications.

It was agreed that recurring tentative site visit (email) invitations for the Tuesday morning before the Wednesday Planning Committee would be sent to Planning Committee Members. The deadline for members of the Committee to request a site visit would now be the Thursday the week before Planning Committee rather than Friday.

2. The Chairman announced that an email poll would be set up to determine the most suitable August date to hold the tour of completed developments with an Urban Designer, which had to be postponed from February 2022.

6 PLANNING (ENFORCEMENT) SUB-COMMITTEE

Councillors Blewett, Makepeace-Browne, Oliver and Southern, were appointed as members of the Planning (Enforcement) Sub Committee.

7 PLANNING (MAJOR SITES) SUB-COMMITTEE

Councillors Cockarill, Forster, Radley and Worlock were appointed as members of the Planning (Major Sites) Sub Committee.

8 PLANNING (MAJOR SITES) SUB-COMMITTEE MINUTES

The Minutes of the Planning Major Sites Sub-Committees held on 22 September 2021 and 1 March 2022 were noted.

9 QEB TRANSPORT STEERING GROUP

Councillors Oliver, Makepeace-Browne and Radley were appointed as Hart District Council Members of the QEB Transport Steering Group.

10 PLANNING COMMITTEE WORKING PARTY

Councillors Cockarill, Kennett, Oliver, Quarterman and Southern were appointed as members of the Planning Committee Working Party.

11 DEVELOPMENT APPLICATIONS

Updates via the Addendum were accepted, and the Committee considered the Planning report from the Head of Place.

12 21/02782/OUT - LAND NORTH OF NETHERHOUSE COPSE, HITCHES LANE, FLEET

The Development Management & Building Control Manager summarised the hybrid planning application, seeking full planning permission for:

The erection of 185 residential dwellings (Use Class C3) with access, parking, landscaping, public open space and other associated works and Outline Planning Permission for the erection of up to 126 residential dwellings (Use Class C3) and a flexible mixed-use neighbourhood store/cafe coworking space of up to 150sqm (Use Class E) with all matters reserved except for access.

Members considered the application and discussed the following:

- That the total number of homes for phases 1 and 2 of the scheme is 217.
- The Community Centre/Café and where on the site this will be located.
- Availability of SANG at Edenbrook.
- Whether protection exists against potential increase of homes in phases 4 and 5 and the number of units in phase 5.
- How the new proposed cycle way will link into existing network.
- That there is no church as part of the application however the proposed Community Centre is suggested for multi-use.
- Parking situation at the Edenbrook development and how that compares to this proposal.
- The number of additional school places expected from the development.
- EV charging points and bus service provisions.
- The green spaces proposed on the site, their location and protection from potential future applications.
- That the proposal would take the site overall to 528 units.

Members debated:

- Car usage and extra traffic the site will generate.
- Traffic calming measures
- Cycle security

- Parking management
- The enhanced mix of different sizes and types of housing proposed for the site.

Members undertook a recorded vote and Grant was carried.

For – Blewett; Cockarill; Kennett; Quarterman; Southern; Worlock; Wildsmith
 Against – Forster; Makepeace-Browne; Oliver; Radley
 Abstain – none

DECISION – GRANT

In consultation with the Chairman and Ward Councillor and Portfolio Holder for Planning, the Head of Place was delegated planning permission subject to the completion of a suitable legal agreement to secure:

- 40% on-site affordable housing;
- Healthcare contribution to the Clinical Commissioning Group (CCG) for additional GP service provision;
- Strategic Access Management and Monitoring (SAMM) contribution;
- Financial contributions for Leisure and Sport;
- Financial contributions to Hampshire County Council (HCC) as Local Education Authority for Special Educational Needs and Disability (SEND) provision;
- Financial contributions to HCC as Local Highway Authority in relation to off-site highways improvements, Travel Plan and pedestrian crossing on Hitches Lane;
- Basingstoke Canal Towpath financial contribution
- Provision of off-site cycleway connection to Fleet Road (High Street)
- The Council's administrative costs of administering, monitoring and discharging the clauses in the S106 legal agreement

and subject to the planning conditions listed at the end of the report and addendum, which are subject to amendment, rationalisation or expansion in agreement with the Chairman and Ward Councillor.

Notes:

Members undertook a site visit took place on Tuesday 14 June which was attended by Councillors Blewett, Kennett, Makepeace-Browne and Quarterman (Chairman).

Mr Tim Burden from Turley spoke for the application and Mr David Gilchrist from Berkley Homes Southern answered questions in addition.

The meeting closed at 8.51 pm

COUNCIL

DATE OF MEETING: 28 JULY 2022

**TITLE OF REPORT: THE YATELEY, DARBY GREEN AND FROGMORE
NEIGHBOURHOOD PLAN: 'MAKING' THE PLAN**

Report of: Head of Place

Cabinet Portfolio: Place

Key Decision: No

Confidentiality: Non-Exempt

PURPOSE OF REPORT

1. The purpose of this report is to formally 'make' the [Yateley, Darby Green and Frogmore Neighbourhood Plan](#) ('the Plan') following a positive referendum result on 30 June 2022.

RECOMMENDATION

2. That the Yateley, Darby Green and Frogmore Neighbourhood Plan is 'made'.
3. That Council notes that the Yateley, Darby Green and Frogmore Neighbourhood Plan became part of the Development Plan for Hart district for the area covered by Yateley Parish following the positive referendum result on 30th June 2022.

BACKGROUND

4. Yateley Town Council has prepared, in consultation with the community, a Neighbourhood Plan for the area of Yateley, Darby Green and Frogmore (Yateley Parish).
5. An independent examiner found that subject to a series of modifications, the Plan that was submitted for examination meets the basic conditions and other legal requirements and should proceed to referendum.
6. On 7 April 2022 Cabinet agreed to the modifications and to proceed to referendum.
7. A local referendum was held in Yateley on 30 June 2022. The referendum asked the following statutory question: "*Do you want Hart District Council to use the Neighbourhood Plan for Yateley, Darby Green and Frogmore Neighbourhood Planning Area to help it decide planning applications in the neighbourhood area?*"
8. For the Plan to pass referendum more than 50% of the votes must be in favour of the Plan.
9. A total of 2,395 valid votes were received: 91% (2,185) voting in favour of the Plan and 9% (210) voting against.
10. The Plan therefore passed the referendum and became part of the development plan for Hart district (under Section 38(3A) of the Planning and Compulsory Purchase Act 2004 (as amended)). Decisions on planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

11. The Council is now legally obliged to 'make' the Plan, unless it considers that the making of the Neighbourhood Plan would breach, or otherwise be incompatible with, any EU or human rights obligations.
12. If 'made', the Plan will be part of the Development Plan for Hart district for the area covered by Yateley Parish.
13. If the Council decides not to make the Plan, it will cease to be part of the Development Plan for Hart district.

MAIN ISSUES

14. Under Section 38A of the Planning and Compulsory Purchase Act, the Council is now legally obliged to 'make' the Plan unless to do so would breach, or would otherwise be incompatible with, any retained EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
15. The Council must do this as soon as reasonably practicable after the referendum, and within 8 weeks of it. It must then publish a Decision Statement explaining the decision and the reasons for making that decision.
16. Officers are of the view that the Plan should be made and that there are no concerns regarding retained EU obligations or human rights.
17. Regarding EU obligations (now transposed into UK law), the Plan went through the necessary screening processes for Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) including consultation with the relevant statutory consultees.
18. Definitions:
 - Strategic Environmental Assessment (SEA) is a procedure (set out in the [Environmental Assessment of Plans and Programmes Regulations 2004](#)) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.
 - A Habitats Regulations Assessment (HRA) tests if a plan or project proposal could significantly harm the designated features of a European site e.g. the Thames Basin Heaths Special Protection Area.
19. A [Screening Statement](#) commissioned by Hart District Council concluded that neither a full SEA nor an Appropriate Assessment (under the Habitat Regulations) were needed, in part because the Plan does not allocate any sites for development:
 - a full SEA is not required because significant environmental effects arising from the Plan were unlikely; and
 - an Appropriate Assessment is not required because the submitted Plan is unlikely to have significant effects on a European site (e.g. the Thames Basin Heath Special Protection Area).
20. The Examiner considered the issues of retained EU obligations as part of the examination and was satisfied that the submitted plan met those obligations (paragraphs 6.13 to 6.17 of his [report](#)).
21. The Examiner also found that the submitted Plan complies with the Human Rights Act and does not breach, nor is in any way incompatible with the European Convention on Human Rights (paragraph 6.18 of his [report](#)).

22. In addition, an Equalities Impact Assessment (EqIA) was conducted on the Plan (both before and after incorporating the Examiner's recommended modifications) which found no adverse effects (see Section below on Equalities).
23. In April 2022 Cabinet agreed that the Referendum Version of the Plan (incorporating the Examiner's recommended modifications) should go to referendum. There were no concerns at that time that the Plan, incorporating modifications, breached retained EU obligations or Human Rights legislation.
24. Post-referendum, Officers remain of the view that making the Referendum Version of the Plan would not breach or otherwise be incompatible with any retained EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

25. The Council could decide *not* to make the Plan if it takes the view that to make the Plan would breach, or would otherwise be incompatible with, any retained EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). The Plan would then cease to form part of the development plan for Hart district.

CORPORATE GOVERNANCE CONSIDERATIONS

Relevance to the Corporate Plan and/or The Hart Vision 2040

26. The Corporate Plan states under 'Healthy Communities and People' that it will empower local people to shape their surroundings through the development of neighbourhood plans and other community schemes.
27. The Plan, and the process of community engagement that went with it, reflect the Vision 2040 including building a sense of community, promoting green infrastructure and healthy transport, and reducing the impact of climate change.

Service Plan

- Is the proposal identified in the Service Plan? No
- Is the proposal being funded from current budgets? Yes
- Have staffing resources already been identified and set aside for this proposal?
Yes

Legal and Constitutional Issues

28. The Council is legally obliged to make the Plan unless it considers it would breach, or would otherwise be incompatible with, any retained EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
29. If the Council makes the Plan, it is part of the development for Hart district. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
30. If the Council decides not to make the Plan, it will cease to be part of the development plan for Hart district i.e. it will no longer be relevant in the determination of planning applications in Yateley.

Financial and Resource Implications

31. There are no financial implications. The Council has received £20,000 in Government grant to cover the costs of Officer time to support the plan-making process and the cost of the referendum.
32. There are no significant resources arising from making the Plan. Staff time is needed to fulfil some statutory procedures including preparing a Decision Statement and notifying relevant organisation and individuals of the decision.

Risk Management

33. It is considered that the risks arising from making the Plan, i.e. a legal challenge, are low at this final stage. It is considered more likely that a legal challenge would come from *not* making the plan which is not the recommended route.

EQUALITIES

34. Both Yateley Town Council and Hart District Council are responsible authorities under the Public Sector Equality Duty. An Equalities Impact Assessment was prepared and agreed between both parties. This was initially undertaken on the submission version of the Plan and refreshed to take into consideration the recommendations set out in the Examiners Report. No adverse impacts were recorded.

CLIMATE CHANGE IMPLICATIONS

35. The Plan references Hart District Council's climate emergency declaration and explicitly seeks to deliver climate change adaptation and mitigation measures through several policies including flood risk, biodiversity, green infrastructure, and a specific policy on climate change.

ACTION

36. Some statutory procedures need to be followed including the publication of a Decision Statement setting out the decision and the reasons for that decision, and certain parties will be notified of the decision.
37. If the Plan is 'made' it will form part of the Development Plan when determining planning applications within the area covered by Yateley Parish.

Contact Details: Mark Jaggard, Head of Place, email: mark.jaggard@hart.gov.uk

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Appendices

None

Background Papers:

Equalities Impact Assessment of the Yateley, Darby Green and Frogmore Neighbourhood Plan