



NOTICE OF MEETING

Meeting:	Cabinet
Date and Time:	Thursday 7 September 2023 7.00 pm
Place:	Council Chamber
Enquiries to:	Committee Services Committeeservices@hart.gov.uk
Members:	Neighbour (Leader), Radley (Deputy Leader), Bailey, Clarke, Cockarill, Collins, Oliver and Quarterman

Chief Executive

CIVIC OFFICES, HARLINGTON WAY
FLEET, HAMPSHIRE GU51 4AE

AGENDA

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

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

- **At the start of the meeting, the Lead Officer will confirm the Fire Evacuation Procedure.**

- **The Chairman will announce that this meeting will be recorded and that anyone remaining at the meeting had provided their consent to any such recording.**

1 MINUTES OF THE PREVIOUS MEETING 4 - 7

The minutes of the meeting held on 3 August 2023 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)

Anyone wishing to make a statement to the Committee should contact Committee Services at least two clear working days prior to the meeting. Further information can be found [online](#).

6 Q1 BUDGET MONITORING REPORT AND FORECAST OUTTURN FOR 2023/24 8 - 28

Cabinet to receive the latest projections of expenditure and income, including capital, for 2023/24 for review and approval of any action necessary. This report has been presented to Overview and Scrutiny at their August meeting and contains any substantive comments and recommendations.

RECOMMENDATION

Cabinet to note the Q1 Budget Monitoring Report and Forecast Outturn for 2023/24

7 DOG FOULING PUBLIC SPACES PROTECTION ORDER (PSPO) 29 - 33

To consider the making of a district-wide Dog Fouling Public Spaces Protection Order (PSPO).

RECOMMENDATION

Cabinet is recommended to delegate authority to the Executive

Director – Place, in consultation with the Portfolio Holder for Regulatory, to:

- a. consider the responses to the public consultation and make any necessary amendments to the draft PSPO in light of the consultation, and
- b. adopt the district-wide PSPO to apply to any place where the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission. The restrictions are that:
 - persons in charge of a dog must remove the faeces and for it to be disposed of in an appropriate receptacle, and.
 - persons in charge of a dog must have with them appropriate means to pick up dog faeces deposited by that dog.

8 ROUNDABOUT SPONSORSHIP ENVIRONMENTAL GRANT FUNDING - DELEGATED AUTHORITY 34 - 36

To confirm the arrangements for the allocation of funds received from roundabout Sponsorship.

RECOMMENDATION

- a) That Cabinet agrees to continue to support the delivery of biodiversity, climate change, and health and wellbeing projects throughout the district by the allocation of grant funding collected from roundabout sponsorship
- b) Provided that:
 - i. the aggregated value of approved projects does not exceed the income received from roundabout sponsorship in that financial year; and
 - ii. the projects can demonstrate that there is a clear benefit for biodiversity, climate change and health and wellbeing

The Countryside Manager is authorised to agree all projects up to £10k and the Leader is authorised to agree any projects that are over £10k
- c) That Cabinet agrees to continue to keep in reserve funding to help maintain a standard of service to continue to retain existing and attract potential customers.

9 CABINET WORK PROGRAMME 37 - 46

To consider and amend the Cabinet Work Programme.

Date of Publication: Wednesday, 30 August 2023

CABINET

Date and Time: Thursday 3 August 2023 at 7.00 pm

Place: Council Chamber

Present:

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

In attendance:

Officers:

Graeme Clark	Executive Director, Corporate Services & S151 Officer
Joanne Rayne	Finance & Property Manager
Liz Vango-Smith	Sustainability & Climate Change Officer
Sharon Black	Committee and Member Services Manager

22 MINUTES OF THE PREVIOUS MEETING

The minutes of 6 July 2023, including exempt minutes, were confirmed and signed as a correct record.

Proposed by Cllr Neighbour; Seconded by Cllr Radley

23 APOLOGIES FOR ABSENCE

Apologies had been received from Cllr Quarterman. Cllr Bailey was attending the meeting virtually and therefore was unable to vote on agenda items.

24 DECLARATIONS OF INTEREST

No declarations were made.

25 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements.

26 PUBLIC PARTICIPATION (ITEMS PERTAINING TO THE AGENDA)

There were none.

27 CLIMATE CHANGE UPDATE

Members heard that this report presented the current status on some priority actions identified in the Climate Action Plan, which had previously been approved by Cabinet on 6 July. It also recommended projects for Cabinet approval to be funded from the Climate Change budget.

Cabinet noted:

- How the Council was supporting Fleet Town Council with bids for funding for work to be carried out on the Harlington Centre, and that work to get a decarbonisation strategy for the building drawn up would be underway once issues with the lease were resolved
- That the projects listed in the report represented around two thirds of the budget for 2023/24

Proposed by Cllr Neighbour; seconded by Cllr Radley

DECISION

Cabinet approved the proposed projects list and associated cost allocations to be funded from the approved 2023/24 climate budget.

28 REVENUE, CAPITAL AND TREASURY OUTTURN 2022/23

The Revenue Outturn report presented the revenue outturn for the year ended 31st March 2023 comparing it with the approved budget and providing explanations of significant variances.

The report also contained the capital outturn for the year ended 31st March 2023 and requests for budget carry forwards.

Cabinet noted:

- The projected outturn from Q3 had been a £17k underspend, had subsequently turned into a £1.3M underspend at the end of the financial year
- This increase was due to additional income from recycling, car parking and interest as well as some accountancy savings and investments
- Contractual inflation and potential cuts in government funding were likely to have a more negative impact on the outturn for 2023/24
- The Q1 forecast would be circulated in O&S paperwork the following week

Proposed by Cllr Radley; Seconded by Cllr Neighbour

Councillors discussed:

- Whether there was any significant variances from the original budget that need to be taken into consideration in 2023/24
- Whether it would be possible to have accurate forecasts of the areas where large variances have occurred throughout the year rather than just at the end of the financial year. It was confirmed that the issue of the significant variance between Q3 and end of year finances had been raised at O&S and, whilst it was confirmed by the S151 officer that most of the large variances had occurred in Q4, there were some areas where

better forecasting could be done and that this issue was being addressed by the Finance team this year.

Councillors thanked the Finance team for their work and diligence in ensuring that the budgets were adhered to.

The Treasury Management Report presented the Council's Treasury Management activities during the year ended 31 March 2023.

A question was asked about the loan from Hampshire County Council at 0% interest and it was confirmed that this was for a specific Fleet Pond project.

DECISION

Cabinet noted the outturn positions for 2022/23 and approved the capital carry forward requests.

29 REVIEW OF RESERVES INCLUDING SANGS FUNDING

The Section 151 Officer presented the outcome of his initial review of the Council's financial reserves, which had been requested by Full Council in February 2023. This review included funds held for Suitable Alternative Natural Greenspaces (SANGS).

The report was intended to inform members of the balances and purpose of reserves held and present proposals to better align them with priority service needs and emerging risks. A further review would be undertaken later in the year alongside the budget process and update of the Medium-Term Financial Strategy (MTFS).

Councillors noted:

- That SANGS funding was received from developers, and included the need for this to run for 80 years to address maintenance needs
- That there were some recommendations to be noted and others to go to Full Council in September
- That this was intended as an interim review and that a further review would be undertaken later in the financial year

Proposed by: Cllr Radley; Seconded by Cllr Neighbour

Councillors discussed:

- The positive move to allocate funds into areas that would further benefit residents
- That the move would allocate additional funds to various teams, who would now need to look at suitable schemes to use the money available to them

- Whether we were certain that we were not exceeding any restrictions on the funds received during the pandemic that were linked to Covid

DECISION

Cabinet:

- i. Noted the findings of the initial review of reserves and requested that the second stage of the review was undertaken as part of the update of the Medium-Term Financial Strategy once the government funding position was more certain.
- ii. Approved the proposed actions in relation to SANG finances as set out in paragraph 14 and asked officers to report back to Cabinet in the budget setting report.
- iii. Approved the proposed actions in relation to capital reserves as set out in paragraph 16 and asked officers to develop a programme of projects to utilise S106 funds and include these in the budget setting report.

and recommended to Council:

- iv. To approve the proposed prudent minimum balance on the General Fund Working Balance of £6m, to be reviewed as part of the updated Medium-Term Financial Strategy
- v. To approve the earmarking of the 2022/23 underspend to meet the known future cost pressures as detailed in paragraph 8.
- vi. To approve the changes to earmarked reserves highlighted in Appendix 2

30 CABINET WORK PROGRAMME

Cabinet considered and agreed the Cabinet Work Programme for August.

The meeting closed at 7.36 pm



Budget Monitoring – Period end 30th Jun 2023

Cabinet

Date 7th September 2023

Recommendations

- Note the projected Outturn
- Note the Capital Overview
- Note the Project Overview
- Note the Treasury Management position

Projected Revenue Outturn

Outturn for 2023/24 is forecast to be £0.96m surplus to Budget

£000	Approved Budget	Carry Forwards	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Variance
Community	3,325		(131)	3,194	2,963	(231)
Corporate	7,058			7,058	6,807	(251)
Place	2,337			2,337	2,342	5
Net Cost of Service	12,720	0	(131)	12,589	12,112	(477)
Revenue Projects	405	336	50	791	819	28
Treasury	109			109	(463)	(572)
Funding	(13,234)	(336)	81	(13,489)	(13,432)	57
Budget	0	0	0	0	(964)	(964)

Revenue Projects Overview

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£000	Approved Budget	Carry Forwards	Movement in Reserves	Revised Budget	Latest Forecast	Variance from Budget
Community	245	312	0	557	564	7
Corporate	160	24	50	234	255	21
Place	0	0	0	0	0	0
Total	405	336	50	791	819	28

- Projects were approved as part of Capital Schemes in the 2023/24 Budget. They are non-capital in nature.
- Detailed tables can be found in the Appendices

Capital Projects Overview

Capital is expenditure on new assets or improvements to existing assets

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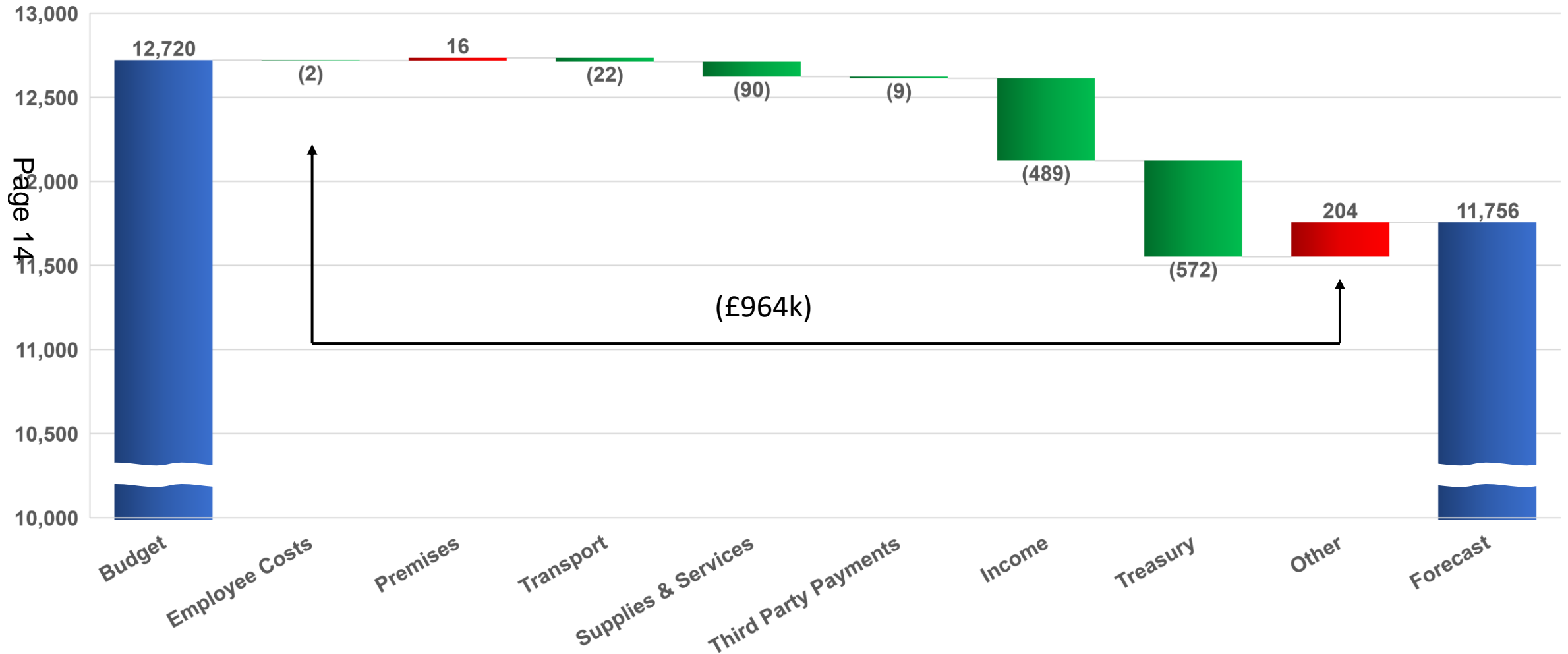
£000	Approved Budget	Carry Forwards	Movement in Reserves	Revised Budget	Latest Forecast	Variance from Budget
Community	902	1,174	454	2,530	1,941	(589)
Corporate	0	73		73	72	(1)
Place	0	150		150	0	(150)
Total	902	1,398	454	2,754	2,014	(740)

Summary Revenue

The council is forecasting an overall underspend of £0.96m against the 2023-24 revenue budget of £12.7m.

Included in the revenue outturn are £131k developer contributions to Earmarked Reserves (EMR)

Forecast Variance forecast by Subjective £k



Forecast Pressures & Savings

Pressures/Decreased Income

Building repair and maintenance +£16k

Building control income -£19k

Bulky waste -£30k

Savings/Increased Income

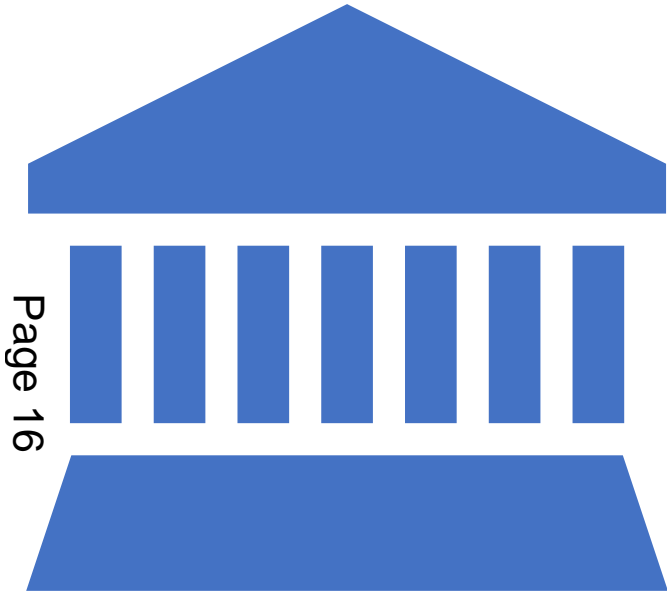
Streets & Grounds contract -£69k

Waste and recycling income -£249k

Treasury -£572k

Treasury

- Interest rates on funds invested are expected to exceed budget assumptions due to higher rates and a more flexible approach to Treasury Management (TM) as agreed in TM Strategy.
- Current rates available are between 4-6%.
- Based on current investments interest is forecast to be £572k greater than budget for the year.
- Borrowing costs in 23/24 are forecast to be as per Budget.



Treasury Summary @ 30th Jun 2023

Borrower	Amount £m	Interest Rate	ESG Rating	Terms	Investment Date	Maturity Date	Interest £m
Barclays Ltd - Green A/C	5.0	5.05%	80	95 Days	01-Apr-23	30-Sep-23	0.126
Derbyshire County Council	5.0	4.45%		Fixed	25-Apr-23	23-Apr-24	0.222
Sumitomo Mitsui Banking Corp.	7.0	4.57%	88	Fixed	02-May-23	14-Jul-23	0.064
Bayerische Landesbank	6.0	4.73%	93	Fixed	01-Jun-23	16-Aug-23	0.059
Aberdeen Liquidity - Standard Life	6.2	4.46%		Money Market Fund	23-Jun-23	30-Jun-23	0.005
	29.2						0.476
Barclays-FIBCA	4.6	0.84%	80				
Total	33.8						

- ESG (Economic, Social and Corporate Governance) ratings as agreed in Treasury Management (TM) Strategy.
- During Q1 Treasury activity has operated within the prudential indicators approved in 23/24 TM Strategy
- No new borrowing has been taken out during Q1 2023. The principal on debt outstanding at 30 Jun 2023 was £15.3m

REVENUE FORECAST OUTTURN 2023-24 @ Q1

APPENDIX A

1. Summary Revenue Outturn £000

Summary	Note #	Approved Budget	Carry Forwards	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Variance for 23/24
Employee Costs	3	7,037		0	7,037	7,035	(2)
Premises	4	576		0	576	592	16
Supplies and Services	5	9,410		0	9,410	9,320	(90)
Transport	6	104		0	104	82	(22)
Third Party Payments	7	1,864		0	1,864	1,855	(9)
Transfer Payments	8	10,309		0	10,309	10,309	0
Other Grants and Contributions	9	(258)		0	(258)	(140)	118
Income	10	(16,321)		(131)	(16,452)	(16,940)	(489)
Net Cost of Service		12,720	0	(131)	12,589	12,112	(477)
Revenue Projects	12	405	336	50	791	819	28
Commercial Income		(1,413)		0	(1,413)	(1,413)	0
Collection Fund		(9,468)		0	(9,468)	(9,468)	0
Treasury	11	109		0	109	(463)	(572)
Other Funding		(2,354)	(336)	81	(2,609)	(2,551)	58
Outturn		0	0	0	0	(964)	(964)

The significant variances are explained in breakout tables below.

2. Movement in Reserves

Movement in Reserves	£000	Reason
Biodiversity	(6)	S106 receipts received in 2023/24
Affordable Housing	(26)	S106 receipts received in 2023/24
SANGS	(99)	S106 receipts received in 2023/24
Refurbishment of 3rd Floor	50	
	(81)	

3. Employee Costs

Employee Costs	Approved Budget	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Variance for 23/24
Pay Costs	6,792	0	6,792	6,663	(130)
Agency	126	0	126	257	131
Severance	0	0	0	0	0
Other	119	0	119	115	(3)
Outturn	7,037	0	7,037	7,035	(2)

Agency costs supplement staff vacancies and support projects.

REVENUE FORECAST OUTTURN 2023-24 @ Q1

APPENDIX A

4. Premises £000

Premises	Original Budget	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Variance for 23/24
Electricity	101	0	101	94	(7)
Gas	53	0	53	53	0
Business Rates	322	0	322	316	(6)
Building Repair & Maintenance	17	0	17	35	19
Other	84	0	84	95	11
Outturn	576	0	576	592	16

- Budget estimates for the general repair and maintenance of the Civic Building were insufficient.

5. Supplies & Services £000

Supplies & Services	Approved Budget	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Variance for 23/24
Fees and hired services	4,826	0	4,826	4,628	(198)
Sub-contracted work	1,166	0	1,166	1,072	(93)
Streets & Grounds	72	0	72	3	(69)
Postage and Printing	228	0	228	313	85
Homes for Ukraine	0	0	0	256	256
Other	3,119	0	3,119	3,048	(70)
Outturn	9,410	0	9,410	9,320	(90)

- Fees and hired services budget assumed a 10% inflationary pressure – although many costs have increased as expected others have remained stable.
- Budget estimates for print and postage were insufficient.

REVENUE FORECAST OUTTURN 2023-24 @ Q1

APPENDIX A

- Homes for Ukraine expenditure is an off-set from income received (see Table 10)

6. Transport £000

Transport	Approved Budget	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Variance for 23/24
Car Allowances	69	0	69	48	(20)
Travel Expenses	18	0	18	17	(2)
Other vehicle expenses	17	0	17	17	0
Outturn	104	0	104	82	(22)

7. Third Party Payments £000

Third Party Payments	Approved Budget	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Variance for 23/24
5C Contract	1,576	0	1,576	1,547	(28)
Other	288	0	288	307	19
Outturn	1,864	0	1,864	1,855	(9)

- The 5C contract is a cost sharing agreement. Services provided by Capita were changed for some of the 5 councils which is reflected in a decrease in costs for Hart.

8. Transfer Payments £000

Transfer Payments	Approved Budget	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Variance for 23/24
Rent Allowances	10,541	0	10,541	10,541	0
Rent Allowances over payments	(232)	0	(232)	(232)	0
Outturn	10,309	0	10,309	10,309	0

9. Other Grants & Contributions £000

Other Grants & Contributions	Approved Budget	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Variance for 23/24
Accounting Provisions	(219)	0	(219)	(112)	107
Capital Grants & Contributions	(39)	0	(39)	(28)	11
Outturn	(258)	0	(258)	(140)	118

10. Income £000

Income	Approved Budget	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Variance for 23/24
Green waste subscriptions	(830)	0	(830)	(961)	(131)
Recycling credits	(220)	0	(220)	(368)	(148)
Car Parking	(756)	0	(756)	(761)	(5)
Planning - application fees	(759)	0	(759)	(758)	1
Building Control	(375)	0	(375)	(356)	19
Rent Income	(224)	0	(224)	(233)	(9)
Homes for Ukraine grant	(179)	0	(179)	(402)	(223)
Other	(12,977)	(131)	(13,108)	(13,101)	8
Outturn	(16,321)	(131)	(16,452)	(16,940)	(489)

- Green waste subscribers are forecast to be at pre-pandemic levels.
- Mixed recycling income per tonne is volatile and is currently higher than budget assumptions. This will be monitored during the year.
- Homes for Ukraine grant is offset by spend in Supplies & Services (see Table 5).

REVENUE FORECAST OUTTURN 2023-24 @ Q1

APPENDIX A

11. Treasury £000

Treasury	Approved Budget	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Variance for 23/24
Interest Payable	314	0	314	336	22
Interest on Investments	(205)	0	(205)	(799)	(594)
Outturn	109	0	109	(463)	(572)

Interest rates on investments is significantly higher than budget assumptions.

Capital & Project Summary £000

	Approved Budget	Carry Forwards	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Variance for 23/24
Revenue Projects	405	336	50	791	819	28
Capital Projects	902	1,398	454	2,754	2,014	(740)
Net Cost of Service	1,307	1,733	504	3,545	2,833	(712)

12. Revenue Projects £000

Community Services	Approved Budget	Carry Forwards	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Variance for 23/24
Bramshot Farm: Woodland Path	50	0		50	50	0
Bramshot Farm: Stock Fencing	15	0		15	15	0
Bramshot: Resurface Car Park	30	0		30	30	0
Countryside Stewardship	0	50		50	50	0
Edenbrook CP Boardwalk	40	0		40	40	0
Edenbrook CP SupplyWater	20	0		20	20	0
Fleet Pond Signage	0	0		0	7	7
Whitewater Meadow Culverts	20	0		20	20	0
Whitewater Meadow Stock Fencing	30	0		30	30	0
Whitewater Meadow Signage	30	0		30	30	0
QEIIFields Fencing	10	0		10	10	0
Bramshot Farm Concessions	0	40		40	40	0
Edenbrook CP Teen Health	0	65		65	65	0
Edenbrook CP Concessions	0	40		40	40	0
Fleet Pond Ecology	0	30		30	30	0
Hazeley Heath Grazing	0	11		11	11	0
HW Central Common Access Improvements	0	76		76	76	0
	245	312	0	557	564	7

Revenue Projects Continued £000

	Approved Budget	Carry Forwards	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Variance for 23/24
Corporate Services						
Accessibility Project	0	24		24	24	0
Use of Civic Offices by FCoT	0	0	50	50	60	10
Telephony upgrade	40	0		40	40	0
Exit IT from 5C Contract	30	0		30	30	0
Upgrade Hyper V Servers	20	0		20	20	0
Decommissioning Switch Cabinet	20	0		20	20	0
Cyber Assurance Framework	20	0		20	20	0
Email Marketing Platform	5	0		5	5	0
Website-Phase2	25	0		25	25	0
Kings Coronation Grants	0	0		0	10	10
	160	24	50	234	255	21
TOTAL PROJECTS	405	336	50	791	819	28

13. Capital Projects £000

Community	Approved Budget	Carry Forwards	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Variance for 23/24
Disabled Facilities - Mandatory	867	0		867	867	0
S106 Leisure Parish	0	0	267	267	267	0
Service Vehicles	35	16	20	71	63	(9)
Whitewater Meadows-PlayArea	0	0	167	167	167	0
Energy Efficiency Affordable Homes	0	250		250	0	(250)
Grants for Affordable Housing	0	300		300	0	(300)
Bramshot Farm	0	137		137	137	0
Edenbrook CP - Skate/Bike Park	0	165		165	165	0
GG A3013 Cove Road Crossing	0	255		255	255	0
Fleet Pond Visitor Enhancement	0	51		51	20	(31)
	902	1,174	454	2,530	1,941	(590)
Corporate						
IT Upgrade	0	18		18	18	0
Website Development Project	0	7		7	7	0
Cyber Security 23-24	0	48		48	48	0
	0	73		73	72	(1)
Place						
Phoenix Green, Hartley Wintney*	0	70		70	0	(70)
Mill Corner, North Warnborough*	0	27		27	0	(27)
Kingsway Flood Alleviation Sch*	0	54		54	0	(54)
	0	150		150	0	(150)
	902	1,398	454	2,754	2,014	(740)

*Report to Cabinet September 2023

Both S106 Leisure Parish and Whitewater Meadows, Play Area spend reflect contractual obligations associated with S106 funds already received. Service vehicles have been replaced by electric vehicles in line with Climate Change policy

CABINET

DATE OF MEETING: 7 SEPTEMBER 2023

TITLE OF REPORT: DOG FOULING PUBLIC SPACE PROTECTION ORDER

Report of: Executive Director – Place

Cabinet Portfolio: Regulatory

Key Decision: No

Confidentiality: Non-Exempt

PURPOSE OF REPORT

- 1 To agree the making of a district-wide Dog Fouling Public Spaces Protection Order (PSPO).

RECOMMENDATION

- 2 Cabinet is recommended to delegate authority to the Executive Director – Place, in consultation with the Portfolio Holder for Regulatory, to:
 - a. consider the responses to the public consultation and make any necessary amendments to the draft PSPO in light of the consultation, and
 - b. adopt the district-wide PSPO to apply to any place where the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission. The restrictions are that:
 - i. persons in charge of a dog must remove the faeces and for it to be disposed of in an appropriate receptacle, and
 - ii. persons in charge of a dog must have with them appropriate means to pick up dog faeces deposited by that dog.

BACKGROUND

- 3 In June 2020 the Council adopted a district-wide Public Space Protection Order (PSPO) relating to dog fouling. The PSPO applied district-wide to any place which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission. The restrictions are that:
 - i. persons in charge of a dog must remove the faeces and for it to be disposed of in an appropriate receptacle, and
 - ii. persons in charge of a dog must have with them appropriate means to pick up dog faeces deposited by that dog.

The PSPO expired at the end of May 2023.

NEED FOR A PSPO

- 5 Public Spaces Protection Orders (PSPO) are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life. To justify a PSPO there has firstly to be evidence of a nuisance, and secondly that the effect (or the likely effect) of the activities is of a persistent nature making the behaviour unreasonable and rendering the notice justified.
- 6 It does this by imposing conditions on the use of that area, which apply to everyone. Orders are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from antisocial behaviour.

- 7 Dog fouling is unpleasant and affects the enjoyment of space where members of the public have access. It can cause health risks and may cause infections.
- 8 The 2020 PSPO has been effective and provided the legislative basis for enforcement to be undertaken. However, as set out in the Environmental Health & Licensing Local Enforcement Plan, formal enforcement action, such as issuing and serving a Fixed Penalty Notice, is a last resort. The existence of a PSPO is an additional lever to ensure dog owners are responsible and deal with the natural process of dog fouling in a responsible way.
- 9 Having had regard to the above it is appropriate to make a new PSPO, covering the same matters as the 2020 version.

PROCESS FOR A NEW PSPO

- 11 A 4-week consultation on a new the PSPO has already commenced. All relevant consultees in accordance with Section 72 of the Anti-social Behaviour, Crime and Policing Act 2014 have been notified of the consultation.
- 12 Following the end of the consultation period all the responses will be considered prior to a decision to adopt a new PSPO.
- 13 The 2020 PSPO was also informed by the representations made during its consultation. The consultation for the PSPO covers the same matters as the 2020 PSPO. It is therefore expected this will reduce the consultation burden.
- 14 Consultation on the PSPO will run for a 4-week period closing 2 October 2023. There is a wide notification procedure including all Parish and Town Councils, the Ministry of Defence, Suitable Alternative Natural Greenspace (SANG) owners and managers, the Kennel Club and Dogs Trust, Hampshire Police, Hampshire County Council, Natural England, RSPB, Fleet Pond Society and Basingstoke Canal Society. In addition, all Hart-registered dog walking businesses, local vets and pet shops have been notified.

CORPORATE GOVERNANCE CONSIDERATIONS

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

- 16 The Corporate Plan includes the commitment to make Hart a great place to live, work and enjoy, and aims to protect and enhance the District's natural environment, landscape character and water environment.

Service Plan

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

Legal and Constitutional Issues

- 20 Chapter 2 of the of the Anti-social Behaviour, Crime and Policing Act 2014 sets out the power and procedures for making a public spaces protection order. Section 59 sets out the power. This power can however be challenged under section 66 by an interested person who can apply to the High Court to question the validity of a public space protection order on the grounds that the local authority did not have power to make the order or that a requirement under this Chapter was not complied with. Section 72 sets out the necessary consultation and publicity requirements while section 68 gives the power to

authorised persons to issue a fixed penalty notice to anyone who breaches the terms of the PSPO.

Financial and Resource Implications

21 The cost of preparing the Dog Fouling PSPO, its consultation and adoption will be met through existing resources.

22 The cost of the enforcement of the PSPO is already budgeted.

Risk management

23 There are no risk management issues as a result of this recommendation.

EQUALITIES

24 There are no direct equalities implications as a result of the Dog Fouling PSPO. The consultation on the draft PSPO was screened to consider if there were any equalities implications.

CLIMATE CHANGE IMPLICATIONS

25 There are no direct climate change implications as a result of the Dog Fouling PSPO.

ACTION

26 Following the close of the consultation period the comments received will be analysed in consultation with the Portfolio Holder. Unless substantial objections are received the Executive Director – Place will adopt the Dog Fouling PSPO under the delegated powers requested in this report. The PSPO will then come into effect at the earliest opportunity.

Contact Details:

Mark Jaggard, Executive Director - Place

APPENDICIES

Appendix A: Draft consultation Dog Fouling Public Space Protection Order

APPENDIX A– CONSULTATION DRAFT DOG FOULING PUBLIC SPACE PROTECTION ORDER

HART DISTRICT COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

THE HART DISTRICT (DOG FOULING) PUBLIC SPACES PROTECTION ORDER 2023

Hart District Council (“the Council”), in exercise of its power under section 59(1) of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) being satisfied that the conditions set out in sections 59(2) and 59(3) of the Act have been met, and having complied with the requirements of section 72 of the Act, makes the following public spaces protection order (the “Order”):

1. This Order shall be known as the Hart District Public Spaces Protection Order 2023.
2. This Order shall come into force on _____ 2023 and shall have effect for a period of 3 years unless extended pursuant to section 60 of the Act.
3. This Order applies to the whole of the administrative area of the Council (“the Restricted Area”) as shown edged in black on the plan in the Schedule to this Order.
4. **BY THIS ORDER:**

If within the Restricted Area, a dog defecates at any time on land to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless:

 - a. he has a reasonable excuse for failing to do so; or
 - b. the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to them failing to do so
5. This Order shall not apply to a person who:-
 - a. is registered as a blind person in a register compiled under S29 of the National Assistance Act 1948; or
 - b. has a disability as defined by the Equality Act 2010 or its successor and who relies upon an accredited assistance dog trained by an accredited member of Assistance dogs International (ADI) or the International Guide Dog Federation (IGDF) or other Prescribed Charity.
6. For the purpose of this Order-
 - a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
 - placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the Public Place;

- being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing remove the faeces;
- a person in charge of a dog on any Public Space must have with them appropriate means to pick up dog faeces deposited by that dog unless they have a reasonable excuse for failing to do so.
- “Prescribed charity” shall include:
 - Dogs for the Disabled (Registered Charity Number 700454)
 - Support Dogs (Registered Charity Number 1088281)
 - Canine Partners for Independence (Registered Charity Number 803680)
 - Dog A.I.D. (Registered Charity Number 1 098619)
 - Medical Detection Dogs (Registered Charity Number 1124533)
 - Hounds for Heroes (Registered Charity Number 1134359)

- 7 A person guilty of an offence under paragraph 4 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- 8 A police officer or an authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence under paragraph 4.
- 9 If any person who lives in or regularly works or visits the Restricted Area wishes to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.

Dated this day of..... 2023

THE COMMON SEAL OF HART DISTRICT COUNCIL

Was hereunto affixed in the presence of:-

Authorised signatory

Print Name:

CABINET

DATE OF MEETING: THURSDAY 7th SEPTEMBER 2023

TITLE OF REPORT **ROUNABOUT SPONSORSHIP ENVIRONMENTAL GRANT FUNDING**

Report of: **Executive Director - Community**

Cabinet Portfolio: **Leader and Strategic Direction, Partnerships**

Key Decision: **Yes**

Reasons for Urgency

Confidentiality: **Non-Exempt**

PURPOSE OF REPORT

1. To conform the arrangements for the allocation of funds received from roundabout Sponsorship.

RECOMMENDATION

- a) That Cabinet agrees to continue to support the delivery of biodiversity, climate change, and health and wellbeing projects throughout the district by the allocation of grant funding collected from roundabout sponsorship.
- b) Provided that:
 - i. the aggregated value of approved projects does not exceed the income received from roundabout sponsorship in that financial year; and
 - ii. the projects can demonstrate that there is a clear benefit for biodiversity, climate change and health and wellbeing

The Countryside Manager is authorised to agree all projects up to £10k and the Leader is authorised to agree any projects that are over £10k

- c) That Cabinet agrees to continue to keep in reserve funding to help maintain a standard of service to continue to retain existing and attract potential customers.

BACKGROUND

2. The Council has successfully been running a roundabout sponsorship scheme for over 10 years. It raises between £15k to £50k annually which is set aside for projects that benefit biodiversity, community well-being, and (more recently) climate change.
3. The scheme supports the delivery of the adopted Biodiversity Action Plan 2018-23. By “supporting existing wildflower projects and developing new opportunities” and “supporting small enhancements across the district”.
4. The funding can be used to provide community-based enhancements throughout the district. It is available to any organisation that can deliver a community project like the recent Heatherside Infant School Biodiversity and Wellbeing Garden Project.

5. The funding also helps deliver projects on Hart-owned land and is used to support projects like wildflower and tree planting.

CONSIDERATIONS

6. An element of the income received from roundabout sponsorship is reinvested to improve the landscape design of roundabouts within the scheme.
7. Administered correctly, the scheme can continue to play an important part in facilitating the delivery of readily accessible funding for local small project enhancement projects which support biodiversity, well-being, and climate change.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

8. The option of not reinvesting income from roundabout sponsorship back into council reserves was considered but discounted as this would not deliver the biodiversity, climate change, and health and wellbeing benefits identified in this report.
9. Not holding a reserve of funding will mean that a level of consistency for delivering both the grant and the sponsorship scheme would be compromised. By holding a reserve, An even cash flow can be maintained to support repair/enhance roundabouts as well as delivering grant funding without issue.

CORPORATE GOVERNANCE CONSIDERATIONS

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

10. The development of the Strategy will help deliver “Theme 3” of the Hart Vision by reducing the impact of climate change.
11. Reducing the impacts of climate change is also a Corporate Priority and the Council has declared a carbon emergency that commits us to reach net zero by 2035.

Service Plan

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

Legal and Constitutional Issues

12. Legal issues are considered as part of the grant funding application process.

Financial and Resource Implications

13. The council currently provides a mechanism for the sponsorship of roundabouts within the district, and this makes an average of £35,000 per year in profit. However, there can be a fluctuation in the level of profit margins, and over the last 4 years, it has seen highs of £51,000 and lows of £13,000.
14. To help manage cash flow surplus from high years is transferred into a reserve that is kept specifically for the delivery of projects. This helps maintain the condition of roundabouts and provides for specialist renovations to help the business stay attractive for sponsors. It also helps fund larger schemes and supports the delivery of projects through less profitable years.

Risk Management

15. There are no risks in the delivery of the scheme. However, the provision of a reserve is essential to maintaining business continuity.

EQUALITIES

16. It is not expected that there will be any equality issues in delivering this Strategy.

CLIMATE CHANGE IMPLICATIONS

17. This scheme supports the delivery of local sustainability projects.

ACTION

18. Subject to the recommendations of this report being approved, the Council will continue with the delivery of the community grant scheme.

Contact Details: Adam Green

Appendices

None

Background Papers:

[Grant Scheme .docx \(sharepoint.com\)](#)

CABINET

KEY DECISIONS / WORK PROGRAMME AND EXECUTIVE DECISIONS MADE

September 2023

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	Outline/Reason for Report/Comments	Due Date	Key Decision Y? (Note 1)	Cabinet Member (Note 2)	Service (Note 3)	*This item may contain Exempt information
Q1 Budget monitoring report and forecast outturn for 2023/24	Report to Cabinet the latest projections of expenditure and income, including capital, for 2023/24 for review and approval of any action necessary	7 Sep	No	Portfolio Holder - Finance	CS	Open
Public Spaces Protection Order (Dog Fouling)	<p>Cabinet to agree that consultation on the Public Spaces Protection Order (PSPO) be commenced as soon as possible.</p> <p>Cabinet to agree that the Portfolio Holder for Regulatory to be granted delegated authority to agree the PSPO subject to the outcome of consultation.</p>	7 Sep	No	Portfolio Holder - Regulatory	PL	Open

Report Title	Outline/Reason for Report/Comments	Due Date	Key Decision Y? (Note 1)	Cabinet Member (Note 2)	Service (Note 3)	*This item may contain Exempt information
Roundabout Sponsorship Environmental Grant Funding - Delegated Authority	To seek Cabinet's approval to use funding raised through roundabout sponsorship to provide environmental enhancements in the local community	7 Sep	Yes	Leader and Portfolio Holder - Strategic Direction and Partnerships	COM	Open
Review and Project Plan Flood Schemes	<p>Review and project plan the flood schemes at Kingsway, Blackwater Mill Corner, North Warnborough Phoenix Green, Hartley Wintney.</p> <p>A full review of the current schemes, new project plans, project management, resources and timeframes</p>	5 Oct	No	Portfolio Holder - Planning Policy and Place	PL	Open
Corporate Risk Register (Half Yearly Review)	Cabinet to review the Corporate Risk Register and pass any comments to officers.	5 Oct 4 Apr	No	Portfolio Holder - Climate Change and Corporate Services	CS	Open

Report Title	Outline/Reason for Report/Comments	Due Date	Key Decision Y? (Note 1)	Cabinet Member (Note 2)	Service (Note 3)	*This item may contain Exempt information
UK Shared Prosperity Fund (UKSPF) resources and programme update	To consider proposals for the necessary resources to deliver the UKSPF programme, as approved in the Investment Plan, and to note the updated timetable	5 Oct	No	Leader and Portfolio Holder - Strategic Direction and Partnerships	CS	Open
Winchfield Neighbourhood Plan 2022-2037	To receive Inspector's report and consider whether to proceed to referendum.	5 Oct	No	Portfolio Holder - Planning Policy and Place	PL	Open
Civic Regeneration Update	To report to Cabinet the outcome of the updated financial appraisal for the Civic Regeneration scheme and to agree next steps	5 Oct	No	Portfolio Holder - Climate Change and Corporate Services	CS	Open

Report Title	Outline/Reason for Report/Comments	Due Date	Key Decision Y? (Note 1)	Cabinet Member (Note 2)	Service (Note 3)	*This item may contain Exempt information
Butterwood Homes Report from Scrutiny Panel	To consider adopting any proposals recommended by the Butterwood Homes Scrutiny Panel	5 Oct	No	Portfolio Holder - Climate Change and Corporate Services	CS	Open
Medium Term Financial Strategy Mid Year Review and Headline Budget Strategy for 2024/25	To note emerging pressures on the Council's finances and agree a budget strategy for the coming year and consider changes to the MTFS	2 Nov	No	Portfolio Holder - Finance	CS	Open
Q2 Budget monitoring report and forecast outturn for 2023/24 - incorporating treasury activity	Report to Cabinet the latest projections of expenditure and income, including capital, for 2023/24 for review and approval of any action necessary. Report to include treasury activity and adherence to approved policy.	2 Nov	No	Portfolio Holder - Finance	CS	Open
Supplementary Planning Document - Cycle and Car Parking in New Developments	Following public consultation, Cabinet to consider adopting the Supplementary Planning Document on Cycle and Car Parking in New Developments	2 Nov	No	Portfolio Holder - Planning Policy and Place	PL	Open
Supplementary Planning Document - Viability Appraisals for New Developments	Following public consultation, Cabinet to consider adopting the Supplementary Planning Document on Viability Appraisals for New Developments	2 Nov	No	Portfolio Holder - Planning Policy and Place	PL	Open

Report Title	Outline/Reason for Report/Comments	Due Date	Key Decision Y? (Note 1)	Cabinet Member (Note 2)	Service (Note 3)	*This item may contain Exempt information
Settlement Capacity and Intensification Study	To consider the Settlement Capacity & Intensification Study produced by consultants. The study was commissioned to review the potential capacity within the district's settlements to accommodate future growth	7 Dec	No	Portfolio Holder - Planning Policy and Place	PL	Open
Planning Local Enforcement Plan	To consider and adopt an updated Planning Local Enforcement Plan. The current Planning Local Enforcement Plan was adopted in January 2016, and this review is to ensure it reflects current best practice and to bring it up to date.	7 Dec	No	Portfolio Holder - Planning Policy and Place	PL	Open
Adoption of Local Cycling and Walking Infrastructure Plan (LCWIP)	Following the end of the consultation period, to consider adopting the updated LCWIP.	7 Dec	No	Portfolio Holder - Planning Policy and Place	PL	Open
Review of CCTV Service	To review the CCTV service, including any requirement for additional funding for replacement cameras/additional maintenance as required	4 Jan	No	Portfolio Holder - Communities	COM	Open

Report Title	Outline/Reason for Report/Comments	Due Date	Key Decision Y? (Note 1)	Cabinet Member (Note 2)	Service (Note 3)	*This item may contain Exempt information
Climate Change Update	Cabinet to receive an update on progress against the Climate Change Action Plan	4 Jan	No	Portfolio Holder - Climate Change and Corporate Services	CS	Open
Draft Budget 2024/25	To consider and recommend to Council, the revenue and capital budget for 2024/25 including revised Medium Term Financial Strategy and any proposed changes to council tax discretions.	1 Feb	No	Portfolio Holder - Finance	PL	Open
Q3 Budget monitoring report and forecast outturn for 2023/24	Report to Cabinet the latest projections of expenditure and income, including capital, for 2023/24 for review and approval of any action necessary.	1 Feb	No	Portfolio Holder - Finance	FIN	Open
Treasury Management Policy and Capital Strategy annual statutory review	To consider and recommend to Council the revised Treasury Management Policy including Investment Strategy, prudential indicators and Capita Strategy, having regard to O&S comments	1 Feb	No	Portfolio Holder - Finance	FIN	Open
Draft Service Plans 2024/25	Cabinet to review and approve draft service plans for 2024/25 having regard to O&S comments and the approved budget.	4 Apr	No	Chief Executive	ALL	Open

Report Title	Outline/Reason for Report/Comments	Due Date	Key Decision Y? (Note 1)	Cabinet Member (Note 2)	Service (Note 3)	*This item may contain Exempt information
Cron dall Conservation Area Appraisal	Cabinet to consider adopting the updated Cron dall Conservation Area Appraisal		No	Portfolio Holder - Planning Policy and Place	PL	Open
Crookham Village Conservation Area Appraisal	Cabinet to consider adopting the updated Crookham Village Conservation Area Appraisal		No	Portfolio Holder - Planning Policy and Place	PL	Open
Hartley Wintney Conservation Area Appraisal	Cabinet to consider adopting the updated Hartley Wintney Conservation Area Appraisal		No	Portfolio Holder - Planning Policy and Place	PL	Open
Ongoing Items throughout the year						
Climate Change updated and request for funding allocations for projects to deliver Action Plan	To update Cabinet on progress against Hart's Climate Change Action Plan		No	Portfolio Holder - Climate Change and Corporate Services	CS	

Executive Decisions		
Cllr Radley	To report to Cabinet as per Financial Regulation 10.34, debts >£5k written off as irrecoverable for the year 2023/24. One sundry debtor account totalling £9,668. This will be met from the general bad debt provision, not directly from the Council's annual budget.	

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

D Neighbour	Leader and Strategic Partnerships
J Radley	Deputy Leader and Finance
A Oliver	Development Management and Community Safety
T Clarke	Digital and Communications
T Collins	Regulatory
R Quarterman	Climate Change and Corporate
S Bailey	Community
G Cockarill	Planning Policy and Place

Note 3

Service:

Report Title	Outline/Reason for Report/Comments	Due Date	Key Decision Y? (Note 1)	Cabinet Member (Note 2)	Service (Note 3)	*This item may contain Exempt information
CX Chief Executive	CS Corporate Services	PL Place Services				
CSF Community Safety	PP Planning Policy					
FI Finance	COM 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

