



NOTICE OF MEETING

Meeting:	Overview and Scrutiny Committee
Date and Time:	Tuesday 20 February 2024 7.00 pm
Place:	Council Chamber
Enquiries to:	Committee Services Committeeservices@hart.gov.uk
Members:	Dorn (Chairman), Butler (Vice-Chairman), Smith, Butcher, Coburn, Davies, Engström, Harward, Farmer, Thomas and Vernon

Chief Executive

CIVIC OFFICES, HARLINGTON WAY
FLEET, HAMPSHIRE GU51 4AE

AGENDA

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

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

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

- 1 MINUTES OF PREVIOUS MEETING** 4 - 10
- The minutes of the meeting of 16 January 2023 are attached to be confirmed and signed as a correct 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 disclosable, 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 PRESENTATION BY CORE GRANT RECIPIENTS - HART VOLUNTARY ACTION**
- Members to receive a short presentation from core grant recipients outlining the impact the core grant has had on their organisation – Hart Voluntary Action.
- 7 HALF YEARLY COMPLAINTS ANALYSIS** 11 - 25
- To receive an update on the number and outcome of customer complaints for Quarter 2 and 3, July-December 2023.
- 8 LOCAL ENFORCEMENT PLAN** 26 - 53
- To consider a new Local Enforcement Plan and pass comments to Cabinet. The plan brings together the Environmental Health & Licensing Enforcement Plan and the Planning Enforcement Plan under one overarching document.
- 9 FEEDBACK FROM CORPORATE AND PLACE SERVICE PANEL** 54 - 96

MEMBERS

To receive feedback from Members on the Corporate and Place Service Panels.

10 CONSERVATION AREA APPRAISAL TASK AND FINISH GROUP 97 - 115

To update the Committee on progress addressing task and finish group recommendations regarding Parish & Town Council led conservation area appraisals (CAAs), in particular the production of a guidance note.

Recommendation

Overview & Scrutiny Committee is recommended to:

note the completion of Guidance Note for Parish & Town Councils at Appendix 1, and

agree that the recommendations of the task and finish group, set out at Appendix 2, have been addressed.

11 FLY TIPPING TASK AND FINISH GROUP 116 - 127

To report back on the findings of the Task and Finish Group.

12 QTR 3 BUDGET MONITORING REPORT AND FORECAST OUTTURN FOR 2023/24 INCORPORATING TREASURY ACTIVITY 128 - 151

To consider the latest projections of expenditure and income, including capital, for 2023/24 for review and any action necessary. Report to include treasury activity and adherence to approved policy.

13 CABINET WORK PROGRAMME 152 - 159

To consider the Cabinet Work Programme.

14 OVERVIEW AND SCRUTINY WORK PROGRAMME 160 - 163

To consider and amend the Overview and Scrutiny Work Programme.

Date of Publication: Monday 12 February 2024

OVERVIEW AND SCRUTINY COMMITTEE

Date and Time: Tuesday 16 January 2024 at 7.00 pm

Place: Council Chamber

Present:

Dorn (Chairman), Butler (Vice-Chairman), Smith, Butcher, Davies, Engström, Harward, Farmer, Thomas, Vernon and Worlock

In attendance:

Forster, Neighbour

Officers:

Daryl Philips, Chief Executive

Graeme Clark, Executive Director, Corporate Services & S151 Officer

Joanne Rayne, Finance & Property Manager

Christine Tetlow, Strategic and Corporate Projects Manager

Nikki Jenkins – Community Partnerships & Projects Manager

93 MINUTES OF PREVIOUS MEETING

The minutes of 19 December 2023 were confirmed and signed as a correct record.

94 APOLOGIES FOR ABSENCE

Apologies had been received from Councillor Coburn – Councillor Worlock attended as substitute.

Councillor Worlock announced that Councillor Coburn had given birth to a boy last week, congratulations were offered.

95 DECLARATIONS OF INTEREST

No declarations made.

96 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed everyone to the first Overview & Scrutiny Committee of 2024 and thanked Cllr Butler for chairing the last meeting.

Mr Clark introduced the new Committee Services Officer, Kathy Long.

The Chairman also thanked members of the CCTV Task and Finish Group and Butterwood Homes Scrutiny Panel for their hard work.

97 PUBLIC PARTICIPATION (ITEMS PERTAINING TO THE AGENDA)

None.

98 GYPSY AND TRAVELLER TEMPORARY PITCHES TASK AND FINISH GROUP

Mr Philips explained that he was asking members to indicate what they wished to be included in the draft terms of reference for the Task and Finish Group to agree at a later date. This Task and Finish Group would start in the new municipal year.

Members were advised of some areas to consider:

- Non-enforcement options. The aim was to get to the root of the issue and consider the evidence-based unmet need for temporary stopping spaces and transits in the area.
- To focus not on finding sites but on how Hart could get the Community to help find sites and move the discussion on from enforcement only
- Not being asked to replicate planning policy that covered the need for permanent pitches.
- The main issues that affected Hart were having no transit sites (non-permanent sites where people could stay for a few months whilst passing through) and no temporary stopping spaces (non-permanent sites where people could stay for a few nights). This latter group was often chased around the district and neighbouring authorities at public expense.
- What would providing temporary stopping sites mean for Hart?
- How Hart can work with Parish, Town Councils, neighbouring authorities, and Hampshire County Council to find sustainable solutions.

It was stated that these were not easy conversations and that there would be no easy solutions.

The aim was to develop draft terms of reference that covered how to engage with communities about the current situation and how to encourage them to help work toward solutions.

Members discussed various issues, including:

- The use of blanket banning injunctions was raised. It was confirmed that the Supreme Court had decided on this while it was not common to serve injunctions on persons unknown, if it was targeted with a specific evidence base it might be appropriate to use them.
- The number of stopping sites that might be required across the district. It was stated that any increase in the current situation of no sites would be useful.

- Identify best practice from other areas. Members were told that the LGA had looked at this in the past and that exemplar sites did exist, which were managed by liaison officers who understood the specific needs.
- How to engage people in these complex discussions and whether a level of expertise was needed to achieve this. It was confirmed that advice from the LGA will be sought.
- What consultation would occur specifically if new potential sites were identified? It was stated that as part of any planning application process full notification would be carried out but at this stage, it is a scoping exercise.
- The focus would be on changing the language around engagement to emphasise the benefits and positive outcomes rather than focusing purely on the negative consequences of not engaging.

Mr Philips requested Councillor support for drafting the terms of reference if there was interest.

A small group of members agreed to meet with Mr Philips to move this forward. Councillors Butler, Farmer and Harwood put themselves forward.

99 FEEDBACK FROM COMMUNITY SERVICE PANEL MEMBERS

Councillor Butler gave a summary of the meeting attended. Members were informed that it had been a very positive meeting and well attended by managers. Only one project had slipped within Housing, this was due to staffing issues and increased workloads. Hampshire Council County funding was being used to refurbish empty homes for rent and the Community Safety Team was working with businesses in Fleet Town Centre to reduce shoplifting.

Members suggested that more challenging KPI's should be set for the next round of Service Plans.

100 DRAFT BUDGET 2024/25 AND MEDIUM-TERM FINANCIAL STRATEGY

Mr Clark introduced and set the context for the report. It was explained to the meeting that the comments they made would be put to Cabinet for consideration and the budget itself would then be taken to Full Council for approval. During the current year various work had been undertaken to support this:

- reviewed the purpose of reserves and realigned budgets accordingly
- reviewed the detailed budget eliminating any unnecessary budgets
- reviewed the Medium-Term Financial Strategy
- provided quarterly monitoring reports

Members were informed that this was the first full year of the in-house finance team being in post and thanked them for their work.

The headlines were:

- There is still budget volatility, estimates were based on a set of assumptions and forward forecasts, using the best information available
- The government grant settlement had been increased this year and was higher than expected. It was again a one-year settlement, so offered no certainty to project forward.
- The Medium-Term Financial Strategy still shows a budget shortfall for the next 3 years.
- Forecasted reduction in government grant.
- Future changes to waste collection services.
- Impact of exiting external contracts and bringing services in house
- A bid has been submitted under the governments public sector decarbonisation fund, the overall scheme was £2.2M and we anticipate receiving £1.6M from that fund. The balance had been approved by Cabinet to be from an earmarked reserve, this would be added to the capital schemes listed in the annex.

Members queried:

- The value of the New Home's Bonus and it was confirmed to be a reduction to £790K .
- Leisure centre charges and it was stated that they were CPIX August which was 7.8%.
- The level of decrease in parking income from 2019/20 until now. It was established that it had reduced by approximately £150K.
- The increase in green waste subscriptions, and what profit was being made, December year to date subscriptions have increased by 118%. As it is a seasonal service it is difficult to predict.
- Investment property rental income was confirmed as a reclassification of the income to track the reclassification of the asset.
- The cost and timescales of the car park ticket machine rollout. It was confirmed that upgrading 22 of 26 machines for £74K during 2024/25 year
- Clarification of the new roles in Community Services, Community Safety and Housing Needs. It was explained that a new role within the Community Safety Team focusing on antisocial behaviour, crime prevention role and covering statutory safeguarding. The second role was within the Housing Solutions team and focused on the increased use of bread and breakfast, homelessness and keeping residents in their homes.
- Funding for the planning resources, and whether the costs were anticipated to be one-off or ongoing. The 80K set aside for planning resources was dependent on the nature of the business case being recommended from the efficiency review.
- Funding for the peer review was confirmed as a one-off cost and the tree planting work was for backlog clearance.
- Whether it was possible to give an indication of the tests the budget met and whether it was just met or exceeded.
- Were there any other stress tests that could be used above the statutory test listed. It was confirmed that additional tests were available such as

sensitivity analysis for income and use of prudential indicators for treasury activity.

Members were invited to contact Mr Clark if they had any other questions and drop-in sessions would be offered.

101 TREASURY MANAGEMENT POLICY AND CAPITAL STRATEGY ANNUAL STATUTORY REVIEW

Mr Clark introduced the report, stating that much was prescribed by regulation and statutory guidance. It provided a framework for our banking, borrowing and investment. No changes had been proposed as the policy had served Hart well this year.

A Member requested that the interest rate return and maturity date be added into the Treasury investment tables.

102 UK SHARED PROSPERITY FUNDING BIDS

Ms Tetlow introduced the report that detailed applications received for UKSPF funding for either community hubs or young people engagement projects. Many applications had been received, and it had been over-subscribed. The report contained recommendations as to which applications should be successful. Non-successful applicants would receive assistance with accessing other funding streams.

Members queried;

- Scoring criteria, specifically if detailed objective information was available to justify individual scores. One application was highlighted as showing anomalies. It was explained that applications were scored by a team, each score for each application was available. Officers explained that the organisations could request their own scoring sheet and that members could request any of them.
- How was the reach information was used in the decision-making process. Concern was raised over the checking process of the reach claims
- Whether applicants had any contact with the team after the initial selection phase. It was stated that most applicants had been contacted for clarification.
- Whether any scoring weight had been given to match-funding given that this was suggested in the UKSPF guidance. It was confirmed that no weight had been given to match-funding following consultation with stakeholders to maximise the level of applications received.
- Which officers sat on the panel, Ms Tetlow explained that it comprised 4 officers and varied in grading and from different departments, The Young Peoples Panel also had a representative who sat on the Local Children's Partnership
- It was stated that no submission had been confirmed as successful prior to the closing date.

- Concern was raised over the change of the fund allocation between the two projects. One unsuccessful application was highlighted as scoring the same as a successful bid.
- Concern raised that the funds had been moved unilaterally across the two streams.
- The lack of consideration for organisations with access to other funds or match-funding was highlighted in relation to one application.
- The level and nature of stakeholder involvement.

Members were reminded that the scoring criteria in the two projects were different. It was confirmed that there had been no stakeholder involvement in the scoring or recommendation stages of the process.

Councillor Forster declared a non-pecuniary interest as the Hampshire County Council Cabinet Member with responsibility for schools.

Members raised questions in relation to:

- the number of applications given to organisations based in Yateley
- consideration of affordability to the individual organisations
- exclusion of areas of high deprivation if in an area of wider affluence
- subjectivity of the scoring, requesting clarity of what each score meant
- catchment areas of the applications
- the capping of awards or offering funds for just one phase
- the level of applications in some areas had been low, was this linked to poor publicity of the fund
- the spread of funds across the whole district.

It was explained that:

- the area of Yateley had two of the 4 deprivation areas in Hart and that within the scoring criteria deprivation levels had been considered.
- no assessment had been undertaken of organisations' accounts, however the projects had to be able to show they were self-sustaining once the funding ended.
- applicants had been informed that they have been recommended for funding, subject to approval.
- support would be given to non-successful applicants.
- the consideration of partial awards had been made but applicants had to have a completed project to meet UKSPF requirements.
- The team had publicised the bidding process across the whole district and had worked with Town and Parish Councils, stakeholder organisations, Here for Hart Forum and had also launched an early expression of interest period to publicise the opportunity for fundraising.

Cllr Thomas left at 20.35.

The Chairman summarised the views of many Members of the committee as having concerns about the scoring criteria, the way it had been applied and therefore the outcomes of it. Additionally significant concerns were voiced about the shift in the boundary between the two work streams after the event. The rejection of the consideration of match -funding.

A Motion was proposed by Councillor Dorn and seconded by Councillor Butcher.

At this time, we do not recommend this paper for approval at Cabinet for the reasons of, concern for the scoring system, the change to funding boundaries and the lack of matched funding.

The vote was not unanimous.

A recorded vote was held on the Motion:

For: Butcher, Butler, Davies, Dorn, Farmer, Smith, Worlock
Abstentions: Engström, Harward, Vernon
Against: None.

The Motion was CARRIED.

103 CABINET WORK PROGRAMME

The Cabinet work programme was noted.

104 OVERVIEW AND SCRUTINY WORK PROGRAMME

It was agreed that the following changes be made to the work programme:

- Approval of the Gypsy and Traveller Task and Finish Group terms of reference should be added for April 2024.
- The Quarters 2 and 3 Complaints report should be added for February 2024.
- The on-street parking item should be removed.

The meeting closed at 8.48 pm

OVERVIEW AND SCRUTINY COMMITTEE

Date of meeting: Tuesday 20 February 2024
Title of report: Complaints report for July to December 2024
Report of: Corporate Services
Cabinet Portfolio: Leader and Strategic Direction and Partnerships
Key Decision: No
Confidentiality: Non Exempt

Purpose of Report

1. This report updates Members on the number and outcome of customer complaints for Quarter 2 and 3, July-December 2023.
2. The report looks at performance on a range of metrics and examines any learning from the information presented.
3. The report also considers Hart’s response to the Local Government and Social Care Ombudsman consultation on a new code for corporate complaints due to be released in 2024.

Recommendation

4. The complaints report for July to December is noted.

Background

5. This report is the second summary for this financial year. The report provides details of the formal complaints received during Q2/Q3, July-December 2023.
6. The report reviews performance information from the corresponding quarters in 2022/23 to provide a comparative data set.
7. At Overview and Scrutiny Committee in July 2023, Members were satisfied that complaints performance was being actively managed, and the frequency of the report should move from quarterly to half year.

Main Issues

Overview for Quarter 2 and 3, July – December 2023

Number of complaints

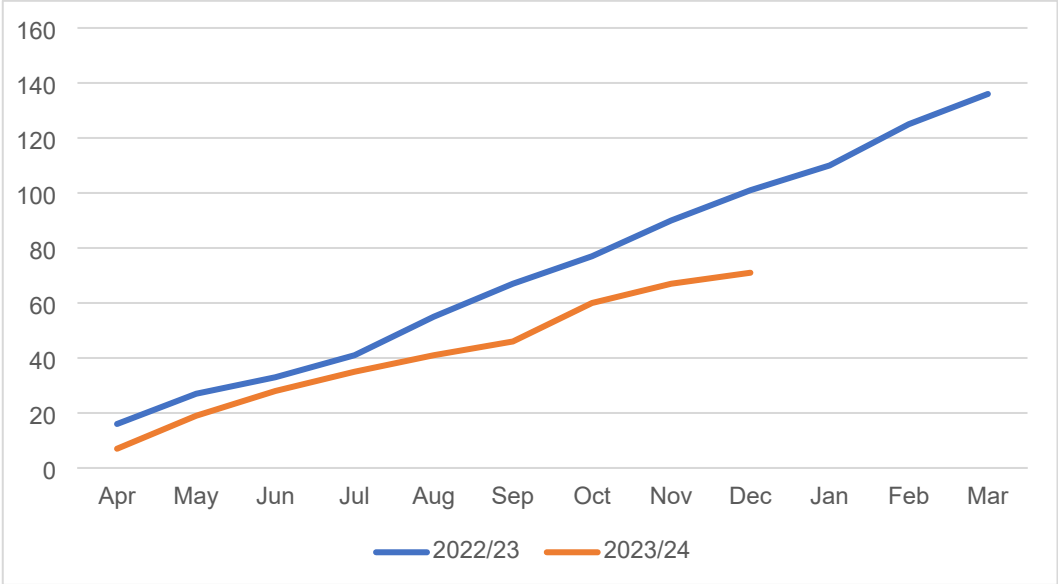
8. Hart received 52 complaints, 43 stage 1 complaints and nine stage 2 complaints.

Table 1. Stage 1 and 2 complaints from April to December 2023

Stage	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Stage 1	7	12	9	7	6	5	14	7	4
Stage 2	0	1	1	2	1	1	0	4	1
Total	7	13	10	9	7	6	14	11	5

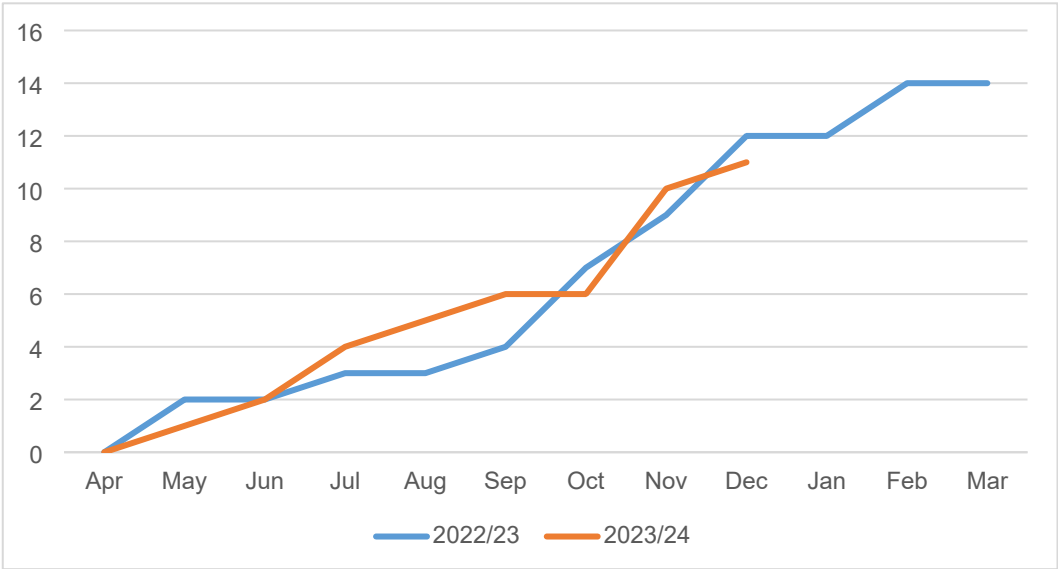
- 9. In Q2/Q3 2022/23, we received 78 complaints (stage 1 = 68, stage 2 = 10). There has been a reduction of 26 complaints in 23/24 compared to 22/23. Graph 1 shows the cumulative number of stage 1 complaints across 22/23 and 23/24.

Graph 1. Stage 1 complaints comparing 22/23 with 23/24



- 10. We received 10 stage 2 complaints in 22/23 compared to nine in 23/24. Graph 2 sets out the cumulative figure, across 22/23 and 23/24.

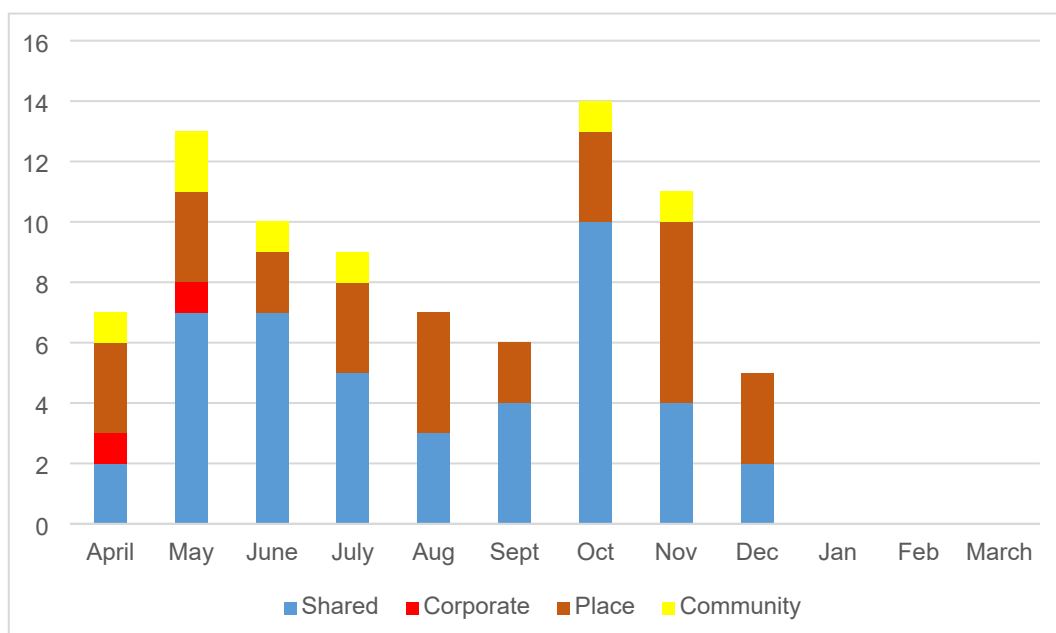
Graph 2. Stage 2 complaints comparing 22/23 with 23/24



Complaints by directorate/ shared service

- 11. Shared services, managed by Corporate Services, account for 54% (28) of all complaints in Q2/Q3 2023/24. This includes Revs and Bens (Council Tax and Housing Benefit) and Waste Services. Place register 40% (21) of all complaints and Community Services 6% (3). Graph 3 shows this split from April 2023 to December 23/24.

Graph 3. Complaints received from each service area from April 2023



12. For detailed analysis from the different service teams, see Appendix 1. This examines the following information:

- Number of complaints reported by team and directorate
- Number of complaints as a percentage against the total
- How many complaints have been escalated to stage 2
- Performance against response time by team and directorate
- Compares against the number of complaints received in Q2/3 2022/23

13. Table 2 shows the split of complaints across the different shared services teams.

Table 2. Number of complaints received in each service area for Q2 & 3 2023/24

	Waste (BDBC)	Council Tax (Capita)	Housing Benefit (Capita)	Business rates (Capita)	Leisure (Everyone Active)
July	1	2	2	0	0
Aug	1	2	0	0	0
Sept	1	2	0	1	0
Oct	3	7	0	0	0
Nov	2	2	0	0	0
Dec	0	1	0	0	1
Total	8	16	2	1	1

14. Table 3 shows that each directorate, apart from Place, has seen a reduction in the number of complaints compared to Q2/Q3 2022/23. Shared Services

has seen a reduction of 26 complaints. Place has seen an additional three complaints in Q2/3 23/24.

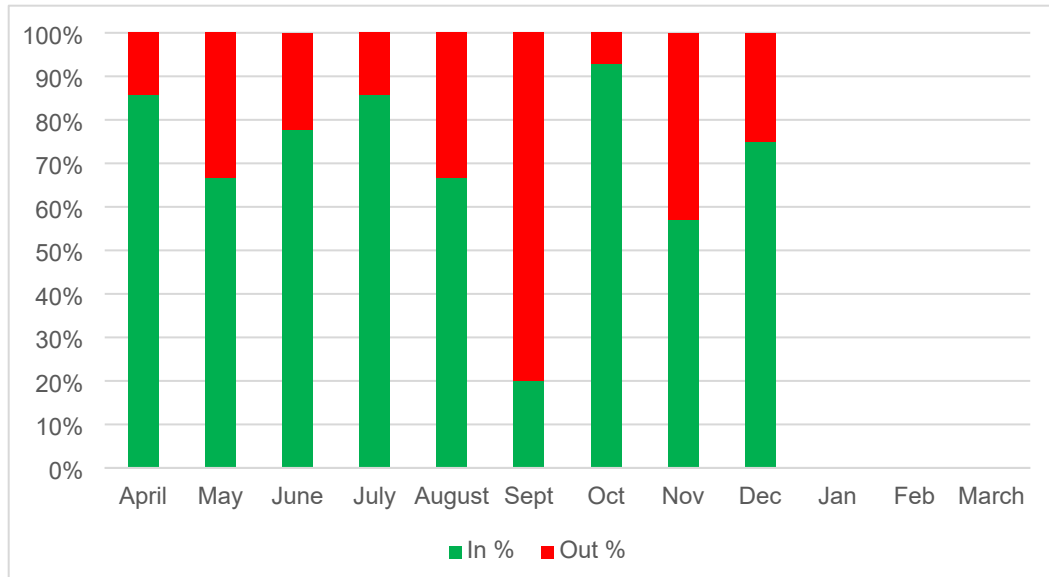
Table 3. Complaints received in each service area comparing Q2/Q3 22/23 and 23/24

	Q2/Q3 23/24	Q2/Q3 22/23	Difference
Shared Services	28	54	-26
Place	21	18	+3
Community	3	6	-3
Corporate	0	0	-
Total	52	78	-26

Responding to complaints in time

15. There is a 10 day service level agreement to respond to stage 1 complaints. On average, we meet this in 66% of complaints in Q2/Q3. As a comparison, we responded to 70% of complaints in Q2/Q3 22/23.
16. Graph 4 shows the stage 1 complaints investigated and resolved within 10 days. The outlier month, September, shows four of the five complaints going over the 10 day target. Place and Shared Services investigated the four complaints, (Planning x 2, Business Rates and Council Tax)

Graph 4. Stage 1 complaints responded within 10 days



17. There is a 20 day target for stage 2 complaints: we achieved 55% completion within timescale from nine complaints investigated in Q2 and 3. As a comparison, we achieved 89% in 22/23.
18. Appendix 1 includes the breakdown for each team's response times. Planning shows 51% of all complaints received by the team were responded to within 10 days. Business Rates received one complaint and was finalised outside of 10

days, resulting in 0%. No Corporate complaints received in Q2/3 in 22/23 or 23/24.

Reasons for complaints

19. We record the reasons why a complaint has been made, in line with the categories set out in [the policy](#).

The three highest categories of complaint across Q2/Q3 are:

- Mistakes in the way a decision has been taken, 17 complaints, 33% of total
- Delay in taking action without good reason, 10 complaints, 19%
- Failure to provide a service, seven complaints, 13%

20. For stage 2 complaints, an assessment of the stage 1 escalation is made based on the following categories:

- Promised action not taken
- Promised action delayed
- Misleading or inaccurate response
- Inadequate explanation
- Failed to address some or all issues
- Disagree with decision

21. Nine complaints were escalated to stage 2 in Q2/Q3. Appendix 2 sets out the category for each complaint and whether the complaint was upheld. In summary, eight complaints were not upheld by the investigating Executive Director, one was upheld.

Complaint decisions

22. We record decisions in three ways:

- Upheld, where the investigating officer agrees with the complainant
- Partially upheld where the officer agrees with some aspects of the complaint
- Not upheld, where the officer does not agree with the complainant.

23. We upheld 42% (23) stage 1 complaints across Q2/Q3. A further 56% (29) were not upheld.

24. This compares to 55% (43) complaints upheld in Q2/3 22/23, 40% (31) not upheld and a further four (5%) partially upheld.

Learning from complaints

25. The focus is on complaints where we've accepted errors or mistakes have been made. Appendix 3 sets out the upheld complaints in Q2/3 with details of:

- The team investigating the complaint
- Summary of the issue raised

- Any learning taken from each case.
26. Each complaint was issued with a written apology and sets out any remedial action to be taken.
 27. Of the 23 complaints we've upheld in Q2/3, eight complaints were recorded as being upheld due to delays in Planning.
 28. We have rolled out complainant satisfaction surveys with the way Hart have handled formal complaints. An online survey has been sent to a sample selection of complainants received in Q3 for feedback on the process. To date, we have received two responses, both of whom were satisfied that we took the appropriate action.
 29. Awareness training on the complaints handling process took place in October with 27 officers in attendance.

Local Government Ombudsman decisions

30. One case was referred to the [Local Government Ombudsman](#) in the reporting period. The Ombudsman did not investigate the complaint owing to the nature of the issue.

Local Government Ombudsman consultation

31. The Local Government and Social Care Ombudsman consulted in November 2023 on a complaint handling code that will apply to all local councils in 2024. The code has been developed in partnership with the Housing Ombudsman. The two bodies are proposing to introduce a joint code to make a single "gold standard for complaint handling in the local government sector."
32. Hart responded to the consultation, included as appendix 4. It will mean changes are required to the current policy when the code is launched. A working group of officers will be created to consider the changes when the Ombudsman has analysed the responses from 157 councils. They hope to provide a further update in early 2024

Corporate Governance considerations

Relevance to the Corporate Plan

33. Performance reporting is an essential element of understanding how the services are performing in the context of the actions being undertaken in Service Plans. Complaints analysis provides officers with invaluable feedback on the provision of services at an operational level.

Service Plan

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

Legal and Constitutional issues

34. There is no statutory duty to report regularly to Cabinet on the Council's performance. However, under Section 3 of the Local Government Act 1999 (as amended) an authority has a statutory duty to secure continuous improvement in the way in which its functions are exercised having regard to a combination of economy, efficiency, and effectiveness.
35. Regular reports on the Council's performance in responding to complaints assist in demonstrating best value and compliance with the statutory duty.

Financial and Resource Implications

36. None identified

Risk Management

37. Complaints about services can indicate where identified operational risks have materialised. This should be monitored through individual departmental risk registers. Learning from complaints can help mitigate the same risks occurring in the future.

Equalities

38. The analysis conducted through this paper potentially have relevance to the Equality Act. Each report will identify and analyse all complaints that reference bias or discrimination or intimates this within the submission.
39. One complaint reported in Q2 referenced bias or unfair discrimination. This was a stage 1 complaint not upheld by the investigating officer following allegation of unfair discrimination regarding the complainant's Housing Benefit claim. The complaint did not progress to stage 2.

Climate Change Implications

40. There are no direct carbon or environmental impacts arising from the report.

Action

41. This report enables Overview and Scrutiny to understand the Council's current performance around complaints handling and performance. Those that are escalated to the Ombudsman could result in a significant detrimental impact on the Council if we are found to be at fault through maladministration or negligence. It is important that Cabinet and the public can be satisfied that the Council is running a well-managed and effective complaints system.

Contact Details: Steve Bennett

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Appendices

Appendix 1 complaints analysis across service areas Q2/3 2023

Appendix 2 learning from upheld complaints in Q2/3 2023/24

Appendix 3 Stage 2 complaint outcomes from Q2/3 2023/24

Appendix 4 Hart's response to Local Government Ombudsman consultation

Appendix 1 complaints analysis across service areas comparing Q2 and 3 for 2022/23 and 2023/24

	Stage 1 Q2 23/24	Esc to S2 Q2 23/24	Stage 1 Q3 23/24	Esc to S2 Q3 23/24	% total Q2-3 23/24	Response time %	Stage 1 Q2 22/23	Esc to S2 Q2 22/23	Stage 1 Q3 22/23	Esc to S2 Q3 22/23	% total Q2-3 22/23
Shared Service	12	1	16	2	54%	72%	29	1	25	2	69%
Council Tax	7	1	10	2	32%	72%	7	0	10	0	22%
Business rates	1	0	0	0	2%	0%	0	0	0	0	-
Housing Benefit	2	0	0	0	3%	100%	2	0	1	0	4%
Waste Services	2	0	5	0	13%	90%	20	1	13	2	42%
Leisure	0	0	1	0	2%	100%	0	0	1	0	1%
Place	9	3	12	3	40%	83%	4	0	14	5	23%
Planning	7	2	12	3	36%	51%	3	0	11	5	18%
Env Health	1	1	0	0	3%	100%	0	0	2	0	3%
Licensing	1	0	0	0	2%	100%	0	0	0	0	-
Other*	0	0	0	0	-	-	1	0	1	0	1%
Communities	1	0	2	0	6%	100%	3	1	3	1	8%
Housing	1	0	0	0	2%	100%	0	0	0	0	-
Parking	0	0	2	0	3%	100%	2	1	1	0	4%
Countryside	0	0	0	0	0%	-	0	0	1	0	1%
Com Safety	0	0	0	0	0%	-	1	0	1	1	3%
Total	22	4	30	5			36	2	42	8	

*Other relates to two complaints investigated in 22/23 - Planning Policy Stage 1 in Aug 22 and Highways Stage 1 in Nov 22

Appendix 2 Stage 2 complaint outcomes from Q2 and 3 2023/24

Date	Team	Category	Outcome set out by investigating Director
July 23	Planning	Misleading or inaccurate response	Not upheld
July 23	Env Health	Inadequate explanation	Not upheld
Aug 23	Planning	Failed to address some or all issues	Not upheld
Sept 23	Council Tax	Promised action wasn't taken	Not upheld
Nov 23	Council Tax	Failed to address some or all issues	Upheld, compensation request refused
Nov 23	Planning	Failed to address some or all issues	Not upheld
Nov 23	Planning	Inadequate explanation	Not upheld, acknowledged decision outside 12 weeks
Nov 23	Council Tax	Disagree with decision	Not upheld
Dec 23	Planning	Disagree with decision	Not upheld, acknowledged premature declaration of application

Appendix 3 learning from upheld complaints from Q2 and 3 2023/24

Team	Date	Summary of issue	Learning points
Waste	July	<ol style="list-style-type: none"> 1. Details of assisted collection not displaying to crew resulting in missed bin 2. Incorrect application of the timescales for reporting missed assisted bin collection 3. Serco didn't return bin to the correct location 4. Customer service staff rude to complainant when on the call 	<ol style="list-style-type: none"> 1. BDBC working with Serco to put into place alternative arrangements for resident 2. Training to customer service agent who applied incorrect (shorter) timescales with resident 3. BDBC working with Serco to put into place alternative arrangement and joint monitoring for one month 4. Review of call recording with individual call handler and learning opportunities explored with team
Licensing	July	Policy not adhered to when investigating the complaint	Training to Licensing Officer who didn't follow procedure
Council Tax	July	Inaccurate date recorded on landlord account resulting in incorrect balance being charged	Training to Officer who didn't follow procedure and reminder to wider team on importance of accuracy
Housing Benefit	July	Housing Benefit incorrectly suspended without warning resulting in shortfall to landlord	Training to Officer who didn't follow procedure and note to supervisor for wider checks
Council Tax	Aug	Incorrect status applied to single person discount for Council Tax	Officer spoken to by manager regarding type of evidence required in this type of case
Council Tax	Oct	Officer applied regulations incorrectly and was short with customer when on the phone	Call reviewed and officer spoken to by manager regarding process and tone of voice
Council Tax	Oct	Advisor was not helpful or informative and negative to resident throughout call	Call reviewed and officer spoken to. Guidance to be reviewed to ensure info is clear for staff
Council Tax	Oct	Delayed communications around refund and then received demand for monies not owed by resident	Training to Officer around change of address process and reminder to wider team
Waste	Oct	Shared bins being returned to the wrong location following collection	Raised with Serco and supervisor has spoken to the crew with monitoring for one month
Council Tax	Oct	Incorrect forwarding address manually applied on system resulting in additional costs	Costs refunded to applicant and system checked for accuracy
Council Tax	Oct	Customer misinformed of outstanding balance, resulting in debt not cleared within deadline set and summons issued	Summons and recovery costs removed. Officer spoken to by manager with reminder issued to wider team
Waste	Oct	Broken glass left in road after waste operatives had visited and collected the bins	Raised with Serco to remind crews of their duty to clean up spills

Appendix 3 learning from upheld complaints from Q2 and 3 2023/24

Team	Date	Summary of issue	Learning points
Waste	Nov	Waste bin not collected following report of missed bin within timescales	Raised with Serco and supervisor has spoken to the crew about the location of the bin with monitoring for one month
Waste	Nov	Garden waste not collected, and bin logged on system as "not presented for collection"	GPS checked and issue raised with Serco for operatives to walk to the property to collect bin, subscription extended
Parking	Nov	Parking machine faulty and didn't issue ticket within acceptable timescales	Apologised and confirmed that faulty machines are reported as soon as aware of issue with 48 hour repair

Ref	Question	Feedback
1	<p>The joint Code aims to provide a national standard for councils to work to, helping to clarify requirements, simplifying internal processes, and giving assurances to the public and local Members about how complaints must be handled. Does it achieve this?</p>	<p>We support the introduction of a gold standard to complaints handling. It will provide a transparent route for customers to navigate through the process and help the council continue to build on its culture of being helpful, approachable, responsive, and taking responsibility.</p> <p>Hart introduced its new complaints policy in 2022 and largely meets many of the new elements within the code. However, there are certain areas that will place additional burden on the authority.</p> <p>The application of a blanket, one size fits all, approach does cause concerns because there is little in the consultation that demonstrates that there is an overriding need supported by evidence to dispense with the many well run and locally relevant complaints procedures which are tailored to meet the needs of local communities.</p> <p>In our view there is perhaps a need for better guidance but the council, sees little evidence for the need to impose a more prescriptive Code which does not reflect the diversity of local authorities.</p> <p>Overall we believe that the new Code will impose an unnecessary bureaucratic burden on local authorities.</p>
2	<p>The joint Code sets out clear expectations for the level of staffing, oversight and governance for councils to have a good complaint handling service. Do you agree?</p>	<p>The application of the Code is highly bureaucratic and will impose a disproportionate burden on smaller local authorities. It is too prescriptive in this and there is no evidence in the consultation that the draft Code has sought to address the financial and resource impacts on local authorities.</p>
3	<p>The joint Code encourages councils to have a learning culture and improve their complaint handling service. Will it support your council to achieve this?</p>	<p>Not necessarily. The Council already has in place the process and procedures to review complaints. Complaints are already reviewed by both our strategic leadership team and our Overview and Scrutiny Committee. Furthermore the Council reviewed its complaints procedure in 2022.</p>

Appendix 4 Final response to LGSCO consultation

		In our opinion the new Code adds little to generate improvement albeit we will need to rewrite our policy and ensure that any new Code is cascaded down the organisation. In our view however, that is unnecessarily as we already have clear policies in place.
4	We believe the joint Code provides a clear definition of what constitutes a complaint and what should be classed as an upheld complaint. Do you agree?	<p>No. We define a complaint as “any expression of dissatisfaction about the way in which we have provided a service”. We feel this use of clear and concise language helps complainants understand the definition. The code’s definition is not clear and concise. It will simply create uncertainty for both complainants and the Council.</p> <p>The removal of partially upheld does mean some complaints will fall between upheld/not upheld. For example, if one minor element of a complaint is agreed but two or more significant areas of the complaint aren’t, this doesn’t feel like the complaint should be upheld in full.</p>
5	The Code encourages organisations to resolve complaints satisfactorily at an early stage and before they come to an Ombudsman. Do you agree?	No. The council has a very practical informal complaints procedure which already resolves complaints without imposing a bureaucratic burden and procedure on complaints or officers. In many instances complainants simply want to understand the council’s actions. Adding a more bureaucratic and formal arrangement imposes an unnecessary burden and creates a greater barrier between the complainant and the council.
6	We will provide further guidance on how the Code should be used by councils. What guidance would you find useful when implementing the Code within your council?	<p>6.14. While “reasonable efforts” are expected to be made, if we are unable to ask the complaint to “explain their reasons” this will present an issue. Guidance around reasonable effort would be appreciated</p> <p>8.2 Guidance on what’s expected on the annual complaints’ performance and service improvement report</p>
7	Do you have any other comments you would like to make about the LGSCO’s intention to introduce this statutory Code, including the decision do this jointly with the Housing Ombudsman?	<p>The council believes that the imposition of a prescriptive Code would not be of any advantage to the customer and indeed creates a bureaucratic and unnecessary burden and barrier on users. If a prescriptive Code is to be imposed, it needs to be clear about what is a complaint and because it intends to be a statutory code there must be no room for ambiguity whatsoever.</p> <p>Before the proposed Code is imposed the Council wishes to see a proper resource impact assessment carried out with a proper impact assessment that balances a one</p>

Appendix 4 Final response to LGSCO consultation

		<p>size for all Code relative to local authority size and resources. The Council is unclear about what evidence underpins the need to impose a one size fits all approach.</p> <p>We are disappointed that the new Code does not appreciate to recognise flexibility and local circumstances which are tried and tested in dealing with complaints. This is reflected in the Council's excellent record with the LGO where there is a very low referral record and nil complaints upheld or investigated.</p>
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Overview & Scrutiny

Meeting date: 20 February 2024

Issue Title: Local Enforcement Plan

Report of: Executive Director – Place

**Cabinet Portfolio: Community Safety & Development Management and
Regulatory**

Key Decision: No

Confidentiality: Non-Exempt

Purpose of Report

1. To seek the views of the Overview & Scrutiny Committee on the working draft Local Enforcement Plan prior to its consideration by Cabinet.

Recommendation

2. That the Overview & Scrutiny Committee provides comments to Cabinet on the working draft of the Local Enforcement Plan attached at Appendices 1, 2 and 3.

Background

3. The Planning Local Enforcement Plan was adopted in January 2016. The Environmental Health & Licensing Local Enforcement Plan was adopted in July 2021.
4. In line with good practice, the Local Enforcement Plans should be reviewed and updated to ensure it accords with current legislation and guidance and reflects best practice.
5. The opportunity has been taken to bring both Enforcement Plans into one overarching document, with service specific strategies and procedures which sit underneath it.

Main Issues

6. The plan outlines the key principles that the Council will follow when regulating, enforcing, and litigating. The plan sets out the standards that everyone can expect from the Council's regulatory services and its officers.
7. The document outlines how Council officers consider enforcement actions, how work is prioritised, and how complaints are investigated. The Council ensures that all officers comply with the plan.
8. If there are specific strategies or procedures needed for each service area, they will be added to the general plan. If there are no specific policies or procedures for a particular service area, all regulatory functions will follow the principles outlined in the general plan.
9. The primary objective of regulations and enforcement is to guarantee the safety and well-being of the public, the environment, and different groups, including consumers, residents, workers, businesses, and the community. The Council is committed to implementing stringent regulations to ensure fair and consistent enforcement, support the local economy, and benefit the environment.

10. The Council's enforcement activities, such as investigations and formal actions, are carried out in accordance with its legal obligations. To ensure that this is the case, enforcement and investigating officers work within the limits of their delegated authority, which has been granted by the appropriate committee or Council. Any changes to these limits are reflected in the Council's constitution, which is regularly reviewed and updated.
11. Council officers play a vital role in ensuring that the enforcement decisions are fair and just. To achieve this, it's important for them to consider the principles outlined in the plan, as well as any relevant national guidance. This helps maintain consistency in actions and provide the best possible service to the communities the Council serve.
12. The document outlines how officers consider enforcement actions, how we prioritise work, and investigate complaints. The Council ensures that all officers comply with the plan.
13. All Members of the Planning Committee were sent an early version of the Planning Local Enforcement Plan.

Alternative Options Considered and Rejected

14. The alternative is not to update the two Local Enforcement Plans. This would leave the Planning Local Enforcement Plan dated January 2016, which in parts would benefit from being updated to reflect latest guidance and best practice.

Corporate Governance Considerations

Relevance to the Corporate Plan

15. The Hart Corporate Plan 2023-2027 provides a high-level strategic framework for the decisions we take. It describes our most important aims and the priority activities that we will focus on delivering. The Planning Local Enforcement Plan helps to clarify how we will use the limited resources in the Planning Enforcement team wisely and focus on the priorities.

Service Plan

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

Legal and Constitutional Issues

16. There are no legal or constitutional issues raised by the recommendations in this report.

Financial and Resource Implications

17. There are no financial or resource implications associated with the recommendations in this report.

Risk Management

18. There are no risk management matters associated with recommendations in this report.

Equalities

19. There are no equalities matters associated with the recommendations in this report.
20. The Local Enforcement Plan will be meet the WCAG guidelines for accessibility.

CLIMATE CHANGE IMPLICATIONS

21. There are no climate change implications matters associated with the recommendations in this report.

ACTION

22. Following consideration of the working draft Local Enforcement Plan by Overview & Scrutiny Committee, the Plan will be considered by Cabinet.

Appendices

Appendix 1: Working draft Local Enforcement Plan

Appendix 2: Environmental Health & Licensing enforcement

Appendix 3: Planning enforcement



Working draft Local Enforcement Plan

Version 1	Working draft for Overview & Scrutiny Committee	February 2024

1. Purpose and scope

- 1.1 This Local Enforcement Plan outlines the key principles that the Council will follow when regulating, enforcing, and litigating. The plan sets out the standards that everyone can expect from the Council's regulatory services and its officers.
- 1.2 This document outlines how Council officers consider enforcement actions, how work is prioritised, and how complaints are investigated. The Council ensures that all officers comply with this plan.
- 1.2 If there are specific strategies or procedures needed for each service area, they will be added to the general plan. If there are no specific policies or procedures for a particular service area, all regulatory functions will follow the principles outlined in the general plan.
- 1.3 The primary objective of regulations and enforcement is to guarantee the safety and well-being of the public, the environment, and different groups, including consumers, residents, workers, businesses, and the community. The Council is committed to implementing stringent regulations to ensure fair and consistent enforcement, support the local economy, and benefit the environment.
- 1.4 The Council's enforcement activities, such as investigations and formal actions, are carried out in accordance with its legal obligations. To ensure that this is the case, enforcement and investigating officers work within the limits of their delegated authority, which has been granted by the appropriate committee or Council. Any changes to these limits are reflected in the Council's constitution, which is regularly reviewed and updated.
- 1.5 Council officers play a vital role in ensuring that the enforcement decisions are fair and just. To achieve this, it's important for them to consider the principles outlined in this plan, as well as any relevant national guidance. This helps maintain consistency in actions and provide the best possible service to the communities the Council serve.
- 1.6 This document outlines how officers consider enforcement actions, how we prioritise work, and investigate complaints. The Council ensures that all officers comply with this plan.
- 1.7 The enforcement functions are carried out under the Scheme of Delegation to Officers. The Executive Director – Place has delegated authority to investigate and to take enforcement proceedings relating to environmental health, licensing, and planning functions. Many of these functions are further delegated to officers according to their qualifications and competency.

2. Key Principles

- 2.1 The Council will follow the principles of the Regulators' Code which provides a clear, flexible, and principles-based framework for how regulators should engage with those they regulate. It sets out the following:
1. regulators should carry out their activities in a way that supports those they regulate to comply and grow,
 2. regulators should provide simple and straightforward ways to engage with those they regulate and hear their views,
 3. regulators should base their regulatory activities on risk,
 4. regulators should share information about compliance and risk,
 5. regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply,
 6. regulators should ensure that their approach to their regulatory activities is transparent.
- 2.2 Hart District Council has adopted the HART core values of:
- Helpful** – we will really listen to what our citizens, customers and residents want to achieve and help them reach their goals,
- Approachable** – we will be open, friendly, and fair, working with others and helping others to succeed,
- Responsive** – we will strive to do things well and look for ways to innovate and improve, and
- Take Ownership** – we will take responsibility, do what we say we will and see things through. People and teams will be required to work collaboratively with others both inside and outside the organisation and actively share learning and best practice.
- 2.3 In all enforcement activity it is important that the Council adopts the legal concept that the guilt of an accused person cannot be presumed and that they must be assumed to be innocent until proven otherwise.
- 2.4 Enforcement investigations will usually be kept confidential. However, any requests for information will be considered in accordance with the General Data Protection Regulation (GDPR), Freedom of Information Act (FOI) and Environmental Information Regulations (EIR).
- 2.5 In designing this Plan the Council have sought to embed these principles and ensure our enforcement activities are undertaken in a way that supports businesses and people to comply and grow.

3. How to contact us

- 3.1 If you are concerned with an environmental health or licensing matter or that there may be a breach of planning control you can raise this through one of the following channels. Our preferred method is the use of a webform or email as this enables the team to receive the information clearly and quickly.

[Environmental Health Webform](#)

Webform (planning): *to be finalised*

Email (environmental health): eh@hart.gov.uk

Email (planning): enforcement@hart.gov.uk

- 3.2 We know that a webform or email may not be suitable for everyone, you can still contact us by post.

Hart District Council
Civic Offices
Harlington Way
Fleet
Hampshire
GU51 4AH

- 3.3 The quality of information and evidence provided by those reporting a breach can have a significant impact on the outcome of an investigation. You will need to provide:

- the address of the site,
- your own contact details, including your name and address,
- details of the alleged breach, including the start date, if known,
- it is also helpful to provide photographs of the development or activities,
- an indication of what harm is being caused, and to whom, and
- any details you have about the persons responsible.

- 3.4 Reports of an alleged breach of planning control can be made by telephone (01252 622122) but will not be dealt with unless sufficient information is provided to allow the Council to undertake an initial investigation.

- 3.5 If the information given is found to be false, the enquiry will not continue unless the breach is seriously harmful to the area. Similarly, anonymous complaints will not be investigated unless they are of a very serious nature, it is in the public interest to do so, and the investigation is not reliant on the evidence of the complainant.

- 3.6 The identity of a complainant will be treated as confidential. However, if the complaint results in legal action being taken, the success of that case may rely on evidence being given by the complainant. In such a case, the case officer will

be happy to explain what may be required before taking a decision about whether to proceed with legal action.

- 3.7 The [Council's Customer Care Standards](#) are published on the Council's website.

4. Our approach to enforcement

- 4.1 We recognise that most people want to comply with the law. We want to cooperate with individuals or businesses to achieve compliance. If there is a problem, we want to resolve it by communicating clearly and encouraging people to behave responsibly. We will follow the “4 Es” approach to enforcement:



- 4.2 Formal enforcement action is usually a last resort. The Council consider facts of the case and assesses them against the consideration set out in this Plan in determining whether it is expedient to take formal enforcement action.
- 4.3 There will be cases where enforcement action is not a last resort, but is necessary as urgent action is required, for example where there are breaches of planning control which are causing serious harm, so a stop or temporary stop notice is needed or where an injunction is required.
- 4.5 The Council will not condone wilful breaches, but it will exercise discretion about taking enforcement action if it is considered expedient to do so.
- 4.6 The Council seeks to manage its finite resources to ensure that the highest priority complaints can be addressed without delay. As a result, the response, processing, and ability to take on lower priority reports will need to be adjusted accordingly. Enforcement resources are finite and the demand for enforcement investigations is usually very high, when significant number of higher priority cases are on hand this may lead to significant delays in investigating cases where harm is the more limited.
- 4.7 The Council will not normally undertake covert surveillance for planning enforcement purposes. Should it be considered necessary to do so, surveillance will only be undertaken with prior authorisation and in accordance with the provisions of the Regulation of Investigatory Powers Act 2000 or any subsequent legislation.
- 4.8 Where necessary, the Council will undertake interviews under the Police and Criminal Evidence Act (PACE).

4.9 The Council will also use other publicly available sources of information such as Land Registry records or information which is published on the internet.

5. What you can expect from the Council

5.1 You are entitled to expect our Officers to:

- a) be courteous, helpful, and efficient,
- b) be consistent, transparent, and accountable,
- c) identify themselves by name and show identification,
- d) provide a contact point for any communication,
- e) give clear advice in plain English,
- f) confirm advice in writing on request, explaining the action required and the timescale for compliance,
- g) clearly distinguish between what you must do to comply with the law and what is recommended as best practice,
- h) minimise the cost of compliance by requiring action that is proportionate to the risk,
- i) give you reasonable time to comply (unless immediate action is necessary in the interests of public health or to prevent evidence being lost),
- j) notify you if the matter is to be escalated to legal proceedings,
- k) advise you how to make a complaint or representation in cases of dispute about our actions,
- l) maintain confidentiality, except where there is a legal obligation to disclose information, or where witness statements are required for prosecution or other action,
- m) ensure that, wherever practicable, our enforcement services are effectively co-ordinated to minimise unnecessary duplication and delay, and
- n) coordinate enforcement activities and share good practice with other enforcement agencies to support compliance and to ensure consistency of approach.

6. What to do if you are not satisfied with our service

6.1 We make every effort to provide good customer service and to follow our procedures but occasionally errors will happen. If you are unsatisfied with our response, the Council has a Complaints Procedure. Full details on [how to make a formal complaint](#) are published on the Council's website.

6.2 Please note that the Complaints Procedure only deals with processes and procedures in making a decision, it does not deal with matters where we have followed proper procedures, relevant legislation and guidance but came to a decision that you disagree with, i.e. that it was not expedient to take enforcement action or to serve an enforcement notice.

6.3 If, having gone through the formal Complaints Procedure, you remain dissatisfied, you may refer your complaint to the Local Government

Ombudsman. Details of how to do this are on the Council's website at the link above, or on the [Ombudsman's website](#).

7 Cost recovery

- 7.1 Where permitted by law the Council will seek to recover its costs of investigation and enforcement proceedings. Where the Council has incurred costs, for example by carrying out remedial work or direct action, we will seek to recover the full costs incurred from the exercise of those powers. The Council will pursue the recovery of costs in the civil courts by mechanism permitted by law if deemed appropriate and / or necessary.

8 Publicity

- 8.1 In order to deter others the Council will aim to publish any prosecution or other enforcement action that it considers will achieve that aim.

9 Service specific strategies

- 9.1 The following service or team specific strategies or procedures sit under and supplement this overarching plan and are relevant to enforcement action in relation to that service or team:

- Environmental Health & Licensing,
- Planning.

10. Review of the Local Enforcement Plan

- 10.1 This Plan will be reviewed every 5 years, or sooner, if necessary, to reflect statutory changes or national guidance.

Appendix 1: Environmental health & licensing enforcement

Appendix 2: Planning enforcement

Appendix 1: Environmental health & licensing enforcement

1. Introduction

- 1.1 This appendix sets out the Council's approach to environmental health & licensing enforcement and needs to be read alongside the Council's overarching Local Enforcement Plan.
- 1.2 The plan outlines the key principles that the Council will follow when regulating, enforcing, and litigating. The plan sets out the standards that everyone can expect from the Council's regulatory services and its officers.
- 1.3 This document outlines how Council officers consider enforcement action, how work is prioritised, and how complaints are investigated.
- 1.4 It sets out the enforcement tools available, and how complaints are investigated. The Council is committed to ensuring that all officers abide by this plan.

2. What we can deal with

- 2.1 The Council's Environmental Health & Licensing Enforcement Plan applies to various functions including:
 - animal welfare,
 - dog fouling,
 - Environmental health including statutory nuisance, food safety, health and safety, public health, infectious diseases, and contaminated land,
 - Environmental permitting,
 - Fly-tipping,
 - Hackney Carriage and Private Hire Vehicle Licensing (Shared Service with Basingstoke & Deane BC),
 - pest control,
 - Premises licensing (Shared Service with Basingstoke & Deane BC),
 - Scrap Metal Dealer Licensing,
 - Street trading, and
 - registration of Special Treatments.
- 2.2 A list of some of the relevant legislation and guidance is included in the Annex to this Plan.

3. How to contact us

- 3.1 If you are concerned with an environmental health or licensing matter, please inform us through one of the following channels. Our preferred method is the use of a webform or email as this enables the team to receive the information clearly and quickly.

[Environmental Health webform](#)

Email (environmental health): eh@hart.gov.uk

3.2 We know that a webform or email may not be suitable for everyone, you can still contact us by post.

Hart District Council
Civic Offices
Harlington Way
Fleet
Hampshire
GU51 4AH

3.3 The quality of information and evidence provided by those reporting a case can have a significant impact on the outcome of an investigation. You will need to provide:

- the address of the site,
- your own contact details, including your name and address,
- details of the alleged breach, including the start date, if known,
- it is also helpful to provide photographs of the activities,
- an indication of what harm is being caused, and to whom, and
- any details you have about the persons responsible.

3.4 Complaints can be made by telephone (01252 622122) but will not be dealt with unless sufficient information is provided to allow the team to undertake an initial investigation.

3.5 To enable the complaint to be investigated the source of the alleged nuisance should be provided by the complainant. We may ask the complainant to assist in our investigation procedure, for example by keeping a diary or allowing us to install noise monitoring equipment where appropriate.

3.6 Complainants may be asked to provide information, evidence, or written statements in prescribed formats to allow for investigations to be progressed. Where evidence is withheld, or not provided in a required / admissible format, enforcement options may be restricted.

3.7 If the information given is found to be false, the enquiry will not continue unless the breach is seriously harmful to the area. Similarly, anonymous complaints will not be investigated unless they are of a very serious nature, it is in the public interest to do so, and the investigation is not reliant on the evidence of the complainant.

3.8 The identity of a complainant will be treated as confidential. However, if the complaint results in legal action being taken, the success of that case may rely on evidence being given by the complainant. In such a case, the case officer will be happy to explain what may be required before taking a decision about whether to proceed with legal action.

4. How we prioritise our investigations

- 4.1 Although we appreciate that all cases are important to those they affect, to make the most effective use of the resources available, cases will be prioritised, taking into account the significance of the incident and the level of likely harm caused.
- 4.2 All submitted enquiries go through an initial vetting process (undertaken by officers). This allows for the redirection of matters to ensure they are directed to the correct team and allows officers to seek additional information if required before prioritisation and allocation. Prioritisation enables the team to respond to the most harmful cases as a priority.
- 4.2 Any enforcement taken will aim to produce the highest reasonable standards of compliance within the shortest time. Officers will consider the following factors when determining the most appropriate enforcement action:.
- a) seriousness of the breach,
 - b) options for remedying the breach,
 - c) degree of risk,
 - d) circumstances of each case and the likelihood of recurrence,
 - e) age and circumstances of the offender,
 - f) date of offence,
 - g) likelihood of achieving a satisfactory outcome,
 - h) precedent effect,
 - i) legal imperatives, e.g. statutory requirement to serve a notice,
 - j) relevant guidance and codes of practice,
 - k) weight and admissibility of evidence,
 - l) public interest, and
 - m) prevalence of the offence locally or nationally.
- 4.3 Our first response times are listed below: These timescales are the longest period in which we intend to respond to a complaint and in all instances the service will seek to visit as soon as possible.

Priority 1 – High priority

Investigation commenced (site visit where appropriate) in up to 2 working days.

- major accident,
- notification of infectious disease,
- public health emergency,
- service of notice from date of witness of serious / urgent breach,
- stray dog, and
- notification of premises with imminent risk of health.

Priority 2 – Medium Priority

Investigation commenced (site visit where appropriate) in up to 5 working days.

- All other cases.

4.4 The Council seeks to manage its finite resources to ensure that the highest priority complaints can be addressed without delay. As a result, the response, processing, and ability to take on lower priority cases will need to be adjusted accordingly the demand for enforcement investigations is usually very high and when significant number of higher priority cases are on hand this may lead to significant delays in investigating cases where harm is more limited.

5. Enforcement options

5.1 A variety of enforcement options are available to the Council and are set out below:

a. Advice

In the first instance, consideration will be given to whether advice regarding a breach or potential breach of legislation is appropriate. When advice is given, it will normally be put in writing unless the breach is very minor, or the matter is rectified on the spot.

b. Warning letters

In certain circumstances it may be appropriate to issue a warning letter highlighting alleged offences to the person responsible for the alleged breach on how to avoid committing similar offences in the future. A warning letter will set out what should be done to rectify the breach and the timescale required for compliance. There must be sufficient admissible evidence available to substantiate the offence before a warning letter is issued.

c. Voluntary undertakings

The Council may accept voluntary undertakings that breaches will be rectified and/or recurrences prevented. The Council will take any failure to honour voluntary undertakings very seriously and formal enforcement action is likely to result to secure compliance.

d. Statutory notices

Subject to the specific rules governing the use of different statutory notices, they would generally be used where: there is a clear breach of the law, the degree of risk or environmental impact or harm from the situation is significant, and a remedy needs to be secured within a set period of time. In some instances, the service of a notice will be mandatory, for example, abatement notices under the Environmental Protection Act 1990. Subject to consideration of the evidence, it is likely that the negligent or wilful non-compliance with a statutory notice will result in prosecution.

Statutory notices may also be used to escalate enforcement action where a warning letter has been issued in relation to a breach but has not been complied with.

e. Seizure and detention of property, document and equipment

Officers will, on occasion, require evidence for their investigation and will use their statutory powers to seize property, documents, samples and/or equipment. A receipt will always be given to the relevant person detailing what has been taken and why.

f. Fixed penalty notices

Fixed Penalty Notices (FPNs) can be issued for a variety of different offences. Prior to service, the officer must have sufficient evidence to support a prosecution should the FPN not be paid. The FPN provides the offender with an opportunity to pay a financial penalty as an alternative to being prosecuted and receiving a criminal conviction. If a fixed penalty is not paid, the Council will commence criminal proceedings or take other suitable enforcement action in respect of the breach. FPNs will not normally be considered where the breach is more serious or recurrent, for example, the offender has already received a FPN for the same offence in the same year.

g. Simple caution

The Council may issue a Simple Caution where there is sufficient evidence to prosecute but where the public interest is not served by prosecution. A caution can only be administered where the offender consents to the caution and admits the offence. It will be formally recorded and may be cited in subsequent court proceedings.

h. Prosecution

The Council will consider the criteria set down in the Code for Crown Prosecutors, when deciding when to prosecute. The Council will also consider whether there is a reasonable prospect of conviction based on the strength of the evidence against any statutory defence, mitigation and any other factors which may preclude a successful conviction.

i. Criminal Behaviour Orders

The Council has the power to apply to the court for a Criminal Behaviour Order (CBO) where there has been successful conviction of a breach under the Anti-social Behaviour, Crime and Policing Act 2014. A CBO is an order designed to tackle the most serious and persistent anti-social individuals where their behaviour has brought them before a criminal court. The court can issue a CBO where it is satisfied that the offender has engaged in behaviour that caused or was likely to cause harassment, alarm, or distress to any person, and it

considers that making the order will help in preventing the offender from engaging in such behaviour in future.

6. Implementation

- 6.1 When considering formal enforcement action, the officer will discuss the circumstances with those suspected of a breach and take these into account when determining the best approach. This will not apply where immediate action is required to prevent or to respond to a serious breach or where to do so is likely to defeat the purpose of the proposed enforcement action.
- 6.2 The officer will give clear reasons for any formal enforcement action to the relevant person or business at the time of the action. The reasons will be confirmed in writing at the earliest opportunity. The complaints and relevant appeals procedure for redress will also be explained.
- 6.3 If a business has a Primary Authority, the officer will contact the Primary Authority before enforcement action is taken, unless immediate action is required because of imminent danger to health, safety, or the environment. officers will abide by OPSS guidance to Local Authorities in relation to the Primary Authority scheme.
- 6.4 When the officer takes the view that enforcement action is required this will be discussed with their line manager who will decide on the appropriate action to be taken. This discussion should be recorded on the case file. Implementation will then be monitored by the Executive Director - Place.

Annex

All enforcement activities, including investigations and formal actions, will be conducted in compliance with delegated statutory powers and in accordance with formal procedures and codes of practice made under this legislation in so far as they relate to the Council's enforcement powers and responsibilities.

Legislation and guidance include, but is not limited to:

- Anti-Social Behaviour, Crime and Policing Act 2014
- Code for Crown Prosecutors
- Co-ordination of Regulatory Enforcement (Procedure for References to LBRO) Order 2009 SI670/2009 (The CRE LBRO Order)
- Crime and Disorder Act 1998 – Community Safety
- Criminal Justice and Police Act 2001 – Community Safety
- Criminal Procedure and Investigations Act 1996
- Data Protection Act 2018
- Human Rights Act 1998
- Legislative and Regulatory Reform Act 2006 (LRRRA)
- Legislative and Regulatory Reform (Regulatory Functions) Order 2007
- Police and Criminal Evidence Act 1984
- Primary Authority: A guide for Local Authorities
- Protection of Freedoms Act 2012 (Code of Practice – Powers of Entry December 2014)
- Regulation of Investigatory Powers Act 2000
- Regulators' Code, April 2014
- The Regulatory Enforcement and Sanctions Act 2008 (The RES Act)
- Regulatory Reform Co-ordination of Regulatory Enforcement (Enforcement Action) Order 2009SI665/2009 (The CRE Enforcement Order)

Appendix 2: Planning enforcement

1. Introduction

- 1.1 This appendix sets out the Council's approach to planning enforcement and needs to be read alongside the Council's overarching Local Enforcement Plan.
- 1.2 The plan outlines the key principles that the Council will follow when regulating, enforcing, and litigating. The plan sets out the standards that everyone can expect from the Council's regulatory services and its officers.
- 1.3 This document outlines how Council officers consider enforcement action, how work is prioritised, and how complaints are investigated.
- 1.4 It sets out the enforcement tools available, and how complaints are investigated. The Council is committed to ensuring that all officers abide by this plan.

2. Breach of planning control

- 2.1 The integrity of the planning service depends on the Council taking effective enforcement action when appropriate. The Council is committed to providing an effective planning enforcement service and it is understood that public perception of the planning system can be undermined when unauthorised development is accepted without any apparent attempt by the Council to intervene.
- 2.2 The basic principle of planning law is that it is generally not an offence to carry out works without planning permission. Whilst such development remains unauthorised, unless regularised, Councils must consider the expediency of taking action whilst having regard to the development plan and any other material planning considerations.
- 2.3 A criminal offence will only arise in relation to the above matters when a statutory notice has been issued and the owner or occupier has failed to comply – or in certain specific cases, such as unauthorised works to a tree that is the subject of a Tree Preservation Order, works to a listed building without the necessary consent, or the display of an unauthorised advertisement(s).

3. What we can deal with

- 3.1 The Council's planning local enforcement plan applies to various types of development including:
 - unauthorised building works,
 - unauthorised changes of use,
 - internal and external alterations to listed buildings carried out without consent,
 - unauthorised demolition in Conservation Areas,

- unauthorised works to trees covered by a Tree Preservation Order or within a Conservation Area,
- works not being carried out in accordance with the approved plans,
- breaches of planning conditions,
- the stationing of a caravan or mobile home for use as a primary place of residence,
- unauthorised advertisements,
- unauthorised engineering work i.e. a change in ground levels, and
- untidy sites - failure to properly maintain land so that it adversely affects the amenity of an area.

4. What we can't deal with

4.1 The Council's Planning Enforcement team is unable to deal with the following matters:

- works that do not require planning permission,
- minerals and waste planning enforcement matters (these are dealt with by Hampshire County Council),
- works that have not yet started (except in exceptional circumstances where a serious breach can be prevented),
- boundary disputes,
- obstruction of a highway or public footpath (this is dealt with by Hampshire County Council),
- trespass on land,
- operating a business from home where the residential use of the dwelling remains the primary use,
- internal works to a non-listed building,
- clearing land of vegetation (unless there is a breach of condition, or a hedgerow is covered by the Hedgerows Regulations 1997),
- the Party Wall Act,
- parking a caravan within the residential boundary where its use is ancillary to the dwelling house,
- advertisements on the highway or on street furniture (these are dealt with by Hampshire County Council),
- enforcement of deeds or covenants (these are enforced by the landowner or other person benefiting from the covenant),
- fly-tipping (this is dealt with by the Council's Environmental Health and/or Street Scene service),
- noise issues (this is dealt with by the Council's Environmental Health team, unless a planning condition is being breached), and
- anonymous complaints unless they are of a very serious nature, and it is in the public interest to do so.

5. How to contact us

5.1 If you are concerned that there may be a breach of planning control you can raise this through one of the following channels. Our preferred method is the use of a webform or email as this enables the team to receive the information clearly and quickly.

Webform: *to be finalised*

Email: enforcement@hart.gov.uk

5.2 We know that a webform or email may not be suitable for everyone, you can still contact us by post:

Hart District Council
Civic Offices
Harlington Way
Fleet
Hampshire
GU51 4AH

5.3 The quality of information and evidence provided by those reporting a case can have a significant impact on the outcome of an investigation. You will need to provide:

- the address of the site,
- your own contact details, including your name and address,
- details of the alleged breach, including the start date, if known,
- it is also helpful to provide photographs of the development or activities,
- an indication of what harm is being caused, and to whom, and
- any details you have about the persons responsible.

5.4 Reports of an alleged breach of planning control can be made by telephone (01252 622122) but will not be dealt with unless sufficient information is provided to allow the Planning Enforcement team to undertake an initial investigation.

5.5 If the information given is found to be false, the enquiry will not continue unless the breach is seriously harmful to the area. Similarly, anonymous complaints will not be investigated unless they are of a very serious nature, it is in the public interest to do so, and the investigation is not reliant on the evidence of the complainant.

5.6 The identity of a complainant will be treated as confidential. However, if the complaint results in legal action being taken, the success of that case may rely on evidence being given by the complainant. In such a case, the case officer will be happy to explain what may be required before taking a decision about whether to proceed with legal action.

6. About planning enforcement

- 6.1 There is no duty under the Town and Country Planning Act 1990 to take planning enforcement action - powers given to Councils are discretionary. In deciding whether to take enforcement action, the Council must decide whether it is expedient to do so having regard to the development plan and any other material considerations.
- 6.2 Expediency can be defined as a decision-making process to establish the appropriateness of formal enforcement action using legislation, government advice, the development plan, previous planning and appeal decisions and advice from other professionals.
- 6.3 When assessing whether formal action should be taken, the Council will ensure that any proposed action is reasonable, proportionate and is in the public interest to remedy a breach or remedy any injury to amenity that has been caused by the breach. The Council will consider what the effect of formal action will be and if it will have a meaningful outcome. It must also take into account the development plan and any material considerations.
- 6.4 It is an important principle in planning that breaches of planning control are not automatically subject to enforcement action but that this power is used only when expedient, proportionate and in the public interest according to the law and guidelines. Therefore, when the Council exercises its discretion and decides not to enforce against a breach of planning control this is entirely in accordance with how the NPPF intends this form of regulation to operate.
- 6.5 The Council starts from a position of trying to resolve breaches of planning control through dialogue and negotiation, formal action is usually a last resort. However, when the breach is causing unacceptable serious harm or, formal action will be taken to remedy any injury to amenity. Enforcement action will therefore always be commensurate with the seriousness of the breach.
- 6.6 It is important to remember that, in general, it is not a criminal offence to carry out development before first obtaining planning permission. However, failure to comply with an enforcement notice, beyond the period for compliance, is an offence. However, there are exceptions to this in that unauthorised works to listed buildings, carrying out works to protected trees and the display of advertisements without the necessary consent all give rise to criminal offences which are liable to prosecution. (See further information below).
- 6.7 Planning enforcement can be a lengthy process, particularly where evidence needs to be collected or where formal notices are served and the right to appeal is exercised. A satisfactory outcome can take many months or even years to achieve. There are also time limits after which enforcement action cannot be taken although these do not apply in the case of listed buildings.

7. How we prioritise our investigations

- 7.1 Although we appreciate that all allegations of breaches of planning control are important to those they affect, to make the most effective use of the resources available, cases will be prioritised, considering the significance of the breach and the level of harm caused.
- 7.2 All submitted enquiries go through an initial vetting process (undertaken by officers). This allows for the redirection of matters to ensure they are directed to the correct team and allows officers to seek additional information if required before prioritisation and allocation. Prioritisation enables the team to respond to the most harmful breaches of planning control as a priority.
- 7.3 The priority categories for unauthorised works are listed below. These timescales are the longest period in which we intend to respond to a complaint and in all instances the service will seek to visit as soon as possible, dependant on the risk posed.

Priority 1 – High priority

Investigation commenced (site visit where appropriate) in up to 2 working days.

A breach of planning control causing, or likely to cause, serious harm to the natural or historic environment or to public safety unless an immediate response is made, for example:

- demolition or alteration of a Listed Building,
- demolition of a building within a Conservation Area,
- works to trees protected by a Tree Preservation Order or within a Conservation Area, and
- any unauthorised development/activity/operation, falling within planning control that presents an immediate and serious danger to the public.

Priority 2 – Medium Priority

Investigation commenced (site visit where appropriate) in up to 10 working days.

- development not in accordance with the approved plans or material breaches of planning conditions during the construction process,
- development causing serious harm to the amenity of nearby residents, e.g. through impact on privacy or outlook,
- unauthorised development that has a significant adverse impact on the character of an area,
- commencement of works without clearing conditions precedent,
- advertisements in sensitive areas,
- non-compliance with planning conditions, and
- untidy sites.

Priority 3- Low Priority

The team's ability to pursue low priority cases will be dictated by the total number of cases under investigation and the number of pending high and medium priority cases. During periods that the team have a large number of cases or significant number of high/medium priority cases the team will be unable to progress those reports deemed to be low priority. The team will set out indicative timeframes for progressing low priority investigations in their communications with you.

Breaches of planning control that cause limited or no harm to the environment or residential amenity, for example:

- residential and other development marginally above permitted development tolerances,
- minor works including fences, walls, small extensions,
- boundary treatments,
- aerials and antennae on dwelling houses,
- development not being built in accordance with approved plans, where the differences are less significant and less likely to result in amenity problems, and
- unauthorised advertisements in less sensitive locations.

7.4 The Council seeks to manage its finite resources to ensure that the highest priority complaints can be addressed without delay. As a result, the response, processing, and ability to take on lower priority cases will need to be adjusted accordingly. The demand for enforcement investigations is usually very high and when a significant number of higher priority cases are on hand this may lead to significant delays in investigating cases where the planning harm is more limited.

8. How we investigate breaches of planning control

8.1 We aim to acknowledge all complaints within three working days and to visit the site in the timescales set out above.

8.2 In most cases it will be quite clear from a site visit and the planning history whether a breach has taken place. However, there are some cases, particularly involving changes of use, where a number of site visits will be needed or more information will be required.

8.3 Authorised officers have statutory powers to enter land and buildings to investigate breaches of planning control. Officers will produce evidence of their authority, identity and the purpose of their visit when requested. It is an offence to obstruct an authorised person exercising their right of entry.

- 8.4 In some cases we might need to ask complainants to help by keeping a log of activities to help provide evidence of a breach. If complainants are unwilling to do this, the Council may be unable to pursue the case.
- 8.5 To obtain further information the Council will, where necessary, serve the following notices:
- 8.6 A *Planning Contravention Notice* (PCN) is used to gather information concerning a development being carried out so that the Council can determine if a breach of planning control has occurred. It is a criminal offence not to complete and return the PCN within the specified timescale or not to comply with any aspect of the PCN. To knowingly or recklessly provide false or misleading information on a PCN can result in a fine.
- 8.7 A notice, under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 can be used to establish information about the ownership of land. It is an offence to fail to respond to the notice or to knowingly or recklessly provide false or misleading information and can result in a fine.
- 8.8 A notice under section 330 of the Town and Country Planning Act 1990 can also be served (the Power to require information as to interests in land).

11. Enforcement options

- 11.1 A variety of enforcement options are available to the Council and are set out below.
- 11.2 **No action** – if it is found that an application for planning permission is not required, or the breach is very minor and causes little or no harm to the environment or nearby residents, then no further action will be taken.
- 11.3 **Negotiate solution** – we will try to negotiate a satisfactory solution within 12 weeks of the start of an enforcement investigation wherever possible. This approach avoids the time and cost of serving notices, defending appeals, and pursuing legal action. If building works or an unauthorised use is considered to be unacceptable, the developer will be given a realistic deadline by which to remove the building/cease the use. If this deadline is not met, then the expediency of formal enforcement action will need to be considered. Clear timescales for compliance will be given to the landowner and other interested parties at all stages.
- 11.4 **Retrospective application** – where a development is in line with policies in the development plan and the development is causing little or no harm, or where planning conditions can be used to make a development acceptable, the Council may invite the developer to submit a retrospective planning application depending on the nature of the breach of planning control and the expediency of doing so. This would only be appropriate in cases where formal enforcement action has not been taken. N.B homeowners/developers may make an application for retrospective permission even if not invited to do so. It is normally

advantageous to allow this process to conclude before continuing with enforcement action.

- 11.5 **Invite an application for Lawful Development Certificate** – if it appears to the Council that a use or development might have become lawful by passage of time, the developer will be invited to submit an application for a Lawful Development Certificate. If the application is approved, no further action will be taken. If it is refused, and no appeal is lodged, the Council will decide whether formal enforcement action is expedient.
- 11.6 **Breach of Condition Notice** – where a planning condition has not been complied with, and the condition is enforceable and reasonable, a Breach of Condition Notice can be served. The notice sets out what steps are needed to comply with the condition and by what date this action must be taken. There is no right of appeal against a Breach of Condition Notice and failure to comply can result in prosecution.
- 11.7 **Enforcement Notice** – if a development is causing harm to the surrounding area, or is contrary to development plan policies, and attempts to negotiate a solution have failed, then an Enforcement Notice can be served. An Enforcement Notice will set out the reasons for issuing the notice, what steps are needed to remedy the breach and the timescale in which these steps must be taken.
- 11.8 **Stop Notice** – in cases where urgent action is needed to remedy harm being caused, a Stop Notice can be served in addition to an Enforcement Notice. The purpose of a Stop Notice is to require activities to cease before the date for compliance set out in the Enforcement Notice. These are only used in exceptional circumstances where serious harm is being caused to public amenity.
- 11.9 **Temporary Stop Notice** - These take effect immediately and do not have to be accompanied by an Enforcement Notice. They last for a period of 28 days during which the local authority must decide whether any further action is needed. They cannot be used in certain situations, e.g. the use of a building as a dwelling, on a listed building or in some cases involving use of a caravan where it is the occupant's main residence (although there are exceptions to this).
- 11.10 **Section 215 notice** – provides the power, in certain circumstances, to take steps requiring land to be cleaned up when its condition adversely affects the amenity of the area.
- 11.11 **Injunction** - in very serious cases, where irreparable harm and serious danger is being caused, or where all other methods of enforcement have failed, the Council can seek an injunction in the County Court or High Court to restrain or prevent a breach of planning control. Failure to comply with an injunction is a contempt of court and can lead to a fine, imprisonment or assets being seized. This is only used in exceptional circumstances.

- 11.12 **Prosecutions** - The Council may prosecute responsible parties for carrying out illegal work to a listed building, displaying unauthorised adverts and any unauthorised work to a protected tree. Additionally, if any of the statutory notices are not complied with by the required date for compliance, the first step in seeking compliance is to formally write to the relevant parties to remind them of their responsibility to comply with the notice. Failure to act on this correspondence could lead to prosecution. In deciding whether to prosecute, the Council will take into account whether it is in the public interest and whether there is sufficient evidence to prove the case beyond reasonable doubt. As referred to above, this may be dependent upon complainants being willing to assist with the provision of evidence and by appearing in court.
- 11.13 **Direct action** - Where any steps required by an Enforcement Notice or a Section 215 notice (see section 178 and 219 of the TCPA 1990) have not been taken within the compliance period (other than the discontinuance of the use of land), the Council will consider whether to exercise its power to enter the land and take the steps to remedy the harm; and to recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so. If the costs cannot be recovered, a charge will be registered on the property with the Land Registry.
- 11.14 **Planning Enforcement Order** - A Council can seek a Planning Enforcement Order through the Magistrate's Courts where a breach of planning control has been deliberately concealed in an attempt to circumvent the immunity periods for taking enforcement action. Its use will depend on whether or not there are other remedies available but also on whether or not any "concealment" was deliberate.
- 11.15 **The Proceeds of Crime Act 2002** (also known as POCA) provides for the confiscation or civil recovery of the proceeds from crime in the UK. The Council may be able to seek an award under the Act if relevant criteria are satisfied and the offence resulting from the breach of planning control has resulted in monetary or other gains being made by the individual/developer concerned.

10. Trees

- 10.1 Trees are protected when they are covered by a Tree Preservation Order (TPO) or trees above a certain size in a Conservation Area.
- 10.2 Anyone who permits or undertakes unauthorised works to protected trees with a TPO is guilty of an offence.
- 10.3 For a tree to be protected in a Conservation Area it must have a trunk of at least 75mm in diameter measured at 1.5m above existing ground levels; or in limited circumstances, 100mm in diameter to clear saplings away from specimen trees.
- 10.4 A person wishing to cut down or carry out works to protected trees in a conservation area is required to give 6 weeks' notice to the Council. This is to give the Council the opportunity to make a Tree Preservation Order if they

consider the tree contributes to the amenity of the area. Anyone who carries out such work without serving a notice on the Council is guilty of an offence.

- 10.5 If we receive information to suggest that a protected tree is being felled, we will treat this as a high priority and visit the site as soon as possible. The planting of replacement trees in the next planting season will normally be required irrespective of whether or not any further action is taken. If the landowner fails to comply with this requirement, the Authority may serve a Tree Replacement Notice within a period of four years to ensure compliance.

11. Advertisements

- 11.1 Certain types of advertisement can be erected without express permission from the Council. These classes of advertisement are defined in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- 11.2 It is an offence to display any other type of advertisement without express consent. If the Council consider that an application for the advertisement would probably be granted, then a retrospective application will be requested. Where the advertisement causes serious harm to amenity or public safety, a request will be made for its removal within a specific period. The Act also gives the Council the power to remove and dispose of structures (such as placards and posters) which are being used for unauthorised advertisement displays, but not on buildings to which there is no public right of access.
- 11.3 Where an advertisement benefits from consent under the Advertisement Regulations, the Council can take action to remove it if it is considered to be seriously harmful to the appearance of the area or poses a danger to public safety.

12. Listed Buildings

- 12.1 Listed Building Consent is required for the demolition of a listed building or for its alteration or extension in a manner which would affect its character as a building of special architectural or historic interest. It is an offence to carry out such works without listed building consent.
- 12.2 The Council can prosecute and serve a Listed Building Enforcement Notice requiring the unauthorised work to be remedied. There are no time limits for taking enforcement action in respect of listed buildings. In deciding whether to serve a Listed Building Enforcement Notice, or to prosecute an owner, the Council will take into consideration the length of time that has passed since the work took place, who was responsible for carrying out the unauthorised work, and whether the historic fabric has been lost that cannot be replaced.
- 12.3 The Council will invite the owners to regularise the breach by submitting applications for listed building consent to either retain or amend authorised works. However, if negotiations fail, then the Council may serve a Listed

Building Enforcement Notice. As with a general Enforcement Notice, this identifies the works required and the timescales.

13. Demolition in conservation areas

- 13.1 The demolition of some unlisted buildings in a conservation area requires planning permission. This can either be applied for in conjunction with a planning application for redevelopment of a site, or a separate application for 'relevant demolition' can be made. It is an 'offence for a person to carry out or cause or permit to be carried out the demolition of an unlisted building within a conservation area without the required planning permission. Similarly, it is also an offence for a person to fail to comply with any condition or limitation subject to which planning permission for relevant demolition is granted.



Corporate Service Overview & Scrutiny Panel meeting – Quarter Three January 2024

Contents

- 1 Service Overview
- 2 Service Priorities (taken from Service Plan)
- 3 Place Service Risk Register
- 4 Key Performance Indicators and targets
- 5 Quarter Three 2023/24: Key Challenges and Achievements
- 6 Looking forward to Q4

Version 2 – 9 Feb 2024

Has been updated to reflect comments made at Service Panel meeting held 17 Jan 24,
prior to submission to main O&S meeting on 20 February 2024

1 Service Overview

Corporate Services covers a broad range of both front and back-office functions for the council including:

- Audit and performance
- Communications and website
- Elections, electoral registration and data governance,
- Committee services
- Climate change
- IT, digitalisation and change
- Contracts* and procurement
- Finance including treasury
- Human resources and payroll
- Delivering government schemes of financial assistance to residents

*A range of outsourced and shared services are contract managed by the corporate team including

- Revenues and Benefit Services (Capita)
- Reception and some elements of IT (Capita)
- Leisure Centre operation (Everyone Active)
- Waste and recycling collection (through the joint client team hosted by Basingstoke and Deane Council)
- Contact Centre (hosted by Basingstoke and Deane Council)
- Shared legal service with Basingstoke and Deane Council

2: Service Priorities (taken from approved Service Plan)

The table in the Service Plan sets out the approved service priorities for 2023/24, over and above day to day service delivery.

	Service Priority	Expected Outcomes	Target Completion date	Update Q3 Green = complete/on track Amber = not started/further work to do Red = behind schedule
Page 56	1 Review Medium Term Financial Strategy to ensure the Council's financial resources and commitments are aligned with its strategic priorities, underpinned by robust financial controls and effective monitoring	Produce budget strategy to address forecast MTFs shortfall 2024/25 and beyond, and to strengthen resources to priority areas, developed in conjunction service managers and councillors	Oct 2023	Included in published budget report - informed by 22/23 outturn and Q3 monitoring 23/24
		Detailed budget review and rebase, including staff and central cost allocations	Aug 2023	Complete
		Review reserves, including SANGs, as per Council approval Feb 2023	Aug 2023	Cabinet and Council approved realignment of reserves to meet priorities and pressures and reset minimum working balance
		Revised MTFP including risk and sensitivities, submit for Council approval	Feb 2024	Interim report considered by O&S November and Cabinet Dec – revised report included in published budget report
		Strengthen staff cost budgeting and monitoring	Nov 2023	Complete - reconciliation undertaken and revised establishment controls in place

	Service Priority	Expected Outcomes	Target Completion date	Update Q3 Green = complete/on track Amber = not started/further work to do Red = behind schedule
2	Update the Commercial Strategy to ensure it supports the MTFS and reflects the latest statutory framework	Restated priorities and actions with associated savings/income targets, linked to overall MTFS	August 2023 Cabinet	Reflected in the reserves review – to be addressed further in MTFS report in November. The business efficiency and income generation themes continue, the commercial property acquisition aim of the strategy has been scaled back due to government restrictions and current economic conditions
3	Ensure an effective transition from the Mendip/Capita outsourced arrangement and the production of high-quality statutory Accounts	<p>Smooth transition and knowledge transfer</p> <p>22/23 pre-audit Accounts published</p> <p>Ensure adequate skills and experience in the HDC finance team</p> <p>Effective forward planning for technical accounting changes, including new lease accounting standards</p>	<p>July 2023</p> <p>June 2023</p> <p>Ongoing</p> <p>March 2024</p>	<p>Complete – one post vacant but filled with experienced agency</p> <p>Achieved 31 May deadline</p> <p>Building through training. Senior post revised to increase technical requirement</p> <p>Technical training forward plan in place</p>

	Service Priority	Expected Outcomes	Target Completion date	<p align="center">Update Q3</p> <p align="center">Green = complete/on track</p> <p align="center">Amber = not started/further work to do</p> <p align="center">Red = behind schedule</p>
4	Plan and implement changes as a result of the Elections Act 2022 for May 2024	<p>Elections team fully trained and aware.</p> <p>All IT and procedural changes implemented and tested.</p> <p>Staff, councillors, T&P councils and the public informed through effective comms strategy</p>	Throughout the 23/24 year	<p>Tranche 2 changes will come into force in advance of the May 2024 polls.</p> <p>Details are now available on the new postal and proxy voting procedures which go live on 31 October 2023.</p> <p>Details on future changes will be provided when ready, these include but are not limited to voting and candidacy rights for EU citizens, life votes for overseas electors.</p> <p>Training will be provided as and when required and supplied. First training session Thursday 12 October provided by the AEA.</p> <p>Elections team will plan the implementation of the changes as more details are provided</p>

	Service Priority	Expected Outcomes	Target Completion date	Update Q3 Green = complete/on track Amber = not started/further work to do Red = behind schedule
5	Successfully deliver May 2023 local elections	Implementation of all new statutory requirements Achievement of full staff recruitment for election duties Smooth running on the day with positive feedback from candidates, agents and voters	May 2023	Completed – lessons learned session and staff feedback exercise held

	Service Priority	Expected Outcomes	Target Completion date	<p align="center">Update Q3</p> <p align="center">Green = complete/on track</p> <p align="center">Amber = not started/further work to do</p> <p align="center">Red = behind schedule</p>
6	Improving external communication	<p>Deliver phase two of website development – outcomes including:</p> <ul style="list-style-type: none"> • form enhancements • integrated payments • resident newsletter • mapping capabilities • media library • accessibility • pdf pages into publications • microsite scoping <p>Development of marketing and advertising policy</p> <p>Hart News review and re-launch</p> <p>Social media policy development</p> <p>Achieve accessibility standards across internal and external channels</p>	March 2024	<p>Phase 2 website development progress</p> <ul style="list-style-type: none"> • Form enhancements – in flight • Integrated payments – moved to phase 3, now due Q1 2024 • Resident newsletter – complete • Mapping capabilities – due Q4 • media library – complete • Accessibility - complete • Pdf into publication – scoping phase Q4 • Microsite – in flight with launch scheduled end of November <p>Marketing & advertising – scheduled for Q4</p> <p>Hart News – winter edition issued Dec 23</p> <p>Social media – scheduled Q4</p> <p>Underway, training completed</p>

	Service Priority	Expected Outcomes	Target Completion date	Update Q3 Green = complete/on track Amber = not started/further work to do Red = behind schedule
7	Committee services	Ongoing rollout of ModGov Report Manager for Portfolio Holders and Shared services Review effectiveness of ModGov at Hart	July 2023 March 2024	Report Manager for Portfolio Holders to be agreed – Q4 Review completed and Civica audit undertaken on current system configuration scheduled
8	Refresh Hart's Digital Strategy and customer offer	2019 Digital Strategy review measuring the outcomes delivered as part of the original programme of activity. Draft, consult and deliver new Digital Strategy across service areas setting out new focus for the next three years	March 2024	Work started in Dec 23 Consultant engaged and completed staff survey and interviews. Outcome to inform refresh of Digital Strategy which will be produced in March 24
9	Improve customer offer and access to services and council information	Review of current customer offer across all channels in preparation for contract review for outsourced services with BDBC Review of current telephone choices for customers accessing 01252 622122 with proposal for new IVR	March 2024	Scheduled for Q4 All staff now using Teams calls. Contact centre being reviewed for residual calls, in conjunction with reception project

	Service Priority	Expected Outcomes	Target Completion date	Update Q3 Green = complete/on track Amber = not started/further work to do Red = behind schedule
10	IT - On-premises server upgrade/ move to cloud - Windows 2012 support ends in Oct 2023	Full supported IT infrastructure	September 2023	Completed – All servers on Windows 2016 or above. Plan now to upgrade estate to Windows Server 2022, will be completed by March 24
11	Implement Cloud based telephony system	Migrate away from on-premises based telephony system	December 2023	Completed – Telephony system has migrated to Microsoft Teams. Mobile phone use reduced by more than half
12	Rationalise/ decommission on-premises IT equipment	Complete final stage of the server room refresh The Council controls its overhead costs for direct dial telephony whilst expanding the flexibility for staff via a non desk-based solution	July 2023	Complete - All hardware – switches and firewalls have been decommissioned –the old unused cabling from the racks and the old Capita hardware removed
13	Review and develop a strategy	Cabinet approval for options appraisal and direction to ensure lead-in times are	Sept 2023	Largely on track:

	Service Priority	Expected Outcomes	Target Completion date	Update Q3 Green = complete/on track Amber = not started/further work to do Red = behind schedule
	for key outsourced and shared services	adequately prepared for and a pathway to secure value for money and robust services is agreed – to include: <ul style="list-style-type: none"> • Capita services contract • Council provided outsourced contracts including legal, licensing and building control <p>Forward plan for new financial systems currently part of Capita contract</p>	March 2024	-New finance system project launched -Reception transfer project in advanced stage -IT transfer completed -Legal shared service continuation agreed and new Deed being drafted -Land charges has agreed way forward, subject to government timescales and securing new 'host' council -revenues and benefits has agreed way forward with the partners and client team, subject to legal advice on contract/procurement
14	Waste and recycling - develop options for new legislation and contract renewal, and ensure robust contract monitoring through	Cabinet approval for options appraisal and direction to ensure lead-in times are adequately prepared for and a pathway to secure value for money and robust services is agreed	Ongoing	Awaiting more details from Government on impact and funding of Environment Act. HCC are revisiting recycling infrastructure for the County to reflect government announcements including food waste

	Service Priority	Expected Outcomes	Target Completion date	Update Q3 Green = complete/on track Amber = not started/further work to do Red = behind schedule
	the client management arrangement	<p>Implement new legislation in the most cost-effective way possible</p> <p>Reduce carbon impact of service</p> <p>Review performance monitoring of the contract and the client team</p>		<p>Officers and client team looking at options and impact using specialist consultants – draft report expected in Q4</p> <p>In discussion with HCC regarding new arrangements included in revised Inter-Authority Agreement across all Hampshire councils including the operational and financial arrangements</p> <p>Move to HVO fuel agreed and will be in place 1/4/24</p> <p>Performance improved in Q2 and Q3 across most KPIs</p>
15	Robust and effective procurement process and practice across the	Prepare for Procurement Bill and update guidance and rules as required Guidance and the Contract Procurement Rules (CPRs) are up to date and in line with the	Feb 2024	<p>Guidance on Sharepoint has been updated to reflect new CPRs.</p> <p>Procurement officer to train managers in Q4</p>

	Service Priority	Expected Outcomes	Target Completion date	Update Q3 Green = complete/on track Amber = not started/further work to do Red = behind schedule
	council that secures value for money and is legally compliant	updated legislation expected to be passed in 23/24		
16	Achieve the Council's Climate change aspirations and targets through a strengthened staff resource and robust action plan	<p>New appointments made to complete the revised sustainability team</p> <p>Present a revised climate change action plan, including financial implications, to Cabinet via O&S</p>	<p>May 2023</p> <p>April 2023</p>	<p>Action plan consulted with Members working group and O&S in June, and approved by Cabinet on 6 July</p> <p>Officer group active and coordinating the programme of work with Project Board having high level oversight</p> <p>Budget allocations approved by Cabinet September and January</p> <p>New stakeholder group met in September</p> <p>Energy audits underway and funding bids for key buildings submitted for PSDS on 10 Oct</p> <p>HVO fuel project for waste vehicles underway, to start April 24</p> <p>Update report to O&S and Cabinet in Dec/Jan</p>

	Service Priority	Expected Outcomes	Target Completion date	Update Q3 Green = complete/on track Amber = not started/further work to do Red = behind schedule
				In Q4 develop costing and refine timelines of the Action Plan delivery
17	Ensure effective Internal audit provision that adds value to services, gives assurance about controls and governance and confidence to the Audit Committee	Implement the new service provided by Southern Internal Audit Partnership (SIAP) and quickly embed the new arrangements Service managers and Audit Committee receive clear reports with high level of buy-in to recommendations	Sept 2023	New service in place, SIAP report to Audit Cttee July and Oct on progress
18	Highly effective, skilled and well-motivated staff at the Council supported by an excellent HR service	Review HR policies and procedures to ensure all are current and effective and support staff recruitment and retention Undertake audit of JDs to ensure a full set of up-to-date documents is held with good controls on access and revisions	Dec 2023 Aug 2023	Underway Audit complete – very small number missing and being addressed, most reflect current role. In light of Staffing Committee and Cabinet approval to move to new Job Evaluation framework, all JDs will need to be reviewed. This project will be included in 24/25 Service Plan

	Service Priority	Expected Outcomes	Target Completion date	Update Q3 Green = complete/on track Amber = not started/further work to do Red = behind schedule
		Improve staffing management information including FTEs, turnover and pay and conditions	March 2024	Underway – exit interviews reported to SLT July, with sickness and turnover information to follow
19	To have strong, effective and transparent governance for corporate and service projects, with adequate skills and capacity in project resources	<p>Consolidating project resource and strengthen reporting lines</p> <p>Implement actions arising from audit reports and lessons learned analysis from closed projects</p> <p>Implement new Terms of Reference for corporate Project Board and improve report back to Cabinet and O&S</p>	<p>June 2023</p> <p>Ongoing</p> <p>April 2023</p>	<p>Strengthened Job Descriptions and new 'Task Group' of project managers being created to ensure consistency and provide support</p> <p>Closed project lessons learned reported to Project Board</p> <p>New Terms of reference approved by Board April 2023 and increased oversight of portfolio holders</p> <p>Internal Audit of project management completed December – found high level of assurance about arrangements</p>

3: Corporate Services Risk Register

A detailed service risk assessment has been completed and is reviewed on a quarterly basis (minimum). This helps inform the Hart District Council Corporate Risk Register which is reported to Overview & Scrutiny Committee on a quarterly basis.

Top 5 risks from Corporate Risk Register – impact on achieving corporate objectives, assessment at 28 Dec 2023

Description	Residual rating	Potential Impact	Source of Risk	Controls in place
Waste and recycling service facing significant change in next 3 years due to new legislation, new disposal arrangements with HCC and Serco contract end-date	16 (likely 4 x critical 4) Increased likelihood from possible to likely since Q1	Potential material financial impact on budget – uncertain costs and government funding Potential impact on residents from changes to collection arrangements	Uncertainty in government funding and timing of new arrangements HCC cabinet report agreed new IAA and default financial mechanism on 18 July Serco contract end date Sept 2026	Governance with B&D and HCC Watching brief with government changes, timing and funding. More clarity received in January from government about new burdens for waste/recycling funding including food waste Options appraisal commissioned jointly with B&D BC from external specialist consultants. This will help assess options for service in the future and reducing costs
Risk of a successful Cyber-attack impacting on the Council's systems and data	12 (likelihood possible 3 x impact critical 4)	Reputational damage Data loss or ransom could use significant staff and other resources and have major financial impact	Constant threat of attacks directly and via third party data holders	Insurance policy in place for financial consequences Secured grant funding and have put in a range of measures to strengthen resilience

				<p>Undertaken training and awareness for staff and planned for councillors</p> <p>Facilitated council-wide exercise undertaken in late 2023 to test emergency plan. Action plan and lessons learned being considered by SLT</p>
Medium Term Financial Strategy and Budget – unable to deliver sustainable balanced budget over the medium term	<p>9</p> <p>(likelihood possible 3 x major impact 3)</p> <p>Return to 9 in Q3 due to setting a balanced budget for 24/25 and</p>	<p>MTFS currently shows a budget shortfall from 2024/25</p> <p>Savings and efficiency programmes will be needed if income and external funding remain static or decline in future. New Homes Bonus, retained business rates and planning income are key risk areas</p>	<p>Uncertainty around timing and impact of government funding</p> <p>Volatile economic conditions including inflation and interest rates making accurate forecasting difficult</p> <p>Government restrictions on commercial property deals</p>	<p>Outturn and reserves review provide an opportunity to assess current risks and financial pressures and take steps to alleviate these in the medium term including base budget alignment</p> <p>MTFS emerging pressures was assessed and reported to O&S and Cabinet in Nov/Dec ahead of budget setting in February</p> <p>More clarity received from government about new burdens for waste/recycling funding including food waste</p>
Delivery of climate change action plan objectives and achievement of zero carbon aims	<p>9</p> <p>(likelihood possible 3 x major impact 3)</p>	<p>If staff capacity and focus is not sufficient and funding (external and internal) is not secured, this will impact on the speed and extent of achieving the agreed plan and consequent carbon reduction</p>	<p>Funding resourcing</p> <p>Engagement from staff, councillors and the community (residents and businesses)</p>	<p>Refreshed Action Plan approved by Cabinet following scrutiny. 6-month report to O&S and Cabinet Dec/Jan</p> <p>Strengthened staff resource in place and new officer group active.</p> <p>The Council has approved a further £300k budget in 2023/24 to progress the climate change programme</p>

				<p>Reserves review has identified the funding need to deliver the action plan.</p> <p>Local Partnerships are supporting as a critical friend including signposting external funding and sharing good practice and success from other councils</p> <p>Good progress with energy audits and submitting grant funding applications. £800k funding approved by Cabinet towards PSDS boiler replacement schemes at 3 large Hart properties</p>
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4 Performance indicators and targets

Performance Indicator	Target	Q3
<p>CP1 - Percentage of the Internal Audit Plan completed during the year</p> <p><i>Year to date figures, values are cumulative (higher is better)</i></p>	100% by year end	See Audit Cttee report 24 October
<p>CP2 - Percentage customer satisfaction with Internal Audit. (Southern Internal Audit Partnership SIAP)</p>	90%	<p>N/A - New service, will be reported at year-end</p> <p>99% achieved across other SIAP contracts</p>
<p>CP3 - Quality of customer service call handling</p> <p><i>This indicator is measured from the scoring of a recorded call against quality standards from a monitoring sample (higher is better)</i></p>	90%	99%

CP4 - Implementation of savings schemes targets to meet MTFS requirements.	100%	Annual PI
CP5 - Percentage of telephone calls answered by the Contact Centre in 30 seconds. <i>Percentage value given is as at end of the quarter (higher is better)</i>	70%	86%
CP6 - Percentage of Non-domestic Rates collected. <i>Year to date figures, values are cumulative (higher is better)</i>	98%	As at Dec 84.65% (Dec 22/23 was 82.38% outturn 95.09%)
CP7 - Percentage of Council Tax collected. <i>Year to date figures, values are cumulative (higher is better)</i>	98%	As at Dec 85.23% (Nov 22/23 was 85.13% outturn 98.52%)
CP8 - Percentage uptime of key systems <i>Percentage value given is for the quarter and rounded to one decimal place (higher is better)</i>	99%	100%
CP9 - Percentage of uptime of Hart's website <i>Percentage value given is for the quarter and rounded to one decimal place (higher is better)</i>	99.5%	100%
CP10 - Number of missed collections excluding garden waste (per 100,000) <i>Target aims to miss no more than 65 bins per 100,000 collected for all bin collection types except garden waste. A missed collection is where a round has taken place and a bin (or bins) has been missed, this excludes any mutually pre-agreed suspension of service, usually applied where events are beyond the control of either the authorities' or their contractor. (lower is better)</i>		Oct: 197* Nov:84 Dec: 68 (22/23 figures Oct:319 Nov: 372 Dec: 4219) *fire at Rushmoor transfer station impacted performance in October

<p>CP11 - Number of missed garden waste collections (per 100,000) <i>Target aims to miss no more than 250 bins for garden waste services during the summer, and 150 during the winter. A missed collection is where a round has taken place and a bin (or bins) has been missed, this excludes any mutually pre-agreed suspension of service, usually applied where events are beyond the control of either the authorities' or their contractor. (lower is better)</i></p>	<p>Oct: 38 Nov: 26 Dec: 20 (22/23 figures Oct:248 Nov: 138 Dec: 101)</p>
<p>CP12 - Overall cost of waste per household <i>Set annually based on the number of households served and reported in Q4. Calculated as net cost of HAWCLT,HAWCOM, HAWSTE for the 22/23 budget divided by the Council Tax Stock of properties produced by the VOA (lower is better)</i></p>	<p>£25 Annual PI</p>
<p>CP13 - Total recycling rate <i>Percentage value given is for the quarter (higher is better)</i></p>	<p>46% Q1 figures: 48.54% (outturn 22/23 42.6%)</p>

5 Quarter three 2023/24: Key Challenges and Achievements

Finance

- Q3 forecast to be reported to O&S and Cabinet in Feb 24 - highlighting overall favourable variance from budget – on track overall with good cost control in key areas including staff
- New treasury management policy and financial thresholds approved by Council in February are helping us to benefit from higher interest rates on offer
- Full team now in place including strengthened permanent project finance officer

Elections

- Training in the new requirements continued in Oct, Dec and more planned for Feb.
- Completion of Winchfield neighbourhood plan referendum, polling district and polling station review underway
- The team will monitor the workload going forward/leading up to the May election as the processing on paper postal application forms could be time consuming depending on volume – contingency resource being put in place.
- Recruitment of polling station and count staff is getting more challenging, particularly with the new Voter ID and other procedural changes. This is a particular concern if there is a Parliamentary Election called at short notice. Recruitment process has started

HR

- Support for a number of recruitments in key roles, including senior planning officers
- Good progress reviewing HR policies and JD status.
- Leading various aspects of the corporate follow up to the staff survey results, with targeted efforts on staff welfare and engagement in initiatives to improve the working environment for staff.
- staff survey results being analysed, action plan to be developed and report to Staffing Committee in Q4

IT

- Completed phase one of the phones project to move to a Teams-based environment, giving more flexibility and reducing mobile phones by half
- Completed termination of Capita service, replaced by new role and server infrastructure contract

Comms/Committee/Climate/Digital

- Accessibility project is almost completed with numerous specific and general training sessions held. Web and other content reviewed, and plans being formulated to improve accessibility to meet required standards over time.
- New structure and appointment in committee team
- second new format Hart News published/distributed in December

Contracts and Procurement

- Progressing the early exit aim for some aspects of the Capita contract, with IT completed 30 September. Good progress with reception, contact centre and preparing for land charges and revs and bens. Close working with the Waste/recycling client team to achieve service performance improvements in key aspects of the contract including missed bins.
- Supporting the Climate Change Action Plan through procurement processes and engagement on major contracts in preparation for various parts of the plan have been a focus in Q3

Internal Audit

- The new outsourced Internal Audit provider started work in March and has reported to the March, July and Oct meetings of Audit Committee. Challenge of the new arrangement is that certain core governance functions need to be resourced including risk coordination, Annual Governance statement and corporate policy reviews such as Whistleblowing and Counter Fraud work.
- A number of audits completed in Q3, these have been well received by service managers.

6 Looking forward to Q4 of 2023/24

- Climate Change programme will develop with prioritisation and costing of the action plan and the identification of initial work through the officer group. The officer group and external stakeholders group will meet in Q4 to help influence the direction of our efforts and completion of agreed actions.
- MTFS and detailed budgets will be debated and agreed in Q4
- bring reception in house and complete the contact centre transfer.
- Developing the waste service option appraisal will be a significant piece of work in Q4 and close engagement with HCC and the other district and boroughs to determine the future of the IAA and recycling disposal arrangements
- Continue the exit strategy for the future of revenue and benefit service under the Capita 5 'C's contract

- Project for replacement of the finance and HR IT systems will commence and need to make significant progress in Q4, particularly on the procurement options
- Digital Strategy preparatory work
- continued elections prep and recruitment of poll station and count teams
- preparation for closing of accounts 23/24 and completion of the external audit of 22/23



Place service Overview & Scrutiny Panel meeting – Quarter Three 23 January 2024

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Version 1	Version sent to the Scrutiny Panel	16.01.2024
Version 2	Updated with changes discussed at the Service Panel meeting	23.01.2024

1 Service overview

The Place service consists of four teams covers a range of services focussed on delivering excellent services to our resident, businesses, and other stakeholders:

- Development Management & Building Control (including heritage / conservation and enforcement),
- Planning Policy & Economic Development, Flood Risk Management and Emergency Planning,
- Environmental Health & Licensing, and
- Data, Business Support & Facilities Management.

The Place service helps communities to be stronger and more resilient. We take an integrated place-based approach, working together as 'One Council' to develop the economy, ensure we protect and enhance the environment and meet our carbon-neutral commitments by 2035 and 2040.

Every day, we deliver critical services such as Environmental Health and Licensing. We plan for the future in terms of homes, employment space and associated infrastructure and ensure that development is high quality, meeting the needs of our communities now and in the future.

We have the responsibility for effective and creative place-shaping through the Local Plan and other planning documents. We help to support communities undertaking their own neighbourhood plans or conservation area appraisals. We carry the statutory responsibility for determining planning applications. We also utilise our discretionary planning enforcement powers where it is expedient in the public interest to take enforcement action.

By delivering sustainable growth and developing vibrant and diverse economies this provides opportunities for communities to access affordable homes that is supported by essential infrastructure; whilst protecting and enhancing the natural and built environment.

Matt Saunders:
**Business Support, Data &
Facilities**

**Katherine Fitzherbert-Green /
Mark Berry:**
**Development Management &
Building Control**

Neil Hince:
**Environmental Health &
Licensing**

Daniel Hawes:
**Planning Policy & Economic
Development**

2: Projects and actions (as set out in the Service Plan)

The table in the Service Plan sets out the service priorities for 2023/24, over and above day to day service delivery with progress in Q3 detailed in the final column.

Colour coding:

- Green the project is on track
- Amber is there may be a slight delay to completion date
- Red the project is not going to meet the completion date
- Grey the project is paused / stopped
- Blue the project is completed
- White is project not yet commenced.

	Service Priority	Expected Outcomes	Completion date	Update Q3
1	Local Cycling & Walking Infrastructure Plan (LCWIP)	A network plan for walking and cycling - preferred routes and core zones for further development, and a prioritised programme of infrastructure improvements for future investment	Adopt December 2023	<p>Cabinet approved consultation 1 June 2023</p> <p>Consultation ran for 10 weeks from June to August 2023. Very good response to the consultation</p> <p><i>Consideration: O&S November 2023</i></p> <p>Ward Member review of indicative interventions: late January</p> <p><i>Adoption: Cabinet March 2024</i></p>
2	Local Plan Review (Assessment)	Undertake a Local Plan Review involving an	Will take place once the Levelling Up & Regeneration Bill	Levelling Up and Regeneration Act (LURA) received Royal Assent in October 2023

	Service Priority	Expected Outcomes	Completion date	Update Q3
		assessment of whether the adopted local plan needs updating	becomes an Act, plus the associated policy and guidance are updated	Awaiting secondary legislation. Under the current system a 'review' (i.e. an assessment of whether the Plan needs updating) must be carried out by April 2025 Likely to be a Service Priority for 2024/25 Service Plan
3	Settlement Capacity & Intensification Study	Understanding of the scope to accommodate future homes within settlements (Cabinet decision Nov 2021)	December 2023	Call for sites took place August and September 2023 - closed 26 September 2023 <i>O&S: December 2023</i> <i>Cabinet: January 2024</i> Cabinet papers published December 2023 Cabinet noted the report which will now be published on the Council's website: www.hart.gov.uk/settlement-capacity
4	Cycle and car parking in new development Supplementary Planning Document (SPD)	Guidance on well designed and appropriate quantum of cycle and car parking provision on new developments to	Adopt by December 2023	Consultation ran for 6 weeks from May to June 2023 <i>Consideration: O&S November 2023</i> <i>Adoption: Cabinet December 2023</i>

	Service Priority	Expected Outcomes	Completion date	Update Q3
		encourage use of cycles		
5	Viability assessments in new development Supplementary Planning Document (SPD)	Viability assessments submitted which follow Council's preferred approach and contains the necessary information.	Adopt by December 2023	<p>Consultation ran for 6 weeks from May to June 2023</p> <p><i>Consideration: O&S October 2023</i></p> <p><i>Adoption: Cabinet November 2023</i></p>
6	Affordable homes Supplementary Planning Document (SPD)	Guidance for provision of affordable homes on sites and off-site contributions.	Adopt by March 2024	<p>Slipped from 2023/24 Service Plan due to resources and other work priorities.</p> <p>Work taking place on a Technical Advice Note (TAN) as an interim step to strengthen current guidance</p> <p>TAN will be published before end of March</p>
7	Review and project plan the flood Schemes at: Kingsway, Blackwater Mill Corner, North Warnborough	Full review of the current schemes, new project plans, project management, resources, timeframes	Report to Cabinet Summer 2023	<p>Report considered at O&S: August 2023</p> <p>Report was further reviewed following consideration by O&S</p> <p><i>Cabinet: October 2023</i></p>

	Service Priority	Expected Outcomes	Completion date	Update Q3
	Phoenix Green, Hartley Wintney			
8	Water environment asset management plan (Phase 1)	Identification of the Council's existing drainage assets and existing information on condition and maintenance.	March 2024	On track. Further progress made digitally mapping known drainage assets (ditches, culverts, watercourses) with linked data on type and size of asset and dates of inspections and maintenance.
9	Local Enforcement Plan	To update the Planning Local Enforcement Plan which was adopted in January 2016	March 2024	<i>Consideration: O&S February 2023</i> <i>Adoption: Cabinet March 2023</i>
10	Review the Planning Pre-Application Advice Service	To ensure great customer service which also covers costs of providing the service. Will feed into the 2024/25 Fees and Charges	December 2023	Slipped from 2023/24 Service Plan due to resources and other work priorities

	Service Priority	Expected Outcomes	Completion date	Update Q3
11	Review of Council-wide fly tipping activity and to establish best practice	<p>The Council is involved with fly tipping across all Service areas:</p> <ul style="list-style-type: none"> • deterrents • reporting • detection • collection • investigation • prosecution / warnings <p>The review is to ensure a fully coordinated approach, and assessment against best practice elsewhere</p>	March 2024	<p>A series of cross service internal workshops are progressing</p> <p>In parallel Overview & Scrutiny Committee have set up a task & finish group to consider issues around fly tipping</p> <p>Terms of reference were agreed at O&S in September 2023. Report expected to be produced and issued in Q4.</p> <p>The EH Fly-tipping enforcement/ prosecution function is being maintained on an interim basis by East Hampshire pending the wider corporate review(s)</p>

3: Place service risk register

A detailed service risk assessment has been completed and is reviewed on a quarterly basis (minimum). This helps inform the Hart District Council Corporate Risk Register which is reported to Overview & Scrutiny Committee on a quarterly basis.

Top risks from Corporate Risk Register – impact on achieving corporate objectives, assessment at 12 January 2024.

Code	Description of risk	Type	Impact	Source	Owner	Initial Likelihood	Initial Consequence	Prior Assessment	Risk appetite exceeded?	Key Risk?	Risk treatment	Controls in place	Effectiveness of Controls	Current Likelihood	Current Consequence	Current Assessment Score
Pla1	Loss of staff	Service Delivery	Unable to deliver key services / Service Plan.			4 - Likely	3 - Major	12	No	1		Succession planning, appropriate staff recognition, backfill with agency staff as last resort	Limited	3 - Possible	3 - Major	9
Pla2	Recruitment of staff	Service Delivery	Unable to deliver key services / Service Plan.	Recruitment issues in technical areas, competition with other Council's and private sector for same pool of staff		4 - Likely	3 - Major	12	No	2		Succession planning, appropriate staff recognition, backfill with agency staff as last resort	Satisfactory	3 - Possible	3 - Major	9
Pla3	Consequences of the proposed changes to the Planning System flowing from LURA and secondary legislation (Planning Policy & Development Management)	Legal/Regulatory	Major changes to planning services, potential roles and responsibilities and work priorities.	National changes		5 - Almost Certain	3 - Major	15	No	3		Keep up to date with current think / consultations, plan for different scenarios	Good	4 - Likely	2 - Moderate	8
Pla4	Workload required due to outside influences. For example, neighbourhood plans, Parish-led Conservation Area Appraisals, Duty to Corporate	Service Delivery	Unable to deliver key statutory service / Service Plan	Workload created by other organisations where the District Council is obliged to respond		5 - Almost Certain	3 - Major	15	No	4		Better working with partner organisations to understand their work, and what requirements they will have for support from the District Council	Limited	4 - Likely	3 - Major	12
Pla5	New legislation / guidance / regulations, eg FSA, Biodiversity Net Gain	Legal/Regulatory	Impact of details of legislation being published late and requiring considerable work	National changes		4 - Likely	3 - Major	12	No	5		Keep up to date with current think / consultations, plan for different scenarios	Satisfactory	4 - Likely	2 - Moderate	8
Pla6	IDOX down	Service Delivery	Inability to perform key services, issue decisions or retrieve data, public perception and confidence.	Idox issues, data storage		4 - Likely	4 - Critical	16	No			Regular scheduled IDOX updates, planned maintenance and contact with Idox via account meetings.	Satisfactory	2 - Unlikely	4 - Critical	8
Pla7	Unplanned an/or unexpected peaks in work eg Licensing Hearings, Planning appeals	Service Delivery	Unable to deliver key services / Service Plan.			4 - Likely	3 - Major	12	No			Liaison with colleagues, Shared Services and other partners. Review resources / priorities when this occurs. Consider opportunities to outsource some work	Limited	3 - Possible	3 - Major	9

4 Performance indicators and targets

Colour coding:

- Green the Annual KPI target is being met
- Amber the performance is within 10% of the Annual KPI target
- Red the performance is below 10% of the Annual KPI target

KPI	Description	Annual Target	Q1	Q2	Q3	YTD
Development Management						
DM1	Context: number of Major development applications determined	<i>Data only</i>	2	4	5	11
DM2	Percentage of Major development application decisions made within the statutory determination period (including Extensions of Time)	60%	100%	75%	60%	73%
DM3	Context: number of Minor development applications determined	<i>Data only</i>	31	32	26	89
DM4	Percentage of Minor development application decisions made within the statutory determination period (including Extensions of Time)	70%	96%	28%	66%	63%
DM5	Context: number of Other applications determined	<i>Data only</i>	160	145	165	470
DM6	Percentage of Other application decisions made within the statutory	80%	92.5%	43.4%	72%	71%

KPI	Description	Annual Target	Q1	Q2	Q3	YTD
	determination period (including Extensions of Time)					
DM7	Context: number of tree preservation works applications determined	<i>Data only</i>	82	74	73	229
DM8	Percentage of tree preservation works applications decisions within the statutory determination period (including Extensions of Time)	75%	19.5%	6.8%	12.3%	13%

Environmental Health			Q1	Q2	Q3
EH1	Percentage of scheduled/proactive food safety inspections undertaken within timeframe [Based upon routine programme of interventions in accordance with the frequencies set out in the Food Law Code of Practice]	80%	48%	132%*	95%
EH2	Percentage of environmental protections service requests (including noise, statutory nuisance and public health) responded within time	80%	90%	91%	96%
EH3	Percentage of food and health & safety service requests (including RIDDORs,	80%	71%	100%	100%

	HSADV, food poisoning investigations) responded to within time				
EH4	Percentage of formal consultation responses made within time (including Planning and Licensing)	80%	91%	81%	93%
EH5	Number of fly-tipping service requests received by service	<i>Data only</i>	10 FT case	7 FT cases	7 FT cases
EH6	Number of fly-tipping enforcement actions	<i>Data only</i>	<p>1 prosecution. Plead guilty to Sect 34 Duty of Care offence.</p> <p>Trial for remaining Sect 33 offence set for Nov 2023</p> <p>1 x CPW served</p>	<p>1x Court hearing FPN refusal to pay-Fly Tipping Offence. Trial date set Jan 2024</p> <p>Ongoing. 1x Prosecution (Guilty plea to Sect 34 Duty of Care Offence. Trial for remaining Sect 33 Offence. Trial set for Nov 2023.</p>	<p>2x Fixed Penalty Notice. (FPN) Section 33 Fly-tipping Offence admitted</p> <p>1x Reschedule of trial date by court into Q4 Section 33 Offence</p> <p>1x Reschedule of FPN appeal by court. Trial date moved to Q4/Q1 2024</p>

Licensing			Q1	Q2	Q3
L1	Percentage of driver and vehicle applications and renewals issued within response time (including Hackney Carriage, Private Hire, Vehicle Operators) (Target 10 working days)	80%	99.7%	98.1%	99.2%
L2	Percentage of LA2003 premises and personal licences issued within response time. (Target 2-5 working days)	80%	99%	97.9%	100%
L3	Percentage of TENs responded within time (Target 1 working day)	80%	98%	94.3%	97.7%

Planning Policy			
PP1	Housing Land Supply Position Statement [Identifies whether the Council has at least a 5-year supply of land for housing, which is a requirement of national planning policy]	<i>Publish by 30 September</i>	Published September 2023
PP2	Brownfield Register [Statutory Duty to publish annually an update to the register of previously developed land that has been deemed as suitable for residential development]	<i>Publish by 31 December</i>	Published December 2023
PP3	Authority Monitoring Report (AMR) [Statutory duty to publish annually, reporting on matters including local plan policy formulation and implementation, duty to cooperate activity, and Neighbourhood Plans]	<i>Publish by 31 December</i>	Published December 2023
PP4	Infrastructure Funding Statement (IFS) [Statutory duty to publish annually, reporting on s106 (and where relevant CIL) monies secured, received, allocated and spent]	<i>Publish by 31 December</i>	Published December 2023
PP5	Statutory returns to Government [Collation and submission of data relating to housing delivery and self-build including Housing Flows Reconciliation (HFR), Housing Delivery Test information, Self and Custom Build]	<i>Various deadlines throughout the year</i>	On track Q3 saw neighbourhood planning return completed on time

5 Quarter Three 2023/24: key challenges and achievements

Key Challenges

Retention and recruitment of staff in various teams. Leave and long-term sickness. Successful recruitment see below.

Large volume of development management case load, planning enforcement and environmental health service requests.

Planning Policy: Matt Harris took paternity leave this quarter – Matt leads on AMR, IFS and brownfield register all with deadlines in December, so the timing was difficult – nevertheless those projects were all completed on time.

Royal Ascent of the Levelling Up and Regeneration Act (LURA) 26 October 2023, and new version(s) of NPPF.

Approaches from surrounding authorities for duty to cooperate discussion and documentation have picked up lately and came at a busy period.

Hampshire County Council involving district in Local Nature Recovery Strategy

A number of appeals, hearings and public inquiry (Paynes Cottage)

Pre application advice / meetings, including Lodge Farm, Geoffrey's House

Key Achievements

New starters joining the Development Management and their successful onboarding comprising a Planner and a contract Principal Planner.

Parish & Town Council planning engagement evening, October 2023.

Public inquiry at Paynes Cottage, Potbridge.

There has been a positive improvement in the development management performance during the quarter. December's figures were very good, which built on November figures were much better than October.

The review of the three flood alleviation schemes at: Mill Corner, North Warnborough; Phoenix Green, Hartley Wintney and Kingsway,

Blackwater were considered agreed by Cabinet in October 2023.

Referendum on the Winchfield Neighbourhood Plan – Plan to me ‘made’ at Council in January 2024.

Viability Supplementary Planning Document (SPD) and Cycle & Car Parking SPD adopted by Cabinet.

Consideration of the recommendations of the Overview & Scrutiny Committee task & finish group on the conservation area appraisal process, report drafted for Overview & Scrutiny in October 2023.

The Local Cycling & Walking Infrastructure Plan (LCWIP) considered by Overview & Scrutiny. Plan to be considered by Cabinet in March 2024.

The Settlement Capacity & Intensification Study – update to Overview & Scrutiny in December, report to Cabinet in January.

Work to support the Parish Councils with conservation area appraisals for Crondall, Crookham Village and Hartley Wintney. Crondall and Crookham Village conservation area appraisals to be adopted by Cabinet in March 2024.

Delivered a significantly elevated number of Licensing sub-committee hearings within Q3.

On going progress with the review of Council-wide fly tipping activity and to establish best practice. Provided input into the Overview & Scrutiny terms of reference task & finish group on fly tipping.

A Dog Fouling Public Space Protection Order (PSPO) was adopted December 2023.

6 Looking forward to Quarter Four 2023/24: key deliverables

Welcome to Mark Berry, interim Development Management & Building Control Manager

Additional tree contractor support for planning trees

Additional Senior Planner – capacity money

Parish & Town Council planning engagement evening, February 2024

Planning appeals hearings Rye Logistics Ancells Farm and Safari Engineering Ltd, Eversley (January)

The Local Cycling & Walking Infrastructure Plan (LCWIP) further engagement with Ward Members, and then to be considered by Cabinet in March 2024

Guidance to Parish & Town Councils on Conservation Area Appraisals going to O&S February 2024 (following on from the Task & Finish Group)

Crondall Conservation Area Appraisal and Crookham Village Conservation Area Appraisal to Cabinet March 2024

Formally 'make' the Winchfield Neighbourhood Plan at Council 25 January 2024

Respond to the draft Odiham Neighbourhood Plan which went out to consultation on 22 January for 6 weeks.

Respond to local plan consultations from both East Hampshire and Basingstoke and Deane.

Confirmation of 'Food Safety Plan' for the Council's Food Safety services for the period 2024/25

On going progress with the review of Council-wide fly tipping activity and to establish best practice. Provide input into the Overview & Scrutiny task & finish group on fly tipping.

Completion of the second part of the third floor and relocation of second floor office space to third floor

Annex: notes on performance indicators and targets

Development Management & Building Control

DM2	Percentage of Major development application decisions made within the statutory determination period (including Extensions of Time)	
	Q1	2/2 = 100%
	Q2	3/4 = 75%
	Q3	2/3 = 66%
	Q4	
	Year to date	7/11 = 73%

DM4	Percentage of Minor development application decisions made within the statutory determination period (including Extensions of Time)	
	Q1	30/31 = 96%
	Q2	9/32 = 28%
	Q3	17/26 = 64%
	Q4	
	Year to date	56/89 = 63%

DM6	Percentage of Other application decisions made within the statutory determination period (including Extensions of Time)	
	Q1	148/160 = 92%
	Q2	63/145 = 43%
	Q3	122/165 = 74%
	Q4	
	Year to date	333/470 = 71%

DM8	Percentage of Tree Preservation works applications decisions within the statutory determination period (including Extensions of Time)	
	Q1	16/82 = 19.5%
	Q2	5/74 = 6.8%
	Q3	9/73 = 12.3%
	Q4	
	Year to date	30/229 = 13%

Environmental Health & Licensing

EH1	Percentage of scheduled/proactive Food Safety inspections undertaken within timeframe [Based upon routine programme of interventions in accordance with the frequencies set out in the Food Law Code of Practice]	
	Q1	48% (39/81 inspections/site visits)
	Q2	132% (107/81 inspections/site visits) *Use of contractor to bolster inspection capacity
	Q3	95% (77/81 inspections/site visits) *Use of contractor to bolster inspection capacity
	Q4	
	Year to date	92% (223/243 inspections/site visits)

EH2	Percentage of Environmental Protections service requests (including noise, statutory nuisance and public health) responded within time	
	Q1	90.3%
	Q2	90.8% (108/119)
	Q3	95.9% (71/74)
	Q4	
	Year to date	N/A

EH3	Percentage of Food and Health & Safety service requests (including RIDDORs, HSADV, food poisoning investigations) responded to within time	
	Q1	71%
	Q2	100% (35/35)
	Q3	100% (19/19)
	Q4	
	Year to date	N/A

EH4	Percentage of formal consultation responses made within time (including Planning and Licensing)	
	Q1	91.1% (89.02% Planning 93.33% Licensing)
	Q2	81.25% (78.28% Planning 84.31% Licensing)
	Q3	93.45% (93.75% Planning 93.15% Licensing)
	Q4	
	Year to date	N/A

L1	Percentage of driver and vehicle applications and renewals issued within response time (including Hackney Carriage, Private Hire, Vehicle Operators) (Target 10 working days)	
	Q1	598/ 600 = 99.6%
	Q2	589/600 = 98.1%
	Q3	595/600 = 99.16%
	Q4	
	Year to date	

L2	Percentage of LA2003 premises and personal licences issued within response time. (Target 2-5 working days)	
	Q1	396/400 = 99%
	Q2	391/400 = 97.9%
	Q3	400/400 = 100%
	Q4	
	Year to date	

L3	Percentage of TENs (Temporary Event Notice) responded within time (Target 1 working day)	
	Q1	91/93 = 98%
	Q2	283/300 = 94%
	Q3	293/300 = 97%
	Q4	
	Year to date	

Meeting Date: 20 February 2024

Issue Title: Conservation Area Appraisal Guidance Note

Report of: Executive Director – Place

Cabinet Portfolio: Planning Policy and Place

Key Decision: No

Confidentiality: Non-Exempt

Purpose of Report

1. To update the Committee on progress addressing task and finish group recommendations regarding Parish & Town Council led conservation area appraisals (CAAs), in particular the production of a guidance note.

Recommendation

2. Overview & Scrutiny Committee is recommended to:
 - note the completion of Guidance Note for Parish & Town Councils at Appendix 1, and
 - agree that the recommendations of the task and finish group, set out at Appendix 2, have been addressed.

Background

3. In 2023 the Overview & Scrutiny Committee established a task & finish group to consider the process of conservation area appraisals (CAAs) led by Parish & Town Councils.
4. In June 2023 Overview & Scrutiny received feedback from the task & finish group. The group made a set of recommendations to improve the process going forward (see Appendix 2, column 1).
5. In October 2023 the Committee were updated on the Action Plan which reviewed progress against each of the recommendations (see Appendix 2, column 2). The Committee was also shown a CAA template.
6. It was noted that some of the recommendations would be addressed in a Guidance Note which at that time was still being drafted. It was agreed to report back to O&S in February 2024.

Main Issues

7. The guidance note for Parish & Town Councils is attached at Appendix 1.
8. Appendix 2 provides a further update on the Action Plan at column 3, where it identifies how the guidance note addresses the task and finish group recommendations.
9. Subject to any comments on the Guidance Note, this completes the actions arising from the task and finish group recommendations.
10. The Guidance Note is a live document, which will be updated and refined in light of experience and feedback.
11. Similarly, the CAA template will continue to be refined.

Alternative Options Considered and Rejected

12. The alternative option is not to prepare the guidance, but there are clear benefits to producing the guidance as recommended by the task and finish group.

Corporate Governance Considerations

Relevance to the Corporate Plan 2023-2027

13. The Corporate Plan includes under the Place objective to 'ensure new development is well designed creating safe, inclusive environments and taking account of character, local distinctiveness and sustainable design principles.' A conservation area appraisal helps to understand the significant and important character and local distinctiveness of the Conservation Area.
14. The Guidance Note will help provide best customer service and advice to our Parish & Town Councils. This forms part of the objective of building a resilient Council.

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

15. There are no legal or constitutional issues arising from this report.

Financial and Resource Implications

16. There are no financial or resource implications arising from this report other than the commitment in terms of officer time to continually update and refine the guidance note and template.

Risk Management

17. The guidance reduces the risk of Parish & Town Councils preparing conservation area appraisals that cannot be adopted due to content or process issues.

Equalities

18. There are no equality issues arising from the recommendations in this report.

Climate Change Implications

19. No direct carbon/environmental impacts arise from the recommendations in this report.

Actions

20. To publish the Guidance Note on the Council's website.

Appendices

Appendix 1 – Guidance Note for Parish & Town Councils

Appendix 2 – Updated Conservation Area Appraisals Process Action Plan



Preparing conservation area appraisals: guidance for Parish & Town Councils

February 2024

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1. Introduction

- 1.1 Hart District Council (HDC) supports any Parish or Town Council that wishes to update a conservation area appraisal (CAA).
- 1.2 The purpose of this document is to clarify the process and explain how HDC will support that process.
- 1.3 We would welcome feedback on this note so that it can be improved and updated over time. Please contact planningpolicy@hart.gov.uk .
- 1.4 This guidance does not cover the technical aspects of preparing a conservation area appraisal. For that, please see [Historic England Advice Note 1 Conservation Area Appraisal, Designation and Management](#).

2. What is a conservation area appraisal?

- 2.1 CAAs are important documents used by local planning authorities, the Planning Inspectorate, developers, homeowners, and the public.
- 2.2 A CAA defines the special interest of the conservation area that merits its designation and describes and evaluates the contribution made by the different features of its character and appearance.
- 2.3 A good appraisal will consider what features make a positive or negative contribution to the significance of the conservation area, thereby identifying opportunities for beneficial change or the need for planning protection. The appraisal should also develop a management plan that responds to the area's significance and issues.
- 2.4 The appraisal should convey the information succinctly and in plain English, accessible to all users.
- 2.5 All CAAs in Hart district are available at [Conservation areas | Hart District Council](#)

3. Who can draft a conservation area appraisal?

- 3.1 Conservation area appraisals are technical, evidence-based planning documents which need to withstand scrutiny at planning appeals. The expectation is that the Parish or Town Council will appoint an appropriately qualified technical consultant unless there is sufficient expertise in-house.
- 3.2 HDC cannot recommend or provide a list of specific consultants, nor can it indicate likely costs. You may therefore wish to talk to other Town or Parish

Councils that have commissioned appraisals. The Institute of Historic Building Conservation (IHBC) provides a directory of members on its [website](#).

4. Support from Hart District Council

- 4.1 HDC will provide a named Officer from the Planning Policy & Economic Development Team as a single point of contact.
- 4.2 The HDC Officer will provide strategic advice on process and content. They will review draft appraisals, benchmarking against the Historic England advice and examples of best practice. They will also provide a template and respond to enquiries in a helpful and timely fashion.
- 4.3 HDC will adopt the CAA at the earliest opportunity, subject to it reaching the appropriate standard, and having gone through the correct process.

5. What does the process look like?

- 5.1 **Appendix 1** provides an overview of the process, particularly the links between the Parish/Town Council and HDC, and some indicative timescales.
- 5.2 In drafting the appraisal the advice within [Historic England Advice Note 1 Conservation Area Appraisal, Designation and Management](#) should be followed, including the need for a visual survey of the conservation area.
- 5.3 It could take 12 to 18 months to complete, depending on various factors including the size and nature of the conservation area, the capacity of those doing the work, and the level of response to consultation.
- 5.4 For its part HDC will endeavour to meet the indicative timescales provided at Appendix 1.
- 5.5 HDC requests regular updates on the progress of the appraisal so it can plan adoption into the Cabinet work programme well in advance.

6. Public consultation

- 6.1 Public consultation on a draft appraisal is an important part of the process and should result a more robust document.
- 6.2 Preferably public consultation takes place *after* the HDC has confirmed that it is satisfied with the consultation draft. This will reduce the risk of changes being requested by HDC after the consultation.

- 6.3 It is sensible to prepare a consultation strategy in advance, explaining what will be done to publicise the appraisal and engage the community. This will help when finalising the CAA which will contain a section on the community engagement that took place. HDC is happy to review the consultation strategy.
- 6.4 HDC does not prescribe any particular approach to the consultation, other than to meet the legal requirement for a 'public meeting' (see 6.12), and to notify owners in writing if they are directly impacted by any changes to the boundary or any proposals for new non-designated heritage assets (see 6.13 and 6.14).
- 6.5 It is recommended talking to those Parish or Town Councils that have gone through a CAA consultation process themselves for any lessons learned.
- 6.6 You are reminded to comply with General Data Protection Regulations when undertaking consultations.

Publicity

- 6.7 The draft appraisal should be available on your website with hard copies at appropriate locations.
- 6.8 Details on how and when residents can respond to the consultation will need to clear.
- 6.9 You can make full use of existing communication channels to reach your residents. Newsletters, social media, and posters could be used to advertise the consultation.
- 6.10 HDC will publish a link to the Parish or Town Council consultation on its [consultation page](#) and notify Parish/Town, District and County Councillors through the Councillor Connect e-newsletter.

Public Meeting

- 6.12 It is a legal requirement to submit the draft appraisal for consideration to a public meeting in the area to which they relate, and for the local planning authority to have regard to any views expressed by persons attending the meeting (see [Section 71\(2\) and 71\(3\) of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)).

Notifying property owners directly

- 6.13 If the appraisal includes a proposed change to the conservation area boundary, each of the residents affected by the change should be contacted directly in writing and given the opportunity to comment. The letter should explain the implications of the boundary change as it will create a new land charge for their property.
- 6.14 Similarly, if it proposed to identify buildings and features as non-designated heritage assets, the owners of those properties should be contacted, with the

implications made clear, and invited to comment. Further information on non-designated heritage assets is available at [Historic environment - GOV.UK \(www.gov.uk\)](https://www.gov.uk).

Analysing the feedback

- 6.15 All consultation responses, including issues raised at a public meeting, need to be collated and a response provided for each separate point raised. This will demonstrate an open, transparent process. To see how this can be set out see the example [Odiham and North Warnborough Conservation Area schedule of consultation responses](#).
- 6.16 Preparing this schedule, and making the corresponding changes in the appraisal, needs to be done carefully and can be time-consuming. However, it demonstrates that the comments have been properly considered and results in a more robust and accurate appraisal.

7. Examples in Hart district

- 7.1 The [Odiham and North Warnborough Conversation Area Appraisal](#) was adopted in November 2022, and is a useful reference (see [Cabinet papers](#) Item 67).
- 7.2 Crondall, Crookham Village and Hartley Wintney are expected to be adopted in 2024.

8. Formatting and accessibility

- 8.1 Adopted CAAs are published on the HDC website. They must therefore meet the required Web Content Accessibility Guidance (WCAG) accessibility standards and have the appropriate look and feel.

Template

- 8.2 To assist in the layout of the appraisal HDC has produced a 'Word' template available from the named HDC officer.
- 8.3 The font to be used is Arial.
- 8.4 Text should always be left aligned for maximum legibility and should be the following size:
- headings - Arial Bold at a minimum size of 20pt (on A4/A3 documents),
 - introduction paragraphs - Arial Regular at a minimum size of 14pt (on A4/A3 documents),
 - sub-headings - Arial Bold at a minimum size of 12pt (on A4/A3 documents),

- body text - Arial Regular at a minimum size of 12pt (for A4/A3 documents).

8.5 Not all the chapters and subheadings in the template may need to be populated – this will depend on the characteristic and the special interest of the conservation area.

Maps and photographs

8.6 Graphic presentation (including maps and other annotated images) is both engaging and more accessible for users. It also usually results in a more succinct document. Other forms of presentation might include annotated photographs or drawings of buildings and characteristic local details.

8.7 Including maps or sketches to illustrate each of the areas of special interest and their character analysis is strongly recommended. Specifically, maps which illustrate key periods in the area's history and highlights the survival of those historic elements which have determined the form of the conservation area today (for instance, a medieval road pattern, former defensive lines, watercourses, canals, railways, burgage plots or other significant boundaries, estate walls, formal layouts, and the relationship of buildings to open spaces) should be used. Supporting text can summarise how the settlement has developed and a list of publications and other sources describing local history may be helpful.

Accessibility

8.8 The regulations on digital accessibility apply to all public sector bodies. The appraisal must meet the Web Content Accessibility Guidelines (WCAG). For further guidance see [Understanding WCAG 2.2 - Service Manual - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/424242/Understanding_WCAG_2.2_-_Service_Manual_-_GOV.UK.pdf). You should be mindful that these guidelines can change over time.

8.9 Accessibility checkers in applications such as Word and Adobe can be used to ensure documents are accessible when drafted. The accessibility checkers identify issues and provide guidance to amend these issues.

8.10 A common issue raised is the failure to correctly label maps, tables, and photos in the document. Guidance on labelling can be found online, for example: <https://www.w3.org/WAI/tutorials/images/>.

Appendix 1: Overview of the process

- A1. Indicative times set out below are subject to leave/sickness/existing commitments.
- A.2 Timeframes are also dependent on the parish town council scheme of delegation and calendar of meetings to gain formal approval.

Stage	Description	Indicative timescale
1. Start of process	The Parish/Town Council appoints a consultant (if needed) and informs HDC that they plan to start work on a conservation area appraisal: contact planningpolicy@hart.gov.uk A named HDC officer is assigned to the project and working timeframes are agreed between both parties.	A named HDC officer will be allocated to the project within 2 weeks of HDC being notified.
2. Inception meeting	To ensure all parties (the parish/town council, the consultant and the district) have a shared understanding of the process, expected timescales and any initial queries are addressed.	The HDC officer would be happy to attend an inception meeting within 3 weeks of receiving the request.
3. Prepare first draft	The first draft is prepared in line with the HE guidance . Send draft to HDC for review	Depends on several factors particularly capacity/resources but likely to be between 2 and 6 months.
4. HDC feedback	HDC reviews the draft and provides comments in writing.	Comments provided within 6 weeks of receiving the draft.
5. Amend draft CAA (if required)	The Parish/Town Council considers HDC's comments and makes required changes. The HDC officer would be happy to attend a meeting to discuss issues raised.	Depends on capacity/resources and the scale of changes needed.
6. Pre-consultation approval	HDC's named Officer checks and confirms the revised draft is ready for consultation.	Up to 4 weeks depending on the scale of changes to review.

Stage	Description	Indicative timescale
7. Public consultation	See section 6 for guidance. It is recommended that the consultation period lasts at least 6 weeks, potentially longer if there is an overlap with school holidays.	At least 6 weeks for the consultation itself, excluding preparation time.
8. Addressing consultation responses	The Parish/Town Council set out in a schedule all comments received (summarising where necessary) and the decision on how to address each point made (see Odiham example). Make sure there is an accurate read-across between the schedule and the CAA.	Depends on comments received and capacity/resources.
9. HDC review the revised draft	HDC reviews the comments received through the consultation and the changes to the appraisal made as a result. If HDC has any comments they will be provided within 4 weeks.	4 weeks
10. Final check	If Parish/Town Council feel it would be helpful, HDC officer checks comments have been properly addressed before any formal decisions.	2 weeks
11. Parish/Town Council formal approval	Once both parties are happy with the document, the town/parish council takes the final draft to their Council meeting for approval.	Depends on Parish/Town Council calendar of meetings.
12. Adoption	HDC adopts the CAA at the next available Cabinet meeting. <i>HDC requests regular updates on the progress of the appraisal so it can plan adoption into the Cabinet work programme well in advance.</i>	This may not necessarily be the first Cabinet meeting after receiving the final version bearing in mind lead-in times for reports and whether there is capacity on the agenda.

Stage	Description	Indicative timescale
<p>13. Statutory notifications - if there has been a boundary change.</p>	<p>If the appraisal includes a change to the CA boundary, then Cabinet approval is also required to:</p> <ul style="list-style-type: none"> • notify the Secretary of State and Historic England, • publish the designation of the Conservation Area by a notice placed in the London Gazette and a local newspaper. <p>HDC will then carry out these actions.</p>	<p>4 weeks</p>

Conservation Area Appraisal Process

Task and Finish Group recommendations and actions, updated October 2023 and February 2024

Task & finish group recommendations	Actions update at October 2023	Actions update at February 2024
<p>1. Clear template as to how the document should be set out. This should include what needs to be included.</p> <p>The order in which the different elements of the document should be ordered and details of national standards regarding accessibility guidelines which need to be complied with from any consultation stage and beyond.</p> <p>Also, how to label maps, tables, and photos.</p>	<p>Two templates have been produced in Microsoft Office compatible platforms, one in word and one in Publisher.</p> <p>Further guidance on accessibility was provided to all Parish and Town Councils in an email dated 06 July 2023.</p> <p>Further guidance on advice how to label maps, tables and photos will be provided to ensure they are Web Content Accessible Guidelines compliant.</p>	<p>The completed guidance note for Parish/Town Councils includes a link to on-line guidance for labelling maps, tables and photos ensuring they are Web Content Accessible Guidelines compliant (see section 8).</p>
<p>2. The template should not lock the ability to readily alter, update or simply adjust the template in draft form (the Council should consider going through a proper and open procurement exercise for the template itself).</p>	<p>Two templates have been produced in Microsoft Office compatible platforms, one in Word and one in Publisher.</p> <p>The documents have been created already so no procurement exercise was necessary.</p>	<p>The template will be continually refined in light of experience and feedback.</p>

Task & finish group recommendations	Actions update at October 2023	Actions update at February 2024
<p>3. It should be made clear to a Parish or Town Council that what is required of the Conservation Area Appraisal. It is a meaty, serious planning document and not a tourist brochure.</p> <p>Everything had to be evidenced based – not subjective opinion.</p>	<p>A Guidance Note is being drafted for use by Parish and Town Councils.</p> <p>This will supplement the Historic England best practice guidance ‘Conservation Area Appraisal, Designation and Management’.</p>	<p>The Guidance Note has been completed including a cross-reference to the Historic England Advice Note 1 Conservation Area Appraisal, Designation and Management.</p> <p>The note explains the appraisal is a technical, evidence-based document that must be capable of withstanding scrutiny at appeal (paragraph 3.1)</p>
<p>4. Clear flow chart outlining tasks which need to be undertaken and the order in which they should be tackled.</p>	<p>A Guidance Note is being drafted for use by Parish and Town Councils.</p>	<p>The Guidance Note has been drafted including a process at Appendix 1 to the note.</p>
<p>5. A designated Officer to liaise with Parishes and Town Councils</p> <p>The Council needs to consider what resources it makes available to support Conservation Area Appraisals.</p>	<p>A named Officer will be designated when the Parish or Town Council informs the Council that they plan to start work on a conservation area appraisal. If there is a need to change the designated Officer, the Parish or Town Council will be informed at the earliest opportunity.</p> <p>The Council can provide strategic help and advice to the Parish or Town Council as they work on the conservation area</p>	<p>The Guidance Note (section 4) confirms that a named officer will be assigned from HDC Planning Policy and Economic Development team.</p> <p>The Guidance Note also identifies the technical nature of the document and the need for it to withstand scrutiny at appeal (section 3).</p>

Task & finish group recommendations	Actions update at October 2023	Actions update at February 2024
	<p>appraisal, in a very similar way the Council does for Neighbourhood Plans.</p> <p>Advice on process and content will come from a Member of the Planning Policy team, benchmarking draft appraisals against the Historic England guidance and against previous good examples such as Odiham and North Warnborough.</p> <p>It is important that the Parish or Town Council consider that this is a technical planning document which needs to be evidence based and would need to be used at planning appeals. It is therefore important the Parish or Town Council appoint the appropriate technical consultant to ensure they provide an appropriate document in the first place, which can then be reviewed at key stages by the District Council.</p>	
<p>6. Parish and Town Councils should be directed to exemplar conservation area appraisals from neighbouring parishes.</p>	<p>Agreed. The Odiham and North Warnborough Conversation Area Appraisal is currently the Council's exemplar as this was the most recent one to be adopted.</p>	<p>The Guidance Note refers to the relevant examples (section 7)</p>

Task & finish group recommendations	Actions update at October 2023	Actions update at February 2024
	As more appraisals are adopted, the District Council will advise accordingly.	
<p>7. If the Council is suggesting that Parish and Town Councils should use consultants, a shopping list of options should be offered (procurement rules mean that there should be choices and the Council should not promote favoured consultants over others).</p> <p>Parishes should not feel pressurised to use a consultant.</p>	<p>Conservation Area Appraisals (CAA) are technical documents, which are likely to require expert skills to draft them. It is therefore important the Parish or Town Council appoints the appropriate technical consultant (unless the Town or Parish Council has a qualified expert in-house).</p> <p>The District Council does not recommend specific consultants, nor can it provide a 'shopping list'.</p> <p>Parish and Town Councils could talk to other parishes that have commissioned CAAs for more guidance on this point.</p>	The Guidance Note clarifies this issue at section 3.
<p>8. The Council should maintain regular contact with the Parish or Town Councils during the process, to ensure that the Parish or Town Council does not go off track or on completely the wrong tack.</p> <p>Good clear and structured communication will reduce the potential for unnecessary abortive costs.</p>	Agreed. A Guidance Note is being drafted for use by Parish and Town Councils, which identifies when key conversations between the Councils should take place.	The Guidance Note sets out the process which includes several touch points with HDC (section 5 and Appendix 1).

Task & finish group recommendations	Actions update at October 2023	Actions update at February 2024
<p>9. Hart Officers should look to have only 'one bite of the cherry' in terms of a thorough review of the document. Suggestion that this is prior to the public consultation.</p>	<p>A Guidance Note will be drafted for use by Parish and Town Councils, which identifies when the District Council will need to review the appraisal.</p> <p>There are several key touch points through the process when the District Council will need to review the evolving draft, but particularly prior to the public consultation and to review changes made in light of the consultation.</p>	<p>The Guidance Note has been produced addressing this point – section 6 and Appendix 1.</p>
<p>10. The District Council to advise Parish and Town Councils on how to carry out the public consultation and how to analyse the feedback.</p>	<p>A Guidance Note will be drafted for use by Parish and Town Councils, which includes public consultation and how to analyse the feedback.</p>	<p>The Guidance Note has been produced addressing these points at section 6.</p>
<p>11. All suitable conservation area appraisals to be adopted, not just noted. Noting such documents simply undermines their statutory status and downgrades the valuable input of the community</p>	<p>Agreed. The Odiham and North Warnborough Conversation Area Appraisal was adopted by Cabinet in November 2022.</p>	<p>This is confirmed in the Guidance Note at paragraph 4.3 and in Appendix 1.</p>

Task & finish group recommendations	Actions update at October 2023	Actions update at February 2024
<p>12. Parish and Town Councils should be warned that guidelines for these documents are prone to change and that they must be able to react to that</p>	<p>A Guidance Notice will be drafted for use by Parish Councils, which highlights all guidance that must be followed.</p> <p>This point related to the Web Content Accessibility Guidelines, which is a national requirement, not a local requirement.</p> <p>The District Council's guidance note can be updated when any guidelines change.</p>	<p>The Guidance Note addresses accessibility (section 8) including a reference that guidelines can change.</p> <p>The note will be updated as and when necessary.</p>
<p>13. Parish and Town Councils would like an indication at the beginning of the process as to how long it is expected to last.</p>	<p>A Guidance Notice will be drafted for use by Parish or Town Councils, which included a clear flow chart outlining tasks which need to be undertaken.</p> <p>While it can provide some indication how long they are likely to take and the order in which they should be tackled, it will be very much dependant on how the process is resourced by the Parish or Town Council, and their consultant.</p>	<p>The Guidance Note addresses this point at section 5 and Appendix 1.</p>

Task & finish group recommendations	Actions update at October 2023	Actions update at February 2024
14. Parish and Town Councils would like clarity in terms of likely costs.	<p>The District Council is unable to provide any information on this.</p> <p>Parish and Town Councils could talk to other parishes that have already commissioned consultant to draft their CAAs for more guidance on this point.</p>	The Guidance Note confirms at paragraph 3.3 that the District Council cannot indicate likely costs.

OVERVIEW & SCRUTINY

February 2024

Issue Title: **TASK AND FINISH GROUP – Fly Tipping**

Report of: **Task and Finish Group**

Key Decision: **No**

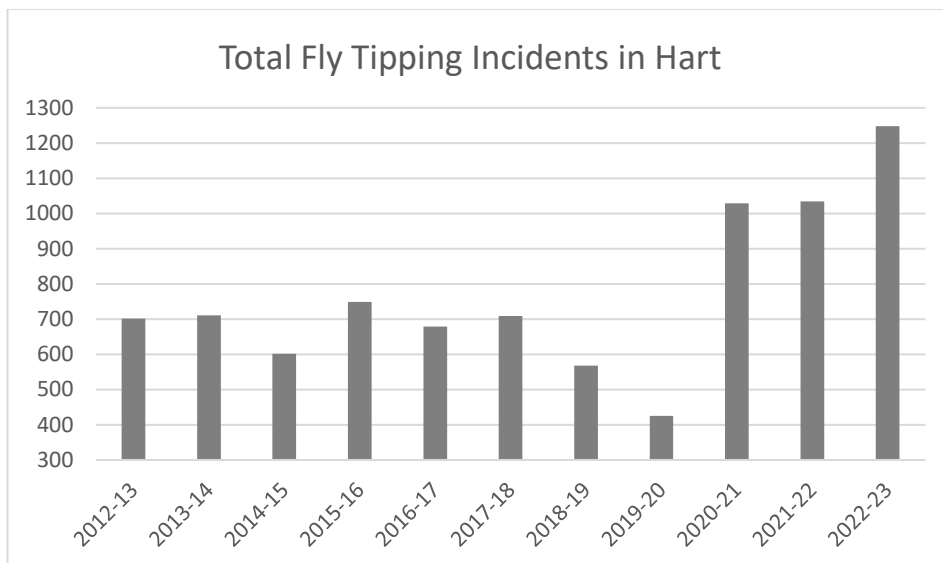
Confidentiality: **Non-Exempt**

A) PURPOSE OF REPORT

A task and finish group, comprising four members ~ Cllrs Butler, Smith, Engstrom and Butcher was asked to gain an understanding of current fly tipping processes within Hart District Council and make recommendations for improvements.

B) BACKGROUND

1. The number of fly tipping incidents within Hart has increased in recent years. For example:
 - a. In this current year, the number by Christmastime was the same as it was at the end of the municipal year '22-23.
 - b. In November 2023 alone, there were 100 fly tipping incidents.
 - c. Data received from Hampshire on January 17th 2024 shows that the number of fly tipping incidents in Hart has increased from 702 in 2013 to 1248 2023. That is a 77% increase.



- d. A BBC report on January 18th reported: “Fly-tipping in England had to be cleaned up 1.08 million times by local councils in 2022-23, the latest government figures reveal. Clearing the largest illegal tips cost £13.2m, but the number of court fines dropped by 17%, raising just £785,000.”
 - e. A Defra report published in January 2024 lists the worst places for fly-tipping (measured in incidents) in Hampshire. Hart is 4th out of 13 councils, up 20.7%.
2. While Hart waste officers clearly prioritise and have a focus on clearing fly tips, current staffing levels do not allow for proactive work to deter fly tipping and prosecute those responsible for fly tipping.

C) MAIN ISSUES

1. Fly tipping is dealt with across multiple service areas.
 - Collection/disposal ~ via Countryside Services in the Community service
 - Enforcement/prosecution ~ via EH in Place service (currently outsourced to East Hants)
 - Communications ~ within the Corporate team
 - Legal ~ shared service with B&D (and through contract with E. Hants)
2. Staffing levels. Until recently Hart employed 1 x EH officer for 14 hours per week to deal with enforcement and prosecutions. Since that person left Hart approx. 6 months ago, we have in place a loose contract with East Hants, for the same number of hours. East Hants notified Hart in January that they wish to end the contract on April 1st 2024.
3. Staffing levels only allow for prosecutions of large operators, where there is clear and sufficient evidence to prosecute. There is also a belief (contradicted by other local authorities that prosecutions are too expensive and time consuming).
4. Due to the rural nature of Hart, with easy access from the M3 and M4, the district attracts large operators, organised criminal gangs and 'white van men' unauthorised providers. Roofers and fencers are a particular problem. It is easy for them to dump a load in the country lanes, at night, sometimes without even stopping.
5. The waste dumped ~ tyres, asbestos, oil (engine and cooking), construction waste ~ requires specialist removal (as an example, specialist removal of a load of asbestos can cost up to £7K). Such waste is taken to a Hampshire facility (where there is no charge to Hart) but there is a weight limit so our contractors must often complete repeated trips in order to clear the whole dump. Funding for this work could be directed to other services if the number of fly tipping incidents fell. Total cost of payments to specialist contractors £27K pa.
6. The removal of all other fly tips, by Hart waste officers, still carries a cost, in terms of staff hours, vehicle running costs, purchase of specialist vehicles (e.g. grabber). Total cost £137K pa. Officers can be recalled from other duties (e.g. grass cutting, litter picking, ditch clearance) in order to clear fly tips. This obviously impacts upon the services we provide to residents.
7. As neighbouring councils become more proactive in enforcement and prosecutions, so operators move on and see Hart as easy pickings.
8. Hart officers consider that reduced hours at HWRC's, the booking system, ANPR and the issuing of permits for commercial vehicles have all restricted access to dispose of waste at these sites. Commercial fly tipping incidents have increased as a result of this restricted access.
9. Proposed HCC budget cuts for the year 2025-6, with the possible closure of Aldershot and Hartley Wintney HWRC's and the reduction of operating hours and new charges at other HWRC's is not viewed in a positive light by the group.
10. Low fines from judges are an insufficient deterrent

D) HOW THE TASK AND FINISH GROUP UNDERTOOK ITS WORK

1. Met with officers from neighbouring local authorities ~ Test Valley, Basingstoke & Deane, Rushmoor and Surrey Heath. Despite numerous approaches, there was no response from East Hants.
2. Met with key officers at Hart ~ EH, Waste, Comms
3. Read publications ~ Keep Britain Tidy
4. Read Hart internal documents relating to fly tipping
5. Undertook a survey amongst Hart District Councillors and Parish Councillors
6. Looked at social media activity in neighbouring local authorities
7. Reviewed other publicly accessible information related to fly tipping in national media and on other council websites.

E) RECOMMENDATIONS

Recommendations are broken down into the following key sections:

- Communications
- Enforcement & Prosecution
- Collection
- Other

1) Communications

- a) Add a page to the HDC website for residents focused on “duty of care” including content such as questions an individual should ask before commissioning a carrier and how residents can check if a carrier is licensed with the [Environment Agency](#)
- b) Issue clearer communication about what fly tipping is and isn't, many residents are not clear on this subject. Examples could include areas such as:
 - It isn't just a load dumped in a layby; it is items dumped at a bring site
 - It is putting a chest of drawers on the pavement at the end of your drive in the hope that someone will take it away
 - It is dumping stuff on the ground next to a waste bin
 - It is leaving donated items outside a charity shop when the shop is closed
- c) Encourage people to report fly tipping, including any images they may have from doorbell cameras if someone has knocked on their door and offering services and dash cams
- d) Create clear messaging that fly tipping costs the taxpayer, it is costing the community, it takes money away from other services.
- e) Create Messaging that all fly tipping is unacceptable and not to be tolerated
- f) Don't use images of fly tipping in rural areas ~ use images which are familiar to people and terms such as unwanted items/stuff you wanted to get rid of
- g) Use hyper local messaging to a town/parish/ward
- h) Focus on more regular communications across multiple channels that the public can place flattened cardboard next to their blue bin and at times such as Christmas, they can place excess bottles in a bucket next to their regular crate

- i) Do not focus purely on prosecutions/big fines ~ ties in with the message that we should not tolerate any fly tipping
- j) Don't use terms like 'bulky waste' ~ be specific ~ sofa, fridge, washing machine
- k) Encourage residents to ask for appliances/mattresses to be taken away by the company which delivers a new product to them
- l) If we do make radical changes to how we approach/deal with fly tipping ~ launch a focused long term annual campaign with the specific aim to get residents on board
- m) Fix My Street ~ give feedback if tips are on private land, to inform public that Hart can't collect from private land or may (having liaised with the landowner) be slower to do so

***** We recommend that officers read and implement the focus areas in Keep Britain Tidy "Beyond the tipping point: insights to tackle fly tipping"***

2) Enforcement & Prosecution

- a) Actively look on social media for posts about requests for someone to take items away or companies advertising to take things away
- b) Invite people into the council offices and interview under caution, both residents and perpetrators.
- c) Actively pursue residents under the 'duty of care' banner
- d) Deploy dash cams in Hart vehicles
- e) Be more proactive in pursuing perpetrators. Not just the larger offenders, but any perpetrator where we have sufficient evidence. This would require a closer working relationship with the legal team, which is something other local authorities are undertaking with provable success
- f) Procure more cameras such as trail cameras. These cost less than £200 to purchase and are cost effective to use (often battery life and HD image level quality can be optimised when they are set on stills not video).
- g) Consider subscribing to the Mallard Consultancy, for rapid legal advice (Ask the Wig) and training. £1k p.a. Costs can be shared across services e.g. planning.
- h) Improve KPI's ~ to measure reduction in fly tipping incidents
- i) Dedicated fly tipping officers, not just as a small portion of a wide EH role
- j) Co-ordinated campaign with the police to stop waste carrying vehicles and for police to visit tyre companies to talk to them about disposal of old tyres
- k) Co-ordinated approach with trading standards, to target small waste companies

3) Collection

- a) Don't immediately pick up fly tips, as doing so can create a mindset with the public that if items are moved quickly and efficiently, that it is part of the service/part of what they pay their taxes for.
- b) Place stickers or tape on/around fly tips while left in place. Wording such as "Illegally dumped waste under investigation" or "Environmental crime scene" or "Fly tipping under investigation"
- c) When fly tips are removed ~ stencil a message with chalk-based paint onto the ground with a message "Dumping wastes £xx for your community"
- d) Place a board by a fly tip, with similar wording

- e) Christmas tree collection points work well, so perhaps have a collection point at regular times of the year, at key points within the community (perhaps the urban centres). Either hire a skip from 9am until 4pm. An officer would have to be present to monitor and the skip would need to be removed by the end of the day. Or perhaps all that is needed is one of our lorries. For e.g. TV's, vacuum cleaners
- f) A grab lorry or a retainer contract with a company which supplies them (saves on manpower when tips must be removed by hand)

4) Other Recommendations

- a) All aspects of dealing with fly tipping need to be under one service head
- b) Dedicated fly tipping officers, in house. They would then have the local knowledge and the passion
- c) More funding will be required
- d) Try to build upon and increase cross border collaboration

5) Community Engagement in Fly Tipping Prevention Recommendations

As the community teams are already aware and engaged on, it is important to foster a strong partnership between the council and the community in combating fly tipping.

We would however recommend that focus on expanding strategies that engage and educate residents and businesses across Hart, enhancing awareness and participation in prevention efforts. Key Initiatives could include areas such as:

- a) **Educational Workshops:** Organise workshops to inform about the environmental and legal consequences of fly tipping. Tailor sessions for Parish Councils, community groups, including schools, businesses, and neighbourhood associations.
- b) **School Collaboration:** Partner with our local schools to integrate fly tipping awareness into their curriculum or extracurricular activities, fostering early awareness among younger generations.
- c) **Community Clean-Up Drives:** Regularly organise community clean-up events. These not only help in cleaning up affected areas but also raise awareness and build community spirit.
- d) **Promotion of Reporting Channels:** Encourage the community to report fly tipping incidents through easy-to-use channels. Ensure the process is straightforward and the community is aware of how to report.
- e) **Reward and Recognition Programme:** Implement a programme to acknowledge and reward individuals or groups who contribute significantly to reducing fly tipping or raising awareness.
- f) **Regular Feedback and Engagement Forums:** Host forums where community members can voice concerns, offer suggestions, and stay updated on the progress of fly tipping prevention initiatives.

Continuous improvement and feedback will be important to move this forward and is an area that should be considered, including a structured approach that proactively gathers and utilises feedback from the community and council staff in enhancing our fly tipping prevention strategies.

Key elements would include:

- a) **Regular Surveys and Feedback Forms:** Implement online and physical surveys to collect feedback from residents and businesses about the effectiveness of current measures and suggestions for improvement.
- b) **Community Feedback Meetings:** Organise quarterly community meetings to discuss progress, challenges, and gather direct input from residents.
- c) **Online Feedback Platform:** Develop an accessible online platform where community members can easily submit their observations, ideas, and complaints.
- d) **Analysis and Reporting:** Regularly analyse feedback data to identify trends, areas for improvement, and the impact of implemented strategies. Publish these findings in accessible formats for community review.
- e) **Adjustment and Adaptation:** Ensure that strategies are flexible and adaptable, with the ability to incorporate community feedback for continuous improvement.

The objective of this approach is to ensure Hart creates a dynamic, responsive approach to tackling fly tipping, encouraging active participation and ownership from the community.

CORPORATE GOVERNANCE CONSIDERATIONS

Relevance to the Corporate Plan

- **People** ~ making Hart a great place to live
- **Planet** ~ protecting the environment/lessening the impact that fly tipping has on amenities/fewer Hart vehicle journeys

Relevance to The Hart Vision 2040

There is a clear and tangible link to our 2040 vision, namely 'to become the best place, community and environment to love, work and enjoy'.

Service Plan

Any changes will need to be incorporated within relevant service plans.

Legal and Constitutional Issues

To be assessed when decisions are made on the recommendations

Financial and Resource Implications

To achieve any significant and meaningful reduction in fly tipping in Hart we would require more funding to cover:

- Officers (Enforcement & Prosecution and Comms)
- Additional equipment (cameras/stickers/tape/boards/stencils)

Risk Management

To be assessed when decisions are made on the recommendations. Of particular concern is the prospect of two nearby HWRC's being closed, which could potentially lead to an uptick in fly tipping within Hart.

Equalities

To be assessed when decisions are made on the recommendations

Climate change implications

If changes are implemented, as per the recommendations contained within this report, we will see a reduction of waste being dumped in our district, a reduction of the negative visual impact of the fly tipping, a reduction of its impact upon wildlife and fewer vehicle movements. This has a clear impact on the Hart vision for carbon neutrality and is also directly linked into improvements on our adoption of the circular economy.

Action

- O&S input
- Cabinet input/decision
- Action plan
- Implementation
- Back to O&S for updates on progress

Useful links to publications

[Fly-tipping Toolkit: How to Present Robust Cases to the Courts](#)
[Keep Britain Tidy "Beyond the tipping point: insights to tackle fly tipping"](#)
[Keep Britain Tidy "Household Waste Duty of Care Communications Toolkit"](#)

Annexes to main report Pages

- Annex A - Test Valley notes
- Annex B - Survey summary
- Annex C - 'Eyes' sign Test Valley

Annex A - Template for gathering information from local authorities.

Test Valley

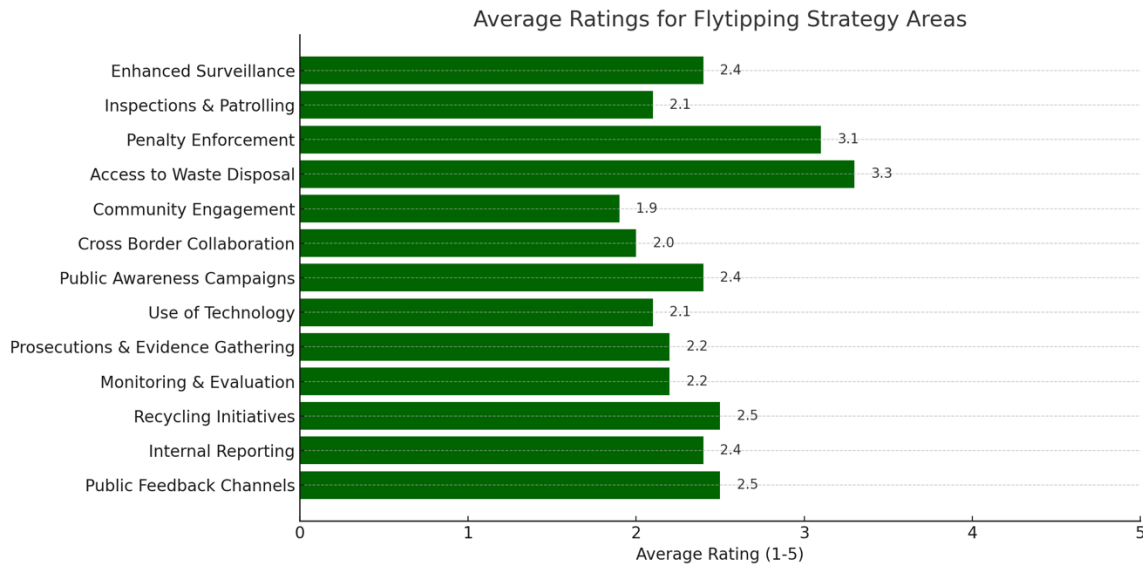
1	Hotspots
	North (urban) ~ domestic waste South (rural) ~ commercial waste
2	What sort of stuff? Domestic or Commercial? How do you know about it?
	<ul style="list-style-type: none"> • Both • Public report online • Street cleaning officers look through rubbish for address labels. Bring evidence to the team on a regular basis.
3	Staffing /costs.
	2 x FTE (who spend 80% of their week on fly tipping) and another officer who spends 5 hours a week
4	Procedure for dealing with the fly tipping
	<ul style="list-style-type: none"> • Look at FB ~ when resident asks for waste to be removed ~ team monitor this/check if people are licenced. • Zero tolerance ~ aim to prosecute as many as possible, want people to have a criminal record so don't issue FPN's, ask for driving licence to be taken off people • Prosecute residents for lack of duty of care (they are responsible for ensuring a licensed person disposes of their waste) • When street cleaning teams find evidence of address ~ resident will be invited into the council offices and interviewed under caution. They will ask the resident to help them prosecute white van man. • Research white van men from FB. Invite them into the council offices for an interview under caution. If they don't turn up a Section 108 notice is issued. This informs them that if they don't co-operate, they will be prosecuted. They will then take them to court for failing to help with the investigation. If white van man does turn up for the interview, officers will have done their research. They will be able to identify this person. They then take them to court. They submit a file to the legal team and often get a court date within 2 months. E.g. a file submitted mid Nov has a court date in Feb. • During interview under caution: use special interview room. 2 trained staff. Have a script to read form/read rights. A record is made of the interview, on CD. Copy given to the person. 1 is used for accuracy of notes. 1 is sealed in the presence of the person. • Use Basingstoke and Southampton courts. Always win costs (not means tested). Can ask for compensation. Request victim surcharge (goes towards victim support groups). If fines not paid ~ prison sentence. • Work closely with Comms • Portfolio older is very pre-active ~ shares posts on social media. Residents often get in touch with him directly. • Use a corrugated poster and leave it on a spot where fly tipping has occurred • Have stickers to place on black bags • Tap into services of a top barrister who specializes in waste. David Armstrong, who is part of Mallard Consultancy. "Ask the wig". £1k pa. Spread cost across services. Panning can also use it. Also offer training courses.

5	Preventative measures/deterrents use of technology.
	<ul style="list-style-type: none"> • Covert CCTV cameras in known hotspots. Limited collateral intrusion. Move camera around ~ every 2/3 weeks. They have direct access to DVLA so can research number plate. Person invited in for interview under caution. Asked 'why was your vehicle at this location?' 'What do you do for a living?' • Name people in press releases • Work closely with the police • Criminals know that Test Valley is tough. • Use doorbell/dashcam footage to support them • Fleet of vehicles have dashcams. • 20 Browning trail cameras in use. Approx £200 each. Camouflaged. Attached to tree. Reconnaissance of the site done in advance. Left for 1 week. Triggered by movement. Set so that it takes lots of stills rather than video. • Will post photos of tips on FB and ask 'does anyone recognize this?' • Website includes a page 'duty of care' ~ residents must check waste operators they commission
6	Comms
	<ul style="list-style-type: none"> • "Love where you live" • Make it a community thing • Zero tolerance of waste crime ~ this is pushed all the time • Banners/posters/stickers ~ places on waste/when it has been removed (focus on impact on the community)
7	Prosecutions ~ how successful?
	<ul style="list-style-type: none"> • Won 119/120 prosecutions • Defra league tables ~ prosecutions by county. 2021-22: Hants 59 prosecutions ~ 36 were in Test Valley.
8	Secret to their success/top tips
	<ul style="list-style-type: none"> • Cameras • Cradle to grave • Relationship with solicitor ~ 1 person who will work through the whole case • Relationship with operational staff • Comms • All depts working together/helping each other • All under one service • Officers passionate and know their stuff • Need dedicated EH staff

Annex B - Fly Tipping Survey - Issued to Hart District & Parish Councillors

Summary of suggestions for improvement

Upon analysing the feedback from the council members, several key themes, and specific suggestions for improvement in anti-fly tipping strategies can be seen:



Lack of Confidence in Enforcement & Prosecutions

- 87% of respondents (14 out of 16 councillors) provided comments indicating fines, prosecutions, and enforcement act as inadequate deterrents
- Demonstrates strong consensus among councillors on this issue

Divide Over Recycling Centre Policies

- Rating distribution for Access to Waste Disposal strategies shows a wide range (25% said 1, 50% said 3)
- Qualitative feedback also shows mix of views on HCC household waste site policies
- Suggests recycling centre accessibility and charges are factors in fly-tipping

Technology & Surveillance Not Being Leveraged

- 10 respondents highlighted significant opportunities to use CCTV, AI, and data analytics more effectively
- Could enable monitoring of transient hotspots, evidence gathering, and offender tracking

Minimal Confidence in Community Messaging

- 81% rated Community Engagement initiatives as ineffective (rated 1 or 2)
- Multiple comments question whether campaigns influence behaviours

Common Themes in the Survey

1. **Enhanced Enforcement and Penalties:** A recurring theme was the need for stronger enforcement of existing laws and higher penalties for violations. Respondents emphasised that current measures might be insufficient to deter fly tipping effectively.
2. **Community Engagement and Awareness:** Many members highlighted the importance of engaging the community more actively. Suggestions included organising local clean-up events, educational campaigns, and involving local schools and organisations in awareness programmes.
3. **Access to Waste Disposal Facilities:** Several respondents pointed out the need for better access to waste disposal facilities. They suggested that improving the availability and convenience of legal waste disposal options could reduce the incidence of fly tipping.
4. **Use of Technology:** The integration of technology, such as surveillance cameras and mobile apps for reporting incidents, was seen as a key area for improvement. Respondents believed that technology could play a significant role in monitoring and preventing fly tipping.
5. **Cross-Border Collaboration:** Some members suggested that collaboration with neighbouring districts or regions could be enhanced. This would involve sharing resources and strategies to tackle fly tipping more effectively across wider areas.
6. **Public Feedback Channels:** There was a call for establishing more robust channels for public feedback and reporting. Respondents felt that making it easier for the public to report fly tipping incidents could aid in quicker response and resolution.

Survey Recommendations

Based on the analysis, the following strategic recommendations can be drawn:

1. **Reinforce Penalty Enforcement:** Escalate the severity of penalties and ensure consistent enforcement to deter violations.
2. **Revitalise Community Engagement:** Launch innovative, community-centric initiatives to raise awareness and promote proactive participation in waste management.
3. **Expand Access to Disposal Facilities:** Improve the accessibility and convenience of legal waste disposal to encourage proper waste management practices.
4. **Integrate Advanced Technology:** Employ surveillance technology and develop user-friendly reporting applications for efficient monitoring and public engagement.
5. **Initiate Cross-Border Collaborative Efforts:** Establish partnerships with neighbouring districts for resource sharing and unified strategies.
6. **Enhance Public Feedback Channels:** Create robust and accessible platforms for the public to report fly tipping incidents and provide feedback.

Survey Conclusion

The members' responses provide insightful perspectives on the current state of and fly tipping strategies. While certain strategies show effectiveness, there's a clear call for more robust enforcement, enhanced community involvement, and technological advancements.

The recommendations aim to address these key areas, fostering a more effective and community-aligned approach to combatting fly tipping.

Appendix C - Test Valley 'Eyes' Poster





Budget Monitoring – 23/24 Outturn Latest Forecast

O&S
Date 20th February 2024

Recommendations

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

Projected Revenue Outturn

Outturn for 2023/24 is forecast to be £0.87m surplus to Budget

£000	Approved Budget	Carry Forwards	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Variance
Community	3,325		(672)	2,633	2,035	(598)
Corporate	7,058		10	7,068	6,948	(120)
Place	2,337		92	2,429	2,213	(216)
Net Cost of Service	12,720	0	(590)	12,131	11,196	(935)
Revenue Projects	405	271	50	726	591	(135)
Treasury	109			109	(464)	(573)
Funding	(13,234)	(271)	540	(12,966)	(12,194)	772
Budget	0	0	0	0	(871)	(871)

Revenue Projects Overview

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£000	Approved Budget	Carry Forwards	Movement in Reserves	Revised Budget	Latest Forecast	Variance from Budget
Community	245	247	0	492	365	(127)
Corporate	160	24	50	234	181	(53)
Place	0	0	0	45	45	45
Total	405	271	50	726	591	(135)

- 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	1,239	470	2,611	2,556	(55)
Corporate	20	73	75	168	238	70
Place	0	150	0	150	32	(118)
Total	922	1,463	545	2,929	2,825	(104)

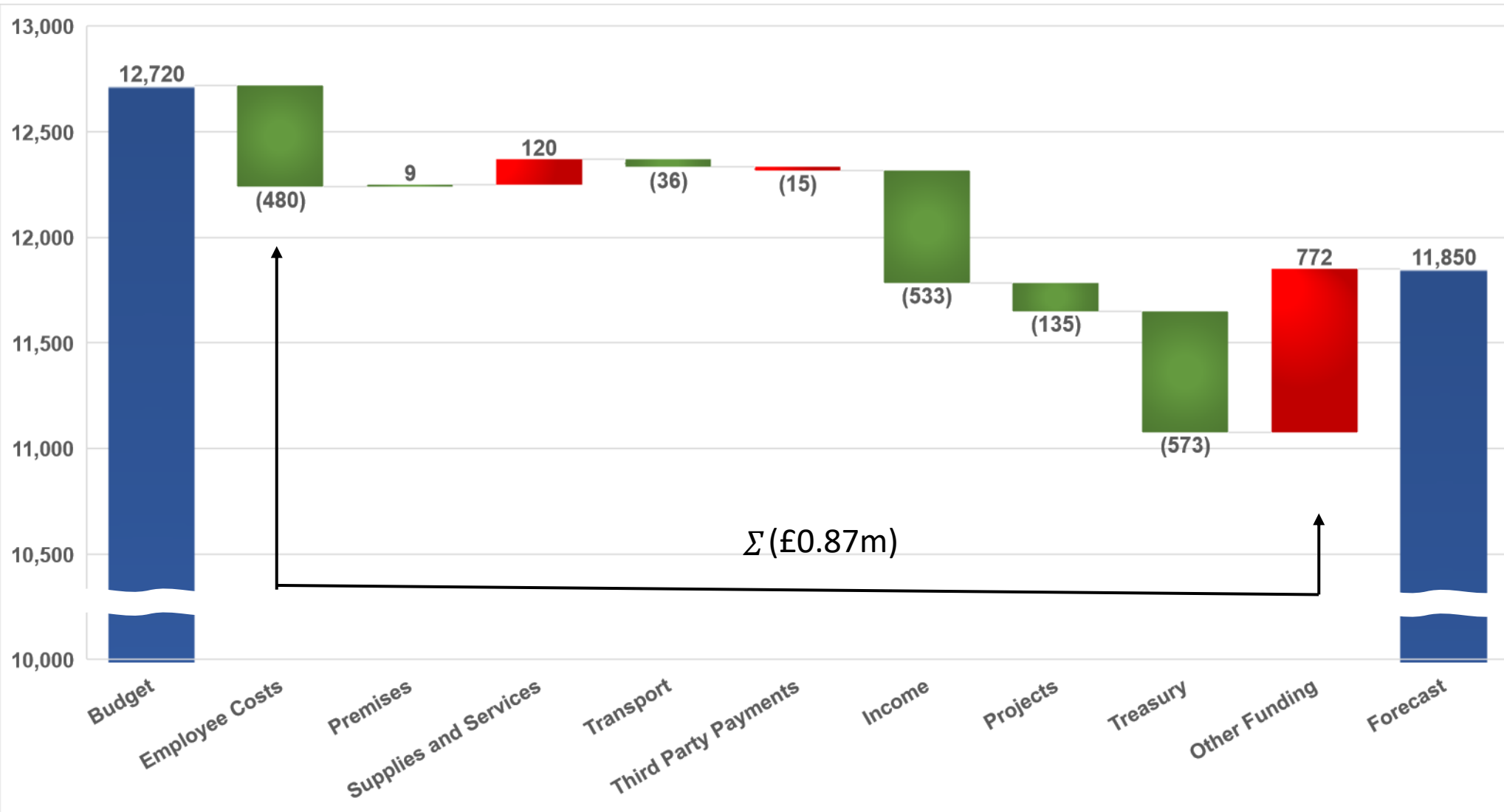
Summary Revenue

The council is forecasting an overall underspend of £0.9m against the 2023-24 revenue budget of £12.7m.

Included in the revenue outturn are £757k developer contributions to Earmarked Reserves (EMR)

Forecast Variance by Subjective £k

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Forecast Pressures & Savings

Increase/Decrease in Income

Planning Development income £74k ↓

Building control income £76k ↓

Waste and recycling income £283k ↑

Treasury income £572k ↑

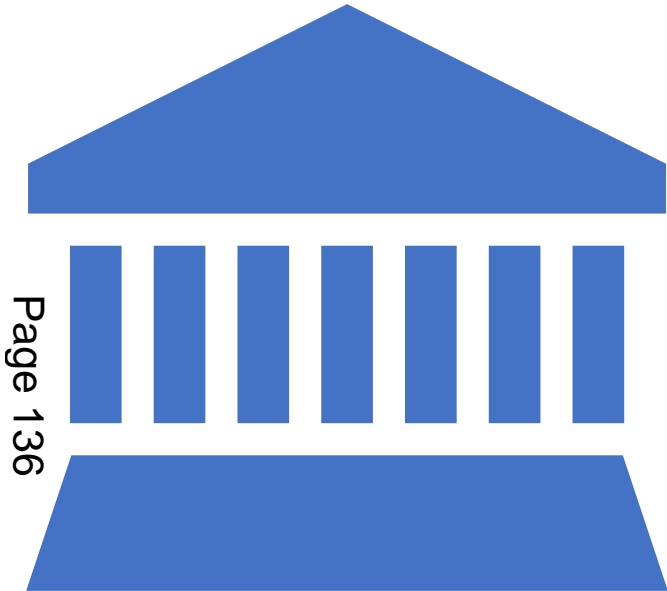
Increase/Decrease in Costs

Building Repair & Maintenance £76k ↑

Employee costs £480k ↓

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 @ 31st Dec 2023

Borrower	Amount £m	Interest Rate	ESG Rating	Terms	Investment Date	Maturity Date	Interest £m
Barclays Ltd - Green A/C	5.0	5.30%	80	95 Days	01-Apr-23	06-Apr-24	0.269
Derbyshire County Council	5.0	4.45%		Fixed	25-Apr-23	23-Apr-24	0.222
Qatar National Bank	1.9	5.57%	90	Fixed	02-Oct-23	22-Jan-24	0.035
Sumitomo Mitsui Banking Corp.	7.5	5.51%	89	Fixed	01-Nov-23	16-Feb-24	0.121
National Bank of Kuwait	6.4	5.43%	80	Fixed	02-Oct-23	22-Jan-24	0.101
First Abu Dhabi	2.0	5.42%	92	Fixed	01-Dec-23	19-Mar-24	0.032
Cheshire East Borough Council	5.0	5.50%		Fixed	08-Dec-23	15-Mar-24	0.074
Aberdeen Liquidity - Standard Life	4.1	5.29%		Money Market Fund	29-Dec-23	31-Dec-23	0.002
Bank of New York Mellon	7.5	5.35%		Money Market Fund	01-Dec-23	31-Dec-23	0.035
	44.4						0.891
Barclays-FIBCA	0.1	0.84%	80				
Total	44.5						

- ESG (Economic, Social and Corporate Governance) ratings as agreed in Treasury Management (TM) Strategy.
- During Q3 Treasury activity has operated within the prudential indicators approved in 23/24 TM Strategy
- No new borrowing has been taken out during FY 2023. The borrowing requirement for 2023/24 is estimated to be £13.9m. Further details on treasury management and economic indicators can be found in the appendices.

REVENUE FORECAST OUTTURN 2023-24

APPENDIX A

1. Summary Revenue Outturn £000

Summary	Note #	Approved Budget	Carry Forwards	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Outturn	Previous Forecast
Employee Costs	3	7,037		0	7,037	6,556	(480)	(76)
Premises	4	576		0	576	585	9	16
Supplies and Services	5	9,410		167	9,577	9,697	120	216
Transport	6	104		0	104	68	(36)	(27)
Third Party Payments	7	1,864		0	1,864	1,849	(15)	(9)
Transfer Payments	8	10,309		0	10,309	10,309	0	0
Other Grants and Contributions	9	(239)		0	(239)	(274)	(35)	(14)
Income	10	(16,340)		(757)	(17,097)	(17,595)	(499)	(397)
Net Cost of Service		12,720	0	(590)	12,131	11,196	(935)	(291)
Revenue Projects	13	405	271	50	726	591	(135)	(8)
Commercial Income		(1,413)		0	(1,413)	(1,413)	0	0
Council Tax and Business Rates		(9,468)		0	(9,468)	(9,468)	(0)	0
Treasury	11	109		0	109	(464)	(573)	(572)
Other Funding	12	(2,353)	(271)	540	(2,084)	(1,313)	772	(28)
Outturn		0	0	0	(0)	(871)	(871)	(899)

The significant variances are explained in breakout tables below.

2. Movement in Reserves

Movement in Reserves	£000	Reason
Refurbishment of third floor	50	Ear-marked reserve for this purpose
Digital Strategy Review	10	Cabinet decision December 2023
Ground maintenance land survey	15	Cabinet decision December 2023
Planning backlog – protected trees & heritage sites	67	Cabinet decision December 2023
Planning development management	25	Cabinet decision December 2023
Car Park Maintenance	50	Cabinet decision December 2023
Biodiversity	(18)	S106 receipts received in 2023/24
Affordable Housing	(51)	S106 receipts received in 2023/24
SANGS	(688)	S106 receipts received in 2023/24
	(540)	

3. Employee Costs

Summary	Approved Budget	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Outturn	Previous Forecast
Pay Costs	6,792	0	6,792	6,166	(626)	(174)
Agency	126	0	126	261	135	130
Severance	0	0	0	0	0	0
Recruitment	9	0	9	42	33	8
Other	110	0	110	88	(22)	(40)
	7,037	0	7,037	6,556	(480)	(76)

- Pay award (back-dated to 1/4/23) lower than budget (£117k); Pension contributions – post tri-annual review (£98k); vacancies (£411k)
- Agency costs supplement staff vacancies and support projects.
- Other includes salary capitalisation.

REVENUE FORECAST OUTTURN 2023-24

APPENDIX A

4. Premises £000

Summary	Approved Budget	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Outturn	Previous Forecast
Electricity	101	0	101	62	(39)	(18)
Gas	53	0	53	32	(21)	0
Business Rates	322	0	322	317	(5)	(11)
Building Repair & Maintenance	22	0	22	98	76	34
Other	78	0	78	76	(3)	11
	576	0	576	585	9	16

- Budget estimates for the general repair and maintenance of the Civic Building were insufficient. This has been corrected in the Draft 24/25 Budget.
- Electricity cost forecast has reduced reflecting Solar panel energy generation.
- Gas costs overestimated in the budget.

5. Supplies & Services £000

Summary	Approved Budget	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Outturn	Previous Forecast
Fees and hired services	3,463	0	3,463	3,272	(191)	(166)
Sub-contracted work	1,166	0	1,166	1,152	(14)	(77)
Homes for Ukraine	179	0	179	434	255	421
Parking	116	50	166	157	(9)	49
Planning Development	71	92	163	164	1	50
Digitalisation	0	10	10	9	(1)	0
Streets & Grounds Maintenance	1,363	15	1,378	1374	(4)	(4)
Grants - paid	269	0	269	331	62	269
Other	2,783	0	2,783	2,804	21	(326)
	9,410	167	9,577	9,697	120	216

- Fees and hired services budget assumed a 10% inflationary pressure – although many costs have increased as expected others have remained stable.
- Homes for Ukraine expenditure is an offset from income received (see Table 10)
- Parking – Cabinet (Dec23) agreed £50k for urgent car park repairs before March 2024.
- Planning - Cabinet (Dec23) agreed the following:
 - £75k over next 12 months to support backlogs in determining applications for work on protected trees and heritage related sites.
 - £25k to support a efficiency and effectiveness review of Planning Development
- Digitalisation - Cabinet (Dec23) agreed £10k to support a refresh of the Digital Strategy as per Corporate Service Plan.
- Streets & Grounds Maintenance - Cabinet (Dec23) agreed £15k to undertake the grounds maintenance land survey.
- Grants paid - received from Sport England passed through to Leisure Centre to help with increased energy bills.

REVENUE FORECAST OUTTURN 2023-24

APPENDIX A

6. Transport £000

Summary	Approved Budget	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Outturn	Previous Forecast
Car Allowances	69	0	69	39	(30)	(24)
Travel Expenses	18	0	18	15	(3)	(3)
Other vehicle expenses	17	0	17	14	(3)	0
	104	0	104	68	(36)	(27)

7. Third Party Payments £000

Summary	Approved Budget	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Outturn	Previous Forecast
5C Contract	1,576	0	1,576	1,552	(24)	(28)
Other	288	0	288	297	9	19
	1,864	0	1,864	1,849	(15)	(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.

REVENUE FORECAST OUTTURN 2023-24

APPENDIX A

8. Transfer Payments £000

Transfer Payments	Approved Budget	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Outturn	Previous Forecast
Rent Allowances	10,541	0	10,541	10,541	0	0
Rent Allowances over payments	(232)	0	(232)	(232)	0	0
Outturn	10,309	0	10,309	10,309	0	0

Transfer payments are forecasted to be cost neutral. Any variances to this assumption will not be known until a final reconciliation at year end. These variances will not impact outturn as surplus/deficits will be taken to a smoothing reserve.

9. Other Grants & Contributions £000

Summary	Approved Budget	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Outturn	Previous Forecast
Accounting Provisions	(219)	0	(219)	(219)	0	0
Capital Grants & Contributions	(20)	0	(20)	(55)	(35)	(14)
	(239)	0	(239)	(274)	(35)	(14)

- New Burden grants totalling £35k offset costs of implementation elsewhere in the tables.

REVENUE FORECAST OUTTURN 2023-24

APPENDIX A

10. Income £000

Summary	Approved Budget	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Outturn	Previous Forecast
Green Waste collection	(830)	0	(830)	(1,025)	(195)	(120)
Recycling	(300)	0	(300)	(494)	(194)	(192)
Car Parking	(756)	0	(756)	(756)	(0)	(3)
Planning application fees	(759)	0	(759)	(685)	74	176
Building Control	(375)	0	(375)	(299)	76	52
Rent Income	(224)	0	(224)	(254)	(29)	(11)
Homes for Ukraine Grant	(179)	0	(179)	(552)	(373)	(323)
Developers Contributions	(69)	(757)	(826)	(810)	16	(131)
Sport England Grant	0	0	0	(150)	(150)	0
Land Charges	(199)	0	(199)	(152)	47	1
Other	(12,648)	0	(12,648)	(12,418)	230	155
	(16,340)	(757)	(17,097)	(17,595)	(499)	(397)

- Green waste subscribers are increasing. Year to date, subscription income has increased by 18% over prior year.
- Mixed recycling income per tonne is volatile and is currently higher than budget assumptions. This will be monitored during the year.
- Planning application fees, building control and land charge search fees are dependent on activity levels. Planning forecast includes the increase in fees applied in Jan 24 as per Government instruction.
- Homes for Ukraine grant is offset by spend in Supplies & Services (see Table 5).
- Developer contributions offset in Table 13.
- Sports England Grant passed through to Leisure Centre (Table 5)
- Land charge activity lower than forecast due to slow down in housing market.

REVENUE FORECAST OUTTURN 2023-24

APPENDIX A

11. Treasury £000

Treasury	Approved Budget	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Outturn	Previous Forecast
Interest Payable	314	0	314	336	23	23
Interest on Investments	(205)	0	(205)	(800)	(596)	(594)
Outturn	109	0	109	(464)	(573)	(572)

- Interest rates on investments is significantly higher than budget assumptions.

12. Other Funding £000

Summary	Approved Budget	Carry Forwards	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Outturn	Previous Forecast
New Homes Bonus	(790)	0	0	(790)	(790)	0	0
Service Support Grant	(1,029)	0	0	(1,029)	(1,027)	2	2
Revenue Support Grant	(69)	0	0	(69)	(69)	0	0
Other non-ringfenced grants	0	0	0	0	(42)	(42)	(42)
Minimum Revenue Provision	564	0	0	564	617	53	53
Capital Grants	(54)	0	0	(54)	(50)	4	4
Movement in Reserves	(976)	(271)	540	(707)	48	756	(45)
	(2,353)	(271)	540	(2,085)	(1,313)	772	(28)

Capital & Project Summary £000

Projects	Approved Budget	Carry Forwards	Movement in Reserves	Revised Budget	Latest Forecast	Variance	Previous Variance
Revenue Projects	405	271	50	726	591	(135)	(8)
Capital Projects	922	1,463	545	2,929	2,825	(104)	(514)
	1,327	1,734	595	3,655	3,416	(239)	(522)

12. Revenue Projects £000

Community	Approved Budget	Carry Forwards	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Outturn	Previous Forecast
Bramshot Farm: Woodland Path	50	0	0	50	0	(50)	0
Bramshot Farm: Stock Fencing	15	0	0	15	6	(9)	(8)
Bramshot Farm: Resurface Car Park	30	0	0	30	30	(0)	0
Countryside Stewardship	0	50	0	50	0	(50)	0
Edenbrook CP Boardwalk	40	0	0	40	40	0	(30)
Edenbrook CP Supply Water	20	0	0	20	20	0	0
Fleet Pond Signage	0	0	0	0	23	23	0
Whitewater Meadow Culverts	20	0	0	20	20	0	18
Whitewater Meadow Stock Fencing	30	0	0	30	30	0	0
Whitewater Meadow Signage	30	0	0	30	30	0	0
QEII Fields Fencing	10	0	0	10	10	0	0
Bramshot Farm Concessions	0	40	0	40	20	(20)	0
Edenbrook CP Concessions	0	40	0	40	40	0	(40)
Fleet Pond Ecology	0	30	0	30	10	(20)	0
Hazeley Heath Grazing	0	11	0	11	11	0	0
HW Central Common Access Improvements	0	76	0	76	76	0	0
	245	247	0	492	365	(127)	(60)

CAPITAL & PROJECTS SPEND FORECAST 2023-24

APPENDIX B

Revenue Projects continued.

Corporate	Approved Budget	Carry Forwards	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Outturn	Previous Forecast
Accessibility Project	0	24		24	21	(3)	0
Civic Office refurbishment*	0	0	50	50	0	(50)	14
Telephony upgrade	40	0		40	35	(5)	(5)
Exit IT from 5C Contract	30	0		30	33	3	(27)
Upgrade Hyper V Servers*	20	0		20	0	(20)	18
Decommissioning Switch Cabinet*	20	0		20	6	(14)	0
Cyber Assurance Framework*	20	0	0	20	48	28	0
Email Marketing Platform	5	0		5	2	(3)	(2)
Website-Phase2	25	0		25	25	0	0
Kings Coronation Grants	0	0		0	10	10	10
	160	24	50	234	181	(53)	8
Place	Approved Budget	Carry Forwards	Movement in Reserves	Revised Budget	Latest Forecast	Forecast Outturn	Previous Forecast
Planning Settlement Study	0	0	0	0	45	45	45
	405	271	50	726	591	(135)	(8)

* see below

CAPITAL & PROJECTS SPEND FORECAST 2023-24

APPENDIX B

Capital Projects £000 Community	Approved Budget	Carry Forwards	Movement in Reserves	Revised Budget	Latest Forecast	Variance	Previous Variance
Disabled Facilities - Mandatory	867	0	0	867	906	39	(6)
Fleet Pond Visitor Enhancement	0	51	(29)	22	22	0	(29)
Bramshot Farm	0	137	(45)	92	0	(92)	(137)
Private Sector Renewal	0	0	10	10	8	(3)	0
S106 Leisure Parish	0	0	250	250	267	17	0
Service Vehicles	35	16	0	51	55	4	(16)
Edenbrook CP - Skate/Bike Park	0	165	0	165	165	0	0
Edenbrook CP - Teen Health	0	65	0	65	65	0	0
Grants for Affordable Housing	0	300	0	300	300	0	0
Fleet Pond Green Corridor	0	0	29	29	36	7	0
GG A3013 Cove Road Crossing	0	255	0	255	255	0	(255)
Energy Efficiency Affordable Homes	0	250	0	250	250	0	0
Whitewater Meadows-PlayArea	0	0	180	180	160	(31)	0
CCTV Improvement works	0	0	30	30	30	3	0
GGBramshotLaneCrossing	0	0	45	45	45	0	0
	902	1,239	470	2,611	2,556	(55)	(443)

Capital Projects continued....

Capital Projects £000 Corporate	Approved Budget	Carry Forwards	Movement in Reserves	Revised Budget	Latest Forecast	Variance	Previous Variance
IT Upgrade	0	18	0	18	18	(1)	(1)
Commercialisation Strategy	0	0	0	0	7	7	(1)
Website Development Project	0	7	0	7	0	(7)	(0)
Cyber Security 23-24	0	48	0	48	0	(48)	0
Climate Change Programme	0	0	75	75	75	0	0
Civic Offices Improvement works	0	0	0	0	102	102	1
Upgrade HyperV Servers	20	0	0	20	36	16	0
	20	73	75	168	238	70	(2)
Capital Projects £000 Place	Approved Budget	Carry Forwards	Movement in Reserves	Revised Budget	Latest Forecast	Variance	Previous Variance
Phoenix Green, Hartley Wintney*	0	70	0	70	0	(70)	(70)
Mill Corner, North Warnborough*	0	27	0	27	27	0	0
Kingsway Flood Alleviation Sch*	0	54	0	54	5	(49)	0
	0	150	0	150	32	(118)	(70)
Total	922	1,463	545	2,929	2,825	(104)	(514)

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.

*New schemes included in 24/25 Capital Programme

CABINET

WORK PROGRAMME AND EXECUTIVE DECISIONS MADE – WORKING DRAFT V1

March 2024

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
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Local Enforcement Plan	To consider an new Local Enforcement Plan following consideration by Overview and Scrutiny. The plan brings together the Environmental Health & Licensing Enforcement Plan and the Planning Enforcement Plan under one overarching document.	7 Mar	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 Mar	No	Portfolio Holder - Planning Policy and Place	PL	Open
Crandall Conservation Area Appraisal	Cabinet to consider adopting the updated Crandall Conservation Area Appraisal	7 Mar	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	7 Mar	No	Portfolio Holder - Planning Policy and Place	PL	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
Appointment of Representatives on Outside Bodies	To confirm membership of Representatives of the Council on Outside Bodies	6 Jun	Yes	Leader and Portfolio Holder - Strategic Direction and Partnerships	CX	Open
Corporate Risk Register	To ask Cabinet to review and approve the Corporate Risk Register	6 Jun	Yes	Portfolio Holder - Climate Change and Corporate Services	ALL	Open
Climate Change Update	Cabinet to receive than update on progress against plans to facilitate Hart's Carbon Pathway	11 Jul	Yes	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
Corporate Risk Register (Half Yearly Review)	To ask Cabinet to review and approve the Corporate Risk Register	6 Jun	Yes	Portfolio Holder - Climate Change and Corporate Services	ALL	Open
Q4 Performance Plan Review	Q4 performance plan review report, following information reviewed at O&S	11 Jul	Yes	Portfolio Holder - Finance	ALL	Open
Revenue, Capital and Treasury Outturn 2023/24	To report the final position against budget and agree carry forward requests	1 Aug	Yes	Portfolio Holder - Finance	FIN	Open
Corporate Risk Register (Half Yearly Review)	To ask Cabinet to review and approve the Corporate Risk Register	7 Nov	Yes	Portfolio Holder - Climate Change and Corporate Services	ALL	Open
MTFS Emerging Pressures and Budget Strategy	To note emerging pressures on the Council's finances and agree a budget strategy for the coming year and consider changes to the Medium Term Financial Strategy	7 Nov	Yes	Portfolio Holder - Finance	FIN	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
Q2 Forecast 2024/25 Revenue, Capital and Treasury Outturn	To report the forecasted position against budget	7 Nov	Yes	Portfolio Holder - Finance	FIN	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

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

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Note 3

Service:

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

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

OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME – February 2024

Report Title	Outline/Reason for Report/Comments	Meeting Due Date	Original Due Date	Resources Required	Service	*This item may contain Exempt information
Presentation by Core Grant Recipients	Members to receive a short presentation from core grant recipients outlining the impact the core grant has had on their organisation - Hart Voluntary Action	20 Feb 2024		External Partner presentation	Community Services	
Half Yearly Complaints Analysis	To receive an update on the number and outcome of customer complaints for Quarter 2 and 3, July-December 2023.	20 Feb 2024			Corporate	
Local Enforcement Plan	To consider a new Local Enforcement Plan and pass comments to Cabinet. The plan brings together the Environmental Health & Licensing Enforcement Plan and the Planning Enforcement Plan under one overarching document.	20 Feb 2024			Place	
Feedback from Corporate and Place Service Panel members	To receive feedback from Members on the Corporate and Place Service Panels	20 Feb 2024	16 Jan 2024	Set out in Service Plans	All	
Conservation Area Appraisal Task and Finish Group	To update the committee on the actions following the Conservation Area Appraisal Task and Finish Group	20 Feb 2024		Within existing resources		
Fly Tipping Task and Finish Group	To report back on the findings of the Task and Finish Group.	20 Feb 2024		Staff time to support group		

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Agenda Item 14

Report Title	Outline/Reason for Report/Comments	Meeting Due Date	Original Due Date	Resources Required	Contact	*This item may contain Exempt information
Q3 Budget monitoring report and forecast outturn for 2023/24- incorporating treasury activity	To consider the latest projections of expenditure and income, including capital, for 2023/24 for review and any action necessary. Report to include treasury activity and adherence to approved policy.	20 Feb 2024		Staff time to prepare report and monitor during the year	Finance	
Presentation by Core Grant Recipients	Members to receive a short presentation from core grant recipients outlining the impact the core grant has had on their organisation - Hampshire Inclusion	19 Mar 2024		External Partner presentation	Community Services	
Draft Service Plans 2024/25	To review and approve draft service plans for 2024/25 and pass comments to Cabinet	19 Mar 2024		Within existing staff resources	All	
Half-yearly Complaints Analysis	To analyse and review the number and type of complaints received by the Council for the previous period.	16 Apr 2024		Within existing staff resources	Corporate Services	
Feedback from Councillor Representatives on External Organisations	To review the work of members on External Organisation Committees	16 Apr 2024		None		
Corporate Risk Register (Half-yearly Review)	To review the Corporate Risk Register and pass any comments to Cabinet	16 Apr 2024		Within existing staff resources	Finance	
Feedback from Service	To receive feedback from members on	16 Apr 2024		Set out in Service	All	

Report Title	Outline/Reason for Report/Comments	Meeting Due Date	Original Due Date	Resources Required	Contact	*This item may contain Exempt information
Panels	the Service Panels			Plans		
Overview and Scrutiny Chairman's Report	Report of the work completed by Overview and Scrutiny 2023/24	16 Apr 2024		None	Chief Executive	
Gypsy and Traveller Temporary Pitches Task and Finish Group	To agree the terms of reference for the Task and Finish group.	16 Apr 2024		Staff time to support group. Councillors to be appointed in New Municipal Year		
Climate Change Update	O&S to receive an update on progress against the Climate Change Action Plan & to make comments to July Cabinet	Jun 2024			Corporate Services	
Multi-Agency Flood Forum	To receive the minutes of the most recent Multi-Agency Flood Forum meeting held on 26 March 2024	Jun 2024 (potential April 2024)		Staff time to support forum and write minutes	Place	
Gypsy and Traveller Temporary Pitches Task and Finish Group	To report back on the findings of the Task and Finish Group	TBC		Staff time to support group		
Hampshire Waste Partnership		TBC				
A review of the implementation of the peer review action plan and the impact it had had on the development management	Awaiting scope to be written by Cllr Dorn.					

Report Title	Outline/Reason for Report/Comments	Meeting Due Date	Original Due Date	Resources Required	Contact	*This item may contain Exempt information
performance within the 'Place service'						