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CABINET

Date and Time: Thursday 1 September 2022 at 7.00 pm

Place: Council Chamber

Present:

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

In attendance:

Axam. Butcher, Crampton, Farmer, Forster, Smith

Officers:

Daryl Phillips,	Joint Chief Executive
Isabel Brittain,	Section 151 Officer
Adam Green	Countryside Manager
Steve Lyons	Countryside Operations Manager
John Elson	Head of Environmental and Technical Services
Christine Tetlow	Strategic and Corporate Projects Manager
Katy Sherman	Communications & Engagement Officer - Countryside
Sharon Black	Committee Services Officer
Claire Lord	Committee Services Officer

36 MINUTES OF THE PREVIOUS MEETING

The minutes of 4 August 2022, including the exempt minutes, were confirmed and signed as a correct record.

37 APOLOGIES FOR ABSENCE

No apologies had been received.

38 DECLARATIONS OF INTEREST

Councillor Quarterman declared an interest in Agenda Item 11 as a close family member was a Cabinet member of South Oxfordshire Council. Cllr Farmer declared an interest in Agenda Item 9 as he was voluntary Chairman of Hart Swimming Club. Both were non-pecuniary interests.

39 CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

40 PUBLIC PARTICIPATION (ITEMS PERTAINING TO THE AGENDA)

Mr David Turver and Mr Stuart Royston were welcomed to the meeting to present statements at the beginning of Agenda Items 6 and 7 respectively.

41 SHAPLEY HEATH AUDIT REVIEW REPORT

Councillors received the background to the request from the Audit Committee, which had discussed at length the Audit report from tiaa on the Shapley Heath Garden Community project.

Mr Turver read a statement to Cabinet regarding the agenda item (attached at Appendix 1).

Discussion took place including:

- Recognising that the governance arrangements for the Shapley Heath project were in themselves appropriate but asking the LGA or another recognised organisation to independently carry out the review so that lessons could be learnt as to why the governance arrangements appear not to have succeeded in this instance and to make sure that similar situations do not arise in the future.
- Acknowledging that officer oversight questions were being dealt separately through Staffing Committee
- What better scrutiny arrangements could have supported the project? How could member oversight be improved to include making sure that clear and accurate update information is provided to Cabinet in future.
- The review would include gathering evidence from Cabinet members and also those members involved on the Opportunity Board
- Timescales for the production of the reports and action plan The S151 Officer to prepare the report outlined in recommendation A in time for the November Cabinet meeting

DECISION

Cabinet agreed

1. That the Interim Section 151 Officer prepared an action plan to comprise the response to the management recommendations contained within the Shapley Heath Audit Review report: and

2. Cabinet will ask the LGA or another recognised body to provide an independent investigation in response to the request from Audit Committee that

Cabinet carries out a review of the application of project governance, financial controls, and reporting for the Shapley Heath project.

Appendix 1 - Statement from Mr David Turver

42 ODIHAM COMMON MANAGEMENT PLAN

The Chairman declared an interest in this item as he was a member of the Butterfly Conservation Society.

Mr Royston read his note in relation to the item, and circulated some photos to those present. The note is attached at Appendix 2.

Discussion points included:

- The number of trees to be felled, where they would be, and what this would achieve
- The role of the Parish Council in the plan and whether they were supportive
- The fact that the O&S Committee had recommended that Cabinet not approve the plan and the reasons why.
- That O&S supported many areas of the proposed plan but had some concerns over others
- The balance between accessibility and biodiversity
- The difference between SANGS and SSSIs
- The importance of establishing strong links with the local communities and Parish Councils

An additional recommendation was agreed that a suitable engagement plan would be prepared to ensure that Parish Councils' and local residents' views are accommodated to help deliver the Odiham Common Management Plan. This engagement plan will be brought back to Cabinet for approval.

With this amendment Cabinet endorsed the recommendations.

DECISION

Cabinet

1. Approved the draft Odiham Common Management Plan
2. Approved and adopted a temporary Ash Dieback Strategy until a time where a more formal "Tree Strategy" will supplement this guidance.
3. Resolved that a suitable engagement plan should be prepared to ensure that Parish Councils' and local residents' views are accommodated to help deliver the Odiham Common Management Plan. This engagement plan will be brought back to Cabinet for approval.

Appendix 2 - Speaking Note from Mr Stuart Royston

43 GREEN GRID PILOT PROJECT – SIGNAGE AND WAYFINDING

It was explained that Cabinet was being asked to choose the style of branding options for wayfinding and signage.

Discussion included:

- The differences in the two concepts
- That the signage did not need to fit in with the corporate rebranding
- Consultation undertaken with various disability groups to ensure that accessibility requirements were met
- That QR codes and other tech could be incorporated once designs were finalised

DECISION

Cabinet:

1. Selected the final design for the Green Grid Pilot Signage and Wayfinding Strategy from the two shortlisted concept designs, this being Design B.
2. Agreed that approval of any minor variations to the final design could be delegated to the Leader

44 QUARTERLY BUDGET MONITORING

Cabinet discussed:

- Whether the £110k for the health and safety claim had yet been received
- That the report was looking at the whole year rather than just the quarterly. The presentation of the report to be discussed at the finance meeting with Cabinet on 5 September
- They would like to see variances against budget
- Potential consequences of increased costs for energy and inflation and opportunities for energy savings
- The balance of Earmarked Reserves
- Whether the current budget will be adhered to with the move from 4 HOS to 3

DECISION

Cabinet

1. Noted the Q1 revenue outturn position of an underspend of £126k
2. Noted the Q1 capital outturn position
3. Approved the transfer to reserves of £110k of costs received from health & safety court case

45 TREASURY MANAGEMENT STRATEGY STATEMENT

Cabinet noted:

- The S151 Officer had no concerns over the statement
- The Council was carefully managing its money
- The Head of Service from Mendip would be joining Hart so there would be continuity with the moving away from the shared service

DECISION

Cabinet

1. Noted the Treasury Management Outturn statement

46 5 COUNCILS GOVERNANCE

Cabinet noted:

- There was a proposal to revise the governance approach
- That Cllrs Radley and Quarterman would represent the Council
- That Revs/Bens, customer service and IT were the only areas covered by the agreement for the Council

DECISION

Cabinet

1. Noted and endorsed the minor alteration to the proportion of the size of the Hart contribution to the 5 Councils contract and agreed the approach to the 'truing up' mechanisms, making payment as set out in paragraphs 15 and 16
2. Approved the streamlined governance approach, reflective of the size of the contract, to enable effective oversight and management which includes all the changes as set out in paragraph including Joint Committee to meet annually, providing budgetary and contractual oversight and continuing the spirit of partnership working, whilst keeping Members informed on the contract.
3. Delegated to the Joint Chief Executive, in consultation with the Portfolio Holder for Commercialisation and Corporate Services, to complete the updated Inter Authority Agreement based on the principles set out in this paper.
4. Confirmed Cllr Quarterman and Cllr Radley as replacement representatives to the 5 Councils Joint Committee

47 MOVE TO A SINGLE CHIEF EXECUTIVE

The Joint Chief Executive left the meeting at 9:03pm at the start of this item

Councillors were reminded that this proposal was part of the plan put into place by the Staffing Committee last year, and that any final decision would need to be made by full Council, likely at their September meeting. Cabinet discussed the following:

- What the saving for moving to one Chief Executive would be per annum
- How the skill gaps would be addressed and that backfilling of resource would be undertaken if necessary
- Senior management capacity and any impact on the ability to deliver services if the proposal is agreed
- How this proposal fitted in with the work being undertaken on a potential move to a shared Chief Executive with Rushmoor Borough Council
- That if agreed, the recommendations would be put to full Council on 29 September, and debate in the public forum

DECISION

Cabinet

1. Recommended to Full Council that the Council should adopt on an interim basis a single CEO model and bring it into full effect at the earliest opportunity (and that some of the estimated annual revenue budget savings achieved potentially reinvested to create additional capacity in Tier 3 manager posts to increase operational capacity/Monitoring officer provision)

48 CABINET WORK PROGRAMME

Cabinet considered the Work Programme as circulated prior to the meeting.

A number of amendments would be made in the next iteration:

- The Review of Financial Regulations will move to November or December
- Quarterly Plans to be added to November
- Consideration of the LGA Report regarding Shapley Heath to be added to November

The meeting closed at 9.39 pm

Statement to Cabinet 1 September 2022

As you decide whether to throw more good money at a “facilitated reflection” after squandering over £800K of bad money on the Shapley Heath debacle, may I humbly offer some points for you to reflect upon:

- 1) You might consider whether it was appropriate to even start the project at all after the Inspector had rejected it, and your own bid documents for Government funding said the Garden Village was not necessary to meet our housing needs.
- 2) You might ponder why you ignored my warnings prior to and during the 21/22 budget meeting that the “bloated cost structure is completely indefensible” and that you were set up to fail because you had not secured enough funding to be successful.
- 3) You might contemplate why concerns about Governance raised by Hartley Wintney Parish Council and others were ignored by the project sponsor.
- 4) You might think about why you rebuffed questions about obvious budgeting and spending irregularities in July 2021.
- 5) You might consider whether your credibility is damaged or enhanced by claiming the project met its core objectives when the fact-checked audit report clearly states you didn’t meet a single milestone.
- 6) You might also review whether it is entirely appropriate to simply throw the officers under a bus, when it is clear that there were also significant Cabinet member failings.
- 7) Finally, you might contemplate whether it is appropriate for those involved to remain in office when despite repeated and accurate warnings, they have continued to squander our money on a totally unnecessary project that has delivered nothing of substance.

Speaking note for Cabinet on 1 September 2022

I speak on behalf of the people who live on or adjacent to Odiham Common. These are people who love and cherish the common; enjoy it for quiet informal recreation; and in the commercial world would be key customers.

Potbridge lies between two noisy roads – the M3 and B3016 - and the rural lane through the hamlet leads directly to Shapley Heath. At a site visit in June 2020 the noise problem was appreciated and Hart agreed in an e-mail on 1 July 2020 that in the East compartment ‘just 2 Willow trees are to be removed in the Potbridge triangle to minimise the traffic noise effect that further felling would cause’ i.e. felling is not critical.

However, when we saw the Woodland Plan in spring 2021 it included 30% felling in Potbridge East and 10% in Potbridge West. We asked for the 2020 agreement to be honoured. In response Hart divided the East compartment into two halves with felling avoided in one and 10% in the other i.e. felling is not critical. At a Zoom meeting on 20 August 2021 Hart said there was no felling in Potbridge.

In September 2021 when we saw the Woodland plan that had been submitted we were astonished to see felling of some 40% of the trees in the East compartment ie over 1700 trees had been silently inserted and in the West compartment a 20 -25% felling: 370 trees.

When we questioned the Potbridge felling Hart said it was included because Forestry Commission insisted. We took this up. The Forestry Commission told us the land was gifted to the public to enjoy for leisure purposes; it is therefore classed as open space and is exempt from forestry regulations. They confirmed activities in the Woodland Management Plan were not legally binding; that they do not insist the work is carried out and no action would be taken if it was not carried out. They also wrote that in their negotiations with Hart over the management plan they advised the council to identify areas of ash that were suffering from ash dieback as work within these areas would increase the biodiversity and resilience of the woodland by replacing these trees with a more diverse mix of tree species. In their following e-mail of 7 December 2021 they went on to say ‘The Forestry Commission whilst reviewing the works stated that felling could be carried out within the areas other than those that were originally stated. There are areas of Ash trees within the common that are suffering from chalara and unfortunately a significant amount of those will die’ i.e. felling in Potbridge is not critical or biodiversity optimal. The truth of the matter is that the Forestry Commission did not insist felling takes place in Potbridge and were positively encouraging Hart instead to fell diseased trees in the ash dieback areas for good biodiversity reasons.

Hart officials can muster only 9 words about the felling: ‘there is no uncritical and unfunded tree felling proposed’. The Forestry Commission does not regard felling in Potbridge as critical or providing the optimal biodiversity approach. The various

proposals from Hart since July 2020 hardly suggest felling is critical or based on sound scientific evidence.

The plan lists 42 habitat operations. Only 9 are funded by the much reduced Stewardship Grant and over 40% of the grant is earmarked for simply haloing on average 6.5 veteran trees per year and haymaking. As long ago as June 2021 we questioned whether the aspirations were realistic. There have been no changes as a result of our inputs and officials were not able to advise O&S that the Potbridge felling was funded. The Hart budget is mainly for a ranger who will have to cope, inter alia, with the listed 29 unfunded habitat activities; the 2000 tree Potbridge felling, ash dieback that is likely to result in the felling of 4000 diseased trees at average mortality rates, and the development of the Tree Strategy; unfunded activity in the Woodland plan; plus all the non-habitat activity such as path maintenance on the 300 acre site.

The most waterlogged paths are adjacent to areas of felling and, after felling, bracken and bramble invade. In Potbridge the wayleave is now impassable with 5 foot high bracken and bramble. The other path already has standing water: easy to anticipate the consequences of felling.

When resources are reduced or restricted it is imperative to concentrate on and prioritise the essentials. If it's not broken don't fix it. We ask you to delete the felling of the 1700 healthy Potbridge trees that during the period of this plan is not essential, critical, welcomed, or a biodiversity optimum.

We were interested to see that the Forestry Commission use Lord Charrington's Gift as the basis of their consideration of the common. The residents believe that Hart officials have betrayed Lord Charrington's wish that the public should enjoy the common for leisure purposes and as a result the balance in the plan is flawed. We would like to see biodiversity and humans embraced for the benefit of both. Frankly we do not believe all the aspirations in the plan are achievable within the available resource. The plan would benefit from more realistic aspirations with sharper objectives and performance indicators - it would not be difficult to make these improvements. We urge you to accept the unanimous O&S recommendation to decline to approve the plan in its current form.

Bill Esdaile; Peter Ingram; Stuart Royston
Representatives on the Consultative Committee

Gordon McLean
Chairman of the Potbridge residents association

