

Notice of Meeting

Council

A Meeting of the Test Valley Borough Council will be held on

Date: Wednesday, 08 November 2017

Time: 16:00

Venue: The Council Chamber, Guildhall, High Street, Andover, Hampshire

when your attendance is required to consider the business set out in the agenda.



Head of Legal and Democratic Services

For further information or enquiries please contact:

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Legal and Democratic Service

Test Valley Borough Council,
Beech Hurst, Weyhill Road,
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SP10 3AJ

www.testvalley.gov.uk

PUBLIC PARTICIPATION SCHEME

If members of the public wish to address the meeting they should notify the Legal and Democratic Service at the Council's Beech Hurst office by noon on the working day before the meeting.

Council

Wednesday, 08 November 2017

AGENDA

- 1 Prayers
- 2 Apologies
- 3 Public Participation
- 4 Presentation of Small Business Friendly Award
- 5 Declarations of Interest
- 6 To approve the minutes of the meeting of the Council held on 6 September 2017
- 7 Mayor's Announcements
- 8 **To receive and adopt reports** 4 - 5
To receive, and where necessary, adopt reports of Committees.
- 9 Questions on resolved items - Rule 11.1
- 10 Questions under Rule 11.2
- 11 Notice of Motion - Rule 12
- 12 **Test Valley Borough Council Community Governance Review – Terms of Reference** 6 - 15
To approve the Terms of Reference for the Community Governance Review.
- 13 **Property Purchase under Head of Estates Delegation** 16 - 18
To receive information related to property purchases approved by the Head of Estates in consultation with a Member Panel.

14 Exclusion of the Public

19 - 19

The following report is confidential.

15 Property Purchase Under Head of Estates Delegation - Confidential Annex

- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

ITEM 8 To receive and, where necessary, adopt the following reports of Committees:

To receive and, where necessary, adopt the following reports of Committees:

(Some reports may involve the disclosure of exempt information. If the Council wishes to debate them, for each individual case the Council will need to adopt a suitable motion).

8.1 To receive the minutes of the following meetings:

- 8.1.1 Southern Area Planning Committee – 29 August 2017
- 8.1.2 Licensing Committee – 12 September 2017
- 8.1.3 Cabinet – 13 September 2017
- 8.1.4 Northern Area Planning Committee – 14 September 2017
- 8.1.5 Southern Area Planning Committee – 19 September 2017
- 8.1.6 Overview and Scrutiny Committee – 20 September 2017
- 8.1.7 General Purposes Committee – 27 September 2017
- 8.1.8 Southern Area Planning Committee – 10 October 2017
- 8.1.9 Planning Control Committee – 17 October 2017
- 8.1.10 Cabinet – 18 October 2017
- 8.1.11 Overview and Scrutiny Committee – 25 October 2017
- 8.1.12 Northern Area Planning Committee – 26 October 2017
- 8.1.13 Southern Area Planning Committee – 31 October 2017

(Note: in relation to 8.1.11, 8.1.12, and 8.1.13 these minutes are not included in the minute book and will be presented at the next Council meeting but Members are able to ask questions on resolved items.)

8.2 To adopt recommendations from the following:

- 8.2.1 Cabinet – 13 September 2017
 - 8.2.1.1 Land Disposal

Consideration was given to the report of the Finance Portfolio Holder regarding the disposal of some land.

Having considered the alternative options and for the reasons set out in the report, Cabinet agreed to the following:

Recommended:

That the Head of Estates be authorised, in consultation with the Finance Portfolio Holder, to dispose of the parcel of land shown hatched on the map at Annexe A to this report, on the terms set out in paragraph 6.1.3 of this report.

8.2.2 Cabinet – 18 October 2017

8.2.2.1 Community Infrastructure Levy – Spending Protocol

Consideration was given to the report of the Planning Portfolio Holder which set out the proposed approach to allocating CIL funds to deliver strategic infrastructure.

Having considered the alternative options and for the reasons set out in the report, Cabinet agreed to the following:

Recommended:

1. **That the CIL Spending Protocol, as shown in Annex 2 and 3 to the report, setting out the proposed approach to allocating CIL funds be approved.**
2. **That the Head of Planning Policy, in consultation with the Planning Portfolio Holder, be authorised to make changes of a minor nature to improve the presentation of the CIL Spending Protocol documents.**

8.2.2 Overview and Scrutiny Committee – 25 October 2017

Recommendations to follow (if any)

8.2.3 Northern Area Planning Committee – 26 October 2017

Recommendations to follow (if any)

8.2.4 Southern Area Planning Committee – 31 October 2017

Recommendations to follow (if any)

ITEM 12 Test Valley Borough Council Community Governance Review – Terms of Reference

Report of the Corporate Portfolio Holder

Recommended:

That the draft Terms of Reference for the Community Governance Review, contained in the Annex to this report, be approved and published on the Council's website on 9 November 2017.

SUMMARY:

- In October 2017, the Local Government Boundary Commission for England published its final recommendations for Test Valley Borough Council's new electoral arrangements. These will come into force at the May 2019 local elections.
- The new borough electoral arrangements have resulted in a number of anomalies in the relationship between borough ward boundaries and parish boundaries. A Community Governance Review will provide the opportunity to consider whether changes should be made to parish arrangements in response to these and other issues raised by local people. It is intended that any new parish arrangements will also take effect at the May 2019 local elections.
- As the principal authority, Test Valley Borough Council is statutorily responsible for carrying out the Review. The conduct of the Review will be overseen by the Council's Community Governance Review Members Group. Formal decisions as to the Terms of Reference for the Review and the recommendations arising from the Review will be made by the Full Council.

1 Introduction and background

- 1.1 The Local Government Boundary Commission for England (LGBCE) published their final recommendations on new borough electoral arrangements for Test Valley on 3 October 2017. These new electoral arrangements will come into force at the May 2019 local elections.
- 1.2 The Council has publicly committed to undertaking a Community Governance Review, following the conclusion of the LGBCE review. The new borough electoral arrangements have resulted in a number of anomalies in the relationship between borough ward boundaries and parish boundaries. A Community Governance Review will provide the opportunity to consider whether changes should be made to parish arrangements in response to these and other issues raised by local people.

- 1.3 Changes to community governance arrangements that can be considered by the Review include:
- Altering the boundaries of existing parishes
 - Changing the names of existing parishes
 - Creating a new parish or abolishing an existing parish
 - Creating or abolishing parish councils
 - The electoral arrangements for parish councils (including the number of councillors and arrangements for parish warding)
 - The grouping or de-grouping of parish councils (and consequential changes to their electoral arrangements)
 - The “style” of a parish (enabling an area to be known as a town, community, neighbourhood or village rather than a parish).
- 1.4 A Community Governance Review officially begins with the publication of the Terms of Reference. Once this has been published, the Council will be legally bound to carry out the Review in accordance with its terms.
- 1.5 As the principal authority, Test Valley Borough Council is statutorily responsible for carrying out the Review. The conduct of the Review will be overseen by the Council’s Community Governance Review Members Group (comprising Councillors Maureen Flood (chair), Nick Adams-King, Jan Budzynski, Mark Cooper, Celia Dowden, Ian Hibberd and Phil Lashbrook.
- 1.6 Formal decisions as to the Terms of Reference for the Review and the recommendations arising from the Review will be made by the Full Council.

2 Next steps

- 2.1 The Review will consist of two periods of public consultation, where the Council will seek proposals from local government electors in Test Valley, as well as parish and town councils, parish meetings, and other interested parties on what changes they wish the Council to consider.
- 2.2 The first period of consultation will seek proposals on changes to existing parish arrangements, and will run for 11 weeks (from 13 November 2017 to 29 January 2018). All responses received during this period of consultation will be considered by the Community Governance Review Members Group and used to draw up draft recommendations for changes to parish arrangements in the borough. The draft recommendations will be subject to agreement by Full Council.

- 2.3 The draft recommendations will then form the basis of a second period of consultation, which will run for 8 weeks (from 4 May to 6 July 2018). This second consultation will also include details of what are referred to as “consequential matters”, such as how assets will be proportioned between parishes in the event of any change.
- 2.4 Following the conclusion of this second period of consultation, a final set of recommendations will be produced for consideration by Full Council. The publication of these final recommendations will mark the official end of the Review.
- 2.5 The timings of the consultation periods have been planned to allow the necessary legal and administrative work to be completed in order for any new parish arrangements to take effect at the May 2019 local elections.

3 Corporate objectives and priorities

- 3.1 The conduct of a Community Governance Review is one of the Council’s Corporate Action Plan projects.
- 3.2 The Review will seek to ensure that community governance in Test Valley reflects the identities and interests of local communities, and is effective and convenient.

4 Consultations/communications

- 4.1 The Council has a statutory duty to consult local government electors and any other persons or bodies with an interest on any changes to community governance arrangements in Test Valley.
- 4.2 The Community Governance Review Members Group will approve a consultation and communication strategy to guide the conduct of the review.

5 Options and options appraisal

- 5.1 The proposed Terms of Reference contained in the Annex to this Report are commended to Council by the Community Governance Review Members’ Group as providing a suitable framework for a Community Governance Review.
- 5.2 The Council is not legally required to conduct a Community Governance Review at this time. However, a number of proposals for changes to community governance arrangements were made to the LGBCE during its review of Test Valley Borough Council electoral arrangements, which the LGBCE did not have the power to consider. The Review will provide the opportunity for proposals on community governance arrangements to be considered by the Council.

- 5.3 Furthermore, the statutory guidance indicates that it is good practice to review community governance arrangements every 10-15 years. The last full review of Test Valley’s parish arrangements concluded in 2007, and it is therefore now appropriate to again carry out a borough wide review.

6 Resource implications

- 6.1 There are no additional resource implications arising from this report.

7 Legal implications

- 7.1 A Community Governance Review must be conducted in accordance with provisions of the Local Government and Public Involvement in Health Act 2007, and other relevant statutory provisions.
- 7.2 The Review will have regard to the “Guidance on Community Governance Reviews” issued by the Secretary of State for Communities and Local Government and the LGBCE.
- 7.3 Once published, the Review will be conducted in accordance with the Terms of Reference.

8 Equality issues

- 8.1 After consideration, no equality issues were identified arising from the Terms of Reference for the Review.

9 Other issues

- 9.1 Community safety - none
- 9.2 Environmental health issues - none
- 9.3 Sustainability and addressing a changing climate - none
- 9.4 Property issues - none
- 9.5 Wards/communities affected – all

10 Conclusion and reasons for recommendation

- 10.1 The draft terms of reference contained in the Annex to this Report have been developed by taking into consideration the legislative requirements for undertaking a Community Governance Review, as well as the need to make the Review process as understandable and accessible as possible.
- 10.2 The publication of the Terms of Reference on the Council’s website (as recommended) will allow the first round of consultation to begin on Monday 13 November.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of annexes:	1	File ref:	
(Portfolio: Corporate) Councillor Flood			
Officer:	Sophie Tyldesley	Ext:	8123
Report to:	Council	Date:	8 November 2017

Terms of Reference
for the
Community Governance Review
to be undertaken by
Test Valley Borough Council

Introduction

Test Valley Borough Council is carrying out a community governance review pursuant to the provisions of the Local Government and Public Involvement in Health Act 2007, and other relevant statutory provisions.

The review will have regard to the “Guidance on Community Governance Reviews” issued by the Secretary of State for Communities and Local Government and the Local Government Boundary Commission for England. The aim of the review is to ensure that the arrangements for community governance across the Borough reflect ‘the identities and interests of the community in the area’ and are ‘effective and convenient’.

The review will be conducted in accordance with the terms of reference contained in this document.

What is a community governance review?

A community governance review is the process used to consider whether existing parish arrangements should be changed in any way. This includes:

- Altering the boundaries of existing parishes
- Changing the names of existing parishes
- Creating a new parish or abolishing an existing parish
- Creating or abolishing parish councils
- The electoral arrangements for parish councils (including the number of councillors and arrangements for parish warding)
- The grouping or de-grouping of parish councils (and consequential changes to their electoral arrangements)
- The “style” of a parish (enabling an area to be known as a town, community, neighbourhood or village rather than a parish)

Who is carrying out the review?

Test Valley Borough Council is statutorily responsible for carrying out the review. The conduct of the review will be overseen by the Council's Community Governance Review Members Group, which includes councillors from both political groups. Formal decisions as to the terms of reference for the review and the recommendations arising from the review will be made by the full Council.

What is the area under review?

The whole of the borough of Test Valley is included in the scope of the community governance review. However, we are particularly keen to hear from local people and parish councils with proposals as to where and how they believe parish arrangements should be reviewed.

Why is the Council carrying out a community governance review?

In October 2017, the Local Government Boundary Commission for England published its final recommendations for Test Valley Borough Council's new electoral arrangements. These have resulted in a number of anomalies in the relationship between borough ward boundaries and parish boundaries. A community governance review provides the opportunity to consider whether changes should be made to parish arrangements in response to these and other issues raised by local people. It is intended that both new borough and parish arrangements will take effect at the May 2019 local elections.

Furthermore, the statutory guidance indicates that it is good practice to review community governance arrangements every 10-15 years. The last full review of Test Valley's parish arrangements concluded in 2007, and it is therefore now appropriate to again carry out a borough wide review.

What is the present structure of parishes and their electoral arrangements?

Test Valley has 59 parishes, and no unparished areas. The responsibility for parish administration in their respective areas rests with 2 town councils (Andover and Romsey), 48 parish councils, 1 common parish council (covering 2 parishes) and 7 parish meetings. More information on the current parish arrangements, including maps, is available at www.testvalley.gov.uk/cgr.

How will the review work?

We will carry out two phases of consultations on parish arrangements in Test Valley. The first phase of consultation will ask for proposals on changes to existing parish

arrangements. We will use all responses received during this period of consultation to draw up draft recommendations for changes to parish arrangements in Test Valley. We will then hold a second phase of consultation on these draft recommendations, during which time you will be able to comment on them and propose alternatives.

The first period of consultation will begin on 13 November 2017 and will run for 11 weeks.

Following the close of the first period of consultation, the draft set of recommendations will be published on 4 May 2018.

These draft recommendations will then be the subject of a second period of consultation, which will run for 8 weeks from the date of publication.

Following the end of the second period of consultation, all comments received will be considered against the draft recommendations. The final set of recommendations will then be submitted to full Council in September 2018.

It is intended that the final recommendations, which will include any changes to the current parish arrangements in Test Valley, will be implemented in time for the May 2019 elections.

The Council will make a Reorganisation of Community Governance Order in order to implement these recommendations. Such an Order may cover “consequential matters” required to give effect to the Order, such as the transfer of property or other assets, the setting of precepts for new parishes, and staffing matters.

The Council may recommend that the Local Government Boundary Commission for England make alterations to borough ward boundaries to reflect any changes made at a parish level. The Council notes that it will be for the Local Government Boundary Commission for England to decide if related alterations should be made.

What matters will the review focus on?

The final recommendations made at the end of the review will seek to ensure that community governance across the Borough:

- Reflects the identities and interests of the community in that area
- Is effective and convenient

When responding to the consultation on parish arrangements, you should ensure that your proposal takes account of these two criteria.

The Council also has to take into account other arrangements for community representation or engagement in the area.

In considering the electoral arrangements of the parishes in its area, the Council is required to consider any change in the number or distribution of electors which is likely to occur in the period of five years beginning with the day the review starts. In order to support those who wish to make a proposal, we will provide information on current parish arrangements (including maps), as well as current and projected future electorate figures for parishes. These will be available at www.testvalley.gov.uk/cgr.

Unlike the Local Government Boundary Commission for England's review of borough ward arrangements, there is no provision in legislation that each parish councillor should represent (as nearly as possible) the same number of electors. However, the government guidance reiterates the Commission's belief that it is not in the interests of effective and convenient local government to have significant difference in levels of representation between different wards in the same parish. Additionally, any recommendations made by the review must adhere to the legal minimum number of parish councillors for any parish council, which is five. There is no legal maximum number of parish councillors.

Who will we consult?

The Council is required to consult with local government electors living in Test Valley, as well as any other individuals and organisations (including local authorities such as parish councils) who "appear to have an interest in the review".

The Council must take into account all representations that it receives during the review's periods of consultation, and will make all representations available for public viewing.

How will we consult?

We will write to all parish councils and identified umbrella organisations (including the Test Valley Association of Town and Parish Councils, Hampshire Association of Local Councils, and Test Valley Community Services) before the start of the first period of consultation, inviting them to submit their views.

We will also publicise the review on our website, through our internal communication channels and on our social media platforms to engage with residents, community groups and other stakeholders. We will also make use of our strong relationships with the local media to inform and involve as broad an audience as possible.

Provisional timetable for the review

The community governance review formally begins when the terms of reference are published. The timetable below outlines the main stages of the review (please note that these dates may be subject to slight alteration).

Action	Timescale
Publication of terms of reference (official start of review)	9 November 2017
First period of consultation	13 November 2017 – 29 January 2018 (11 weeks)
Publication of draft recommendations	4 May 2018
Second period of consultation	4 May – 6 July 2018 (8 weeks)
Final recommendations to full Council	September 2018
Preparation of community governance order (if required)	September 2018
Publication of recommendations (official end of review)	October 2018

How to submit your views

You can respond to the consultation in the following ways:

Write to:

Community Governance Review (Chief Executive's Service)
 Test Valley Borough Council
 Beech Hurst
 Weyhill Road
 Andover
 SP10 3AJ

Send an email to: cgr@testvalley.gov.uk

If you have any questions about the community governance review, please contact Sophie Tyldesley, Senior Policy Officer, on styldesley@testvalley.gov.uk or 01264 368000.

ITEM 13 Property Purchase under Head of Estates Delegation

Report of the Finance Portfolio Holder

Recommended:

- 1. That the decision to purchase the property identified in the Confidential Annex be noted.**
- 2. That, following completion of the purchase, the budget for property investments be re-established in the Council's Capital Programme at £3M, with the additional sum to be financed from the Capital Receipts Reserve.**

SUMMARY:

- In November 2015, Council approved a delegated authority to the Head of Estates, in consultation with a Member Panel, to purchase property investments where the timing of the normal Council approval process would reduce the Council's ability to complete the purchase.
- The Head of Estates, after consulting the Panel, has recently exercised his authority to progress the purchase of a property in Andover.
- In accordance with the original approval, this report is presented to update Council on the details of the purchase.

1 Introduction

- 1.1 The Council's Medium Term Financial Strategy (MTFS) sets the aim of working to a position where the Council is not dependent on the government's revenue support grant.
- 1.2 The workstream known as Project Enterprise has been established to progress this element of the MTFS.

2 Background

- 2.1 In recognition of the fast pace of the local property market, Council approved a delegated authority to the Head of Estates, in consultation with a cross-party Member panel, to purchase property investments from a pre-approved capital budget. A sum of £3M was approved for this purpose.
- 2.2 The panel consists of Cllrs North, Giddings, Hurst, Stallard and Ward.

- 2.3 The panel was established as a means of enabling approval of property investments where the timing of the traditional Council approval process would reduce the Council's ability to complete the purchase. The reasons for the use of the Panel in this case are set out in section 6 of the Confidential Annex.
- 2.4 A requirement of setting up the panel was that the details of any property approvals would be reported to the next Council meeting. The panel has recently considered a report recommending the purchase of a house in Andover. The purpose of this report is to update Council on that decision.

3 Corporate Objectives and Priorities

- 3.1 Project Enterprise has been established to support the objectives of the MTFs, by increasing the Council's income in order to reduce its reliance on government support. The income generated from the investment approved by the Member Panel will work towards achieving this objective.
- 3.2 The property considered by this report will also help to deliver the Corporate Plan objective of, Live where the supply of homes reflects local needs.

4 The Property

- 4.1 The property that the Panel approved is a former Council-owned house in Andover. A copy of the report that was sent to the Member panel and the property marketing details are attached as a Confidential Annex.
- 4.2 All five Councillors on the Panel approved the purchase.
- 4.3 The property survey has been completed and no issues have been identified that will affect the purchase. The conveyancing work required to complete the purchase is currently underway.
- 4.4 Once the purchase is complete, it is expected that the Council will lease the house to Valley Housing Ltd (the Council's 100%-owned property management company) for future management and letting.

5 Risk Management

- 5.1 An evaluation of the risks associated with the matters in this report indicates that further risk assessment is not needed because the issues covered do not represent significant risks.
- 5.2 The risks associated with the purchases are explained in section 8 of the Confidential Annex.

6 Resource Implications

- 6.1 The business case for the purchase is shown in more detail in section 4 of the Confidential Annex.

- 6.2 The amount approved to complete the purchase is £203,500 and will be financed from a pre-approved budget of £3M in the Council's Capital Programme.
- 6.3 Once completed, it is expected that the amount remaining in the Capital Programme budget will reduce to £2.80M.
- 6.4 It is recommended that this budget be re-established at £3M after the completion of the purchase, with the additional amount to be financed from the Capital Receipts Reserve.

7 Legal Implications

- 7.1 The legal work required to complete the purchase of the properties is underway.

8 Conclusion and reasons for recommendation

- 8.1 The Head of Estates has exercised his delegated authority to progress the purchase of a house after consultation with the cross-party Member panel established for that purpose.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
Report - It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
Annex - It is considered that the annex to the report contains exempt information within the meaning of paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended. It is further considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because the information relates to the financial or business affairs of both the Council and third parties.			
No of Annexes:	1	File Ref:	
(Portfolio: Finance) Councillor Giddings			
Officer:	Acting Head of Revenues (Local Taxation) & Project Enterprise	Ext:	8540
Report to:	Council	Date:	8 November 2017

ITEM 14

Exclusion of the Public

Recommended:

That pursuant to Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting for the consideration of reports on the following matters on the grounds that they involve the likely disclosure of exempt information as defined in the following Paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972, as amended, indicated below. The public interest in maintaining the exemption outweighs the public interest in disclosing the information for the reason given below:

**Property Purchase under Head of Estates
Delegation – Confidential Annex**

Paragraph 3

It is considered that the annex to the report contains exempt information within the meaning of paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended. It is further considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because the information relates to the financial or business affairs of the Council and third parties who are necessarily identified, which information is commercially sensitive and which by its disclosure would have an adverse effect upon the interests of those third parties and the Council as they seek to settle agreed terms of business.