

## Notice of Meeting

# Cabinet

**Date:** Wednesday 11 September 2019

**Time:** 5.30 pm

**Venue:** Conference Room 1, Beech Hurst, Weyhill Road, Andover,  
Hampshire, SP10 3AJ

**For further information or enquiries please contact:**

Emma Horbury - 01264 368001  
ehorbury@testvalley.gov.uk

**Legal and Democratic Service**

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

[www.testvalley.gov.uk](http://www.testvalley.gov.uk)

This is formal notice under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that part of this meeting may be held in private because the agenda and reports for the meeting may contain exempt information under Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) and that the public interest in withholding the information outweighs the public interest in disclosing it.

**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.*

### **Membership of Cabinet**

#### **MEMBER**

#### **WARD**

Councillor P North (Chairman)

Bourne Valley

Councillor N Adams-King (Vice-Chairman)

Blackwater

Councillor P Bundy

Chilworth, Nursling & Rownhams

Councillor D Drew

Harewood

Councillor M Flood

Anna

Councillor A Johnston

Mid Test

Councillor T Preston

Andover Romans

Councillor A Ward

Mid Test

## **Cabinet**

Wednesday 11 September 2019

### **AGENDA**

**The order of these items may change as a result of members  
of the public wishing to speak**

- 1 Apologies**
- 2 Public Participation**
- 3 Declarations of Interest**
- 4 Urgent Items**
- 5 Minutes of the meeting held on 10 July 2019 and 12 June 2019 minutes re-presented**
- 6 Recommendations of the Overview and Scrutiny Committee: None**
- 7 Corporate Financial Monitoring 5 - 28**  
  
**Finance**  
To compare actual revenue income and expenditure against profiled budget for the four months ended 31st July 2019.
- 8 Draft Calendar of Meetings 29 - 33**  
  
**Corporate**  
To consider the draft Calendar of Meetings for 2021.
- 9 Local Planning Enforcement Plan 2019 34 - 50**  
  
**Planning**  
To consider the formal adoption of the new Local Planning Enforcement Plan 2019.

- |           |                                                                                                                               |                |
|-----------|-------------------------------------------------------------------------------------------------------------------------------|----------------|
| <b>10</b> | <b><u>Planning Advisory Panel</u></b>                                                                                         | <b>51 - 54</b> |
|           | <b>Planning</b><br>To consider the arrangements and membership of the Planning Advisory Panel.                                |                |
| <b>11</b> | <b><u>Adoption of the International Holocaust Remembrance Alliance Working Definition of Antisemitism</u></b>                 | <b>55 - 57</b> |
|           | <b>Leader</b><br>To consider adoption of the International Holocaust Remembrance Alliance working definition of antisemitism. |                |
| <b>12</b> | <b>Exclusion of the Public</b>                                                                                                | <b>58</b>      |
| <b>13</b> | <b><u>Estates Property Matters</u></b>                                                                                        | <b>59 - 65</b> |
|           | <b>Finance</b><br>To consider an Estates property matter.                                                                     |                |
| <b>14</b> | <b><u>Estates Property Matters</u></b>                                                                                        | <b>66 - 69</b> |
|           | <b>Finance</b><br>To consider an Estates property matter.                                                                     |                |

## ITEM 7

## Corporate Financial Monitoring

Report of the Finance Portfolio Holder

### Recommended:

**That the financial position for each Portfolio and the key revenue areas contained in the Annex to the report is noted.**

#### SUMMARY:

- This report reviews the Council's revenue spending for the first four months of the 2019/20 financial year.
- It also examines the main differences between the original estimate for 2019/20 and actual spend to 31 July 2019 and provides explanations for significant variances.
- Overall, net expenditure to 31 July 2019 was £16,000 less than budgeted at this stage of the year. This favourable variance comprises additional expenditure of £35,000 due to service related expenditure and £51,000 additional income from the Council's investing and borrowing activities.

### 1 Introduction

- 1.1 As part of responsible financial stewardship, it is recommended that the financial performance of the Council should be reviewed regularly.
- 1.2 Revenue budget monitoring is carried out every month for all Services and presented to Cabinet regularly throughout the year.
- 1.3 This report examines the income and expenditure of each portfolio over the first four months of the year. The Annex shows the financial summaries of each portfolio to 31 July 2019 together with an explanation of any significant variances.
- 1.4 Several key areas of income and expenditure, not all apparent within individual portfolios have also been analysed and are also shown in the Annex.

### 2 Background

#### Profiling of Income and Expenditure

- 2.1 Not all income and expenditure is incurred equally over the year. For example, some costs (e.g. lease costs) are allocated at the end of the year, and others are stepped throughout the year (e.g. rental income is invoiced

quarterly in advance). The manner that income or expenditure is received or incurred over the course of the year is referred to as its profile.

- 2.2 In order to make the analysis more relevant, the actual income and expenditure to 31 July is being compared against its profiled position at this time.

Analysis of income and expenditure

- 2.3 The Annex shows, by portfolio, an analysis of original budget, profiled budget to date, actual expenditure to date and the variance between profiled budget and actual income / expenditure.
- 2.4 The Annex also shows an analysis of key areas of income and expenditure within the budget that are traditionally subject to variations in the year.

**3 Analysis of Financial Performance**

3.1 Leader's Portfolio

The Leader's portfolio shows net expenditure to the end of July of £614,000 against a profiled budget of £611,000. This represents an adverse variance of £3,000 to date.

3.2 Deputy Leader & Planning Portfolio

The Deputy Leader & Planning Portfolio shows net expenditure of £280,000 compared with a profiled net expenditure estimate of £101,000 – an adverse variance of £179,000.

This is due mainly to lower than estimated income from car parking, penalty charge notices, building control and planning application fees and unbudgeted planning appeal costs which are partly offset by savings on staff costs due to vacancies. The planning appeal costs will be monitored and may be met from contingencies if necessary.

3.3 Community & Leisure Portfolio

The Community & Leisure portfolio shows net expenditure to the end of July of £321,000 against a profiled estimate of £341,000. This is a favourable variance of £20,000.

This is mainly due to higher than anticipated income from bar sales at The Lights and lower than anticipated councillor ward grants. Ward grants are lower because the scheme was not open to applicants until the end of June due to the European elections and the requirements of purdah.

3.4 Corporate Portfolio

The Corporate portfolio shows net expenditure to the end of July of £1.723M against a profiled budget of £1.725M. This represents a favourable variance of £2,000 to date.

### 3.5 Economic Development & Tourism Portfolio

The Economic Development & Tourism Portfolio shows net expenditure of £148,000 against a profiled estimate of £153,000. This represents a favourable variance of £5,000.

### 3.6 Environmental Portfolio

The Environmental portfolio shows net expenditure of £931,000 against a profiled estimate to the end of July of £899,000 – an adverse variance of £32,000.

This is due mainly to lower than expected income from dried mixed recycling.

### 3.7 Finance Portfolio

The Finance portfolio has generated net income of £2.167M against a profiled estimate of £2.069M to the end of July. This is a favourable variance of £98,000.

This is due mainly to lower than expected staffing costs to date and higher than expected hall hire income from the Council's public halls.

### 3.8 Housing & Environmental Health Portfolio

3.9 The Housing & Environmental Health portfolio shows expenditure of £680,000 compared with the profiled estimate of £734,000. This is a favourable variance of £54,000.

This is mainly due to savings on staffing costs.

### 3.10 Key areas of income and expenditure

The Annex also shows an analysis of significant items in the Council's budget. These can be spread across several Services or cost centres so may be included in more than one portfolio.

While not necessarily under the direct control of one budget manager it is important that these items are reviewed regularly in total as they provide a good indication of the overall variances within the budget.

### 3.11 Investment Funds and borrowing costs

Net investment income to 31 July 2019 was £223,000 compared with a profiled estimate of £172,000 – this represents a favourable variance of £51,000.

This is due mainly to the average portfolio in the year to date exceeding the estimate by £16M resulting in additional interest being received by the Council.

The Council is now in a position where it has borrowed from the Public Works Loan Board and will incur external borrowing costs in the year, but nothing has been included in this report as the payments are not yet due.

#### **4 Risk Management**

- 4.1 This report is for information purposes so the Council's Risk Management approach does not need to be applied.

#### **5 Resource Implications**

- 5.1 A favourable variance of £16,000 in the first four months of the year has been identified in this report. There is a mixture of adverse and favourable variances across the portfolios and these will continue to be monitored and reviewed as part of the Budget process.
- 5.2 Where there have been favourable variances in the year to date, Heads of Service have the authority to utilise these amounts up to the limits laid out in Financial Regulations.

#### **6 Equality Issues**

- 6.1 This report is for information purposes, so the Council's EQIA process does not need to be applied.

#### **7 Other Issues**

- 7.1 There are no other issues to consider.

#### **8 Conclusion and reasons for recommendation**

- 8.1 Overall, net expenditure is £16,000 lower than forecast at 31 July. There are a number of areas with large variances between the profiled budget and the actual income / expenditure to date.
- 8.2 The report does not make any recommendations for changes to budgets at this stage in the year and therefore the recommendation is that the current budget position be noted.

<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:	N/A
(Portfolio: Finance) Councillor Flood			
Officer:	Jenni Carter	Ext:	8236
Report to:	Cabinet	Date:	11 September 2019

## PORTFOLIO REVENUE INFORMATION

<b>TOTAL EXPENDITURE</b>	<b>Updated Estimate 2019/20</b>	<b>Profiled Estimate to 31/07/19</b>	<b>Actual Expenditure to 31/07/19</b>	<b>Adverse / (Favourable) Variance</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
Leader & Corporate Management Portfolio	1,761,500	610,588	613,640	3,052
Deputy Leader & Planning Portfolio	230,579	100,524	279,787	179,263
Community & Leisure Portfolio	512,690	340,778	320,546	(20,232)
Corporate Portfolio	4,701,546	1,724,794	1,722,752	(2,042)
Economic Development & Tourism Portfolio	304,980	153,441	147,709	(5,732)
Environmental Portfolio	3,565,196	899,092	931,490	32,398
Finance Portfolio	(4,609,993)	(2,069,273)	(2,167,058)	(97,785)
Housing & Environmental Health Portfolio	1,567,543	734,119	679,904	(54,215)
Net Investment Income	(568,000)	(172,000)	(223,000)	(51,000)
<b>Net Service Controlled Portfolio Expenditure</b>	<b>7,466,041</b>	<b>2,322,063</b>	<b>2,305,770</b>	<b>(16,293)</b>

**PORTFOLIO REVENUE INFORMATION**

<b>LEADER &amp; CORPORATE MANAGEMENT PORTFOLIO</b>	<b>Updated Estimate 2019/20</b>	<b>Profiled Estimate to 31/07/19</b>	<b>Actual Expenditure to 31/07/19</b>	<b>Adverse / (Favourable) Variance</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
<b><u>Chief Executive's Office</u></b>				
Chief Executive's Office	1,093,890	364,593	380,217	15,624
Human Resources Service	424,990	144,659	153,298	8,639
<b>Net Expenditure</b>	<b>1,518,880</b>	<b>509,252</b>	<b>533,515</b>	<b>24,263</b>
<b><u>Corporate &amp; Democratic Core</u></b>				
Andover Town Centre Rejuvenation	85,000	85,000	84,195	(805)
Corporate Subscriptions	22,260	10,860	10,770	(90)
Corporate Public Relations, Information & Consultation	12,300	5,496	3,779	(1,717)
Corporate Management	108,340	(924)	(19,037)	(18,113)
Delivering Public Services Electronically	12,000	0	185	185
Strategic Partnership	2,720	904	233	(671)
<b>Net Expenditure</b>	<b>242,620</b>	<b>101,336</b>	<b>80,125</b>	<b>(21,211)</b>
<b>Net Service Controlled Portfolio Expenditure</b>	<b>1,761,500</b>	<b>610,588</b>	<b>613,640</b>	<b>3,052</b>

**PORTFOLIO FINANCIAL MONITORING INFORMATION**

**LEADER & CORPORATE MANAGEMENT PORTFOLIO**

**EXPLANATION OF KEY VARIANCES**

	£ 000
Profiled Estimate to 31 July 2019	611
Actual Spend to 31 July 2019	<u>614</u>
Adverse Variance to 31 July 2019	<u><u>3</u></u>
<u>Chief Executive's</u>	
Higher than budgeted employee costs due to no vacancies	14
<u>Human Resources</u>	
Higher than budgeted employee costs due to no vacancies	7
<u>Corporate Management</u>	
Additional income from government grant	(17)
Sundry variance	<u>(0)</u>
	<u><u>3</u></u>

## PORTFOLIO REVENUE INFORMATION

<b>DEPUTY LEADER &amp; PLANNING PORTFOLIO</b>	<b>Updated Estimate 2019/20</b>	<b>Profiled Estimate to 31/07/19</b>	<b>Actual Expenditure to 31/07/19</b>	<b>Adverse / (Favourable) Variance</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
<b><u>Planning Policy &amp; Economic Development</u></b>				
Planning Policy	468,762	171,726	146,255	(25,471)
Local Development Framework	316,441	(4,705)	(12,361)	(7,656)
<b>Net Expenditure</b>	<b>785,203</b>	<b>167,021</b>	<b>133,894</b>	<b>(33,127)</b>
<b><u>Corporate &amp; Democratic Core</u></b>				
Romsey Future	10,000	3,332	1,873	(1,459)
South of Romsey Town Centre Project	0	0	0	0
<b>Net Expenditure</b>	<b>10,000</b>	<b>3,332</b>	<b>1,873</b>	<b>(1,459)</b>
<b><u>Property &amp; Asset Management</u></b>				
Estates Support Unit	26,850	8,951	8,947	(4)
Engineers	166,090	110,877	105,683	(5,194)
Highways	7,800	19,510	20,395	885
Parking	(1,732,610)	(611,868)	(576,944)	34,924
Community Transport	61,000	15,249	8,053	(7,196)
<b>Net Income</b>	<b>(1,470,870)</b>	<b>(457,281)</b>	<b>(433,866)</b>	<b>23,415</b>
<b><u>Planning &amp; Building</u></b>				
Development Control & Enforcement	953,122	398,012	592,441	194,429
Building Control	(46,876)	(10,560)	(14,555)	(3,995)
<b>Net Expenditure</b>	<b>906,246</b>	<b>387,452</b>	<b>577,886</b>	<b>190,434</b>
<b>Net Service Controlled Portfolio Income</b>	<b>230,579</b>	<b>100,524</b>	<b>279,787</b>	<b>179,263</b>

**PORTFOLIO FINANCIAL MONITORING INFORMATION**

**DEPUTY LEADER & PLANNING PORTFOLIO**

**EXPLANATION OF KEY VARIANCES**

	£ 000
Profiled Estimate to 31 July 2019	101
Actual Spend to 31 July 2019	<u>280</u>
Adverse Variance to 31 July 2019	<u><u>179</u></u>
<u>Planning Policy</u>	
Salary savings due to vacancies	(31)
<u>Parking</u>	
Salary savings due to vacancies	(12)
Penalty Charge Notices - lower than estimated income due to staff vacancies	14
Car parking income is lower than estimated, particularly for Andover car parks partially offset by additional income from Season Tickets	27
<u>Development Control &amp; Enforcement</u>	
Planning Appeal Costs	26
Lower than budgeted Pre Application Fees to date	10
Lower than budgeted Planning Application Fees to date	154
<u>Building Control</u>	
Salary savings due to vacancies	(17)
Lower than budgeted income to date	15
Sundry variance	<u>(9)</u>
	<u><u>179</u></u>

## PORTFOLIO REVENUE INFORMATION

<b>COMMUNITY &amp; LEISURE PORTFOLIO</b>	<b>Updated Estimate 2019/20</b>	<b>Profiled Estimate to 31/07/19</b>	<b>Actual Expenditure to 31/07/19</b>	<b>Adverse / (Favourable) Variance</b>
	£	£	£	£
<b><u>Community &amp; Leisure</u></b>				
<b>Leisure Management</b>				
Leisure Management	210,168	69,757	71,904	2,147
<b>Net Expenditure</b>	<b>210,168</b>	<b>69,757</b>	<b>71,904</b>	<b>2,147</b>
<b>Parks, Countryside &amp; Sport</b>				
Managed Sports Facilities	(1,399,060)	(379,763)	(345,810)	33,953
Outdoor Sports Facilities	109,811	42,478	37,834	(4,644)
Playgrounds	8,910	0	0	0
Sports Development	14,050	0	0	0
Cemeteries	(105,490)	(22,906)	(25,326)	(2,420)
Grounds Maintenance	68,870	15,743	15,574	(169)
Nature Reserves	121,826	34,141	33,307	(834)
Urban Parks and Open Spaces	266,565	118,852	115,304	(3,548)
<b>Net Expenditure</b>	<b>(914,518)</b>	<b>(191,455)</b>	<b>(169,117)</b>	<b>22,338</b>
<b>Community Development</b>				
Community Engagement	919,140	349,399	320,899	(28,500)
<b>Net Expenditure</b>	<b>919,140</b>	<b>349,399</b>	<b>320,899</b>	<b>(28,500)</b>
<b>Arts &amp; Culture</b>				
Andover Events Programme	7,800	2,268	1,531	(737)
Arts Function	20,606	14,650	10,468	(4,182)
The Lights	269,494	96,159	84,861	(11,298)
<b>Net Expenditure</b>	<b>297,900</b>	<b>113,077</b>	<b>96,860</b>	<b>(16,217)</b>
<b>Net Service Controlled Portfolio Expenditure</b>	<b>512,690</b>	<b>340,778</b>	<b>320,546</b>	<b>(20,232)</b>

**PORTFOLIO FINANCIAL MONITORING INFORMATION**

**COMMUNITY & LEISURE PORTFOLIO**

**EXPLANATION OF KEY VARIANCES**

	£ 000
Profiled Estimate to 31 July 2019	341
Actual Spend to 31 July 2019	<u>321</u>
Favourable Variance to 31 July 2019	<u><u>(20)</u></u>
<u>Managed Sports Facilities</u>	
Security for temporary pool site	30
<u>Community Engagement</u>	
Councillor ward grants are lower than estimated at this point in the year	(22)
<u>The Lights</u>	
Income from bar sales is higher than estimated	(8)
Sundry variance	<u>(20)</u>
	<u><u>(20)</u></u>

## PORTFOLIO REVENUE INFORMATION

CORPORATE PORTFOLIO	Updated Estimate 2019/20	Profiled Estimate to 31/07/19	Actual Expenditure to 31/07/19	Adverse / (Favourable) Variance
	£	£	£	£
<b><u>Corporate &amp; Democratic Core</u></b>				
Emergency Planning	34,740	24,578	24,891	313
Councillors	451,190	150,385	153,570	3,185
Councillor Meetings	34,160	18,714	23,392	4,678
Mayoral Office	37,980	11,259	9,966	(1,293)
Civic Ceremonies	6,500	5,000	6,351	1,351
Allocated Central Overheads	63,490	41,934	42,138	204
Non-distributable Costs	1,222,440	252,960	252,950	(10)
<b>Net Expenditure</b>	<b>1,850,500</b>	<b>504,830</b>	<b>513,258</b>	<b>8,428</b>
<b><u>Information Technology</u></b>				
Management	145,771	45,398	48,285	2,887
Service Desk	71,920	37,710	29,906	(7,804)
Infrastructure	519,635	195,517	188,460	(7,057)
Corporate Services	389,870	166,379	167,032	653
<b>Net Expenditure</b>	<b>1,127,196</b>	<b>445,004</b>	<b>433,683</b>	<b>(11,321)</b>
<b><u>Legal &amp; Democratic</u></b>				
Legal Service	772,910	253,011	228,027	(24,984)
Land Charges	(90,330)	(33,753)	(38,438)	(4,685)
Council Elections	324,640	292,620	322,390	29,770
Registration Of Electors	80,770	6,466	5,822	(644)
Lotteries, Amusements & Gaming Permits	(7,200)	(874)	(1,413)	(539)
Alcohol & Entertainment Licensing	(33,860)	(1,416)	(83)	1,333
Scrap Metal Dealers	(130)	(45)	660	705
Hackney Carriages & Private Hire Vehicles	2,960	3,915	3,965	50
<b>Net Expenditure</b>	<b>1,049,760</b>	<b>519,924</b>	<b>520,930</b>	<b>1,006</b>
<b><u>Revenues Service</u></b>				
Customer Services Unit	674,090	255,036	254,881	(155)
<b>Net Expenditure</b>	<b>674,090</b>	<b>255,036</b>	<b>254,881</b>	<b>(155)</b>
<b>Net Service Controlled Portfolio Expenditure</b>	<b>4,701,546</b>	<b>1,724,794</b>	<b>1,722,752</b>	<b>(2,042)</b>

**PORTFOLIO FINANCIAL MONITORING INFORMATION**

**CORPORATE PORTFOLIO**

**EXPLANATION OF KEY VARIANCES**

	£ 000
Profiled Estimate to 31 July 2019	1,725
Actual Spend to 31 July 2019	<u>1,723</u>
Favourable Variance to 31 July 2019	<u><u>(2)</u></u>
<u>Information Technology</u>	
Salary savings due to vacancies	(9)
<u>Legal Service</u>	
Salary savings due to vacancies at the beginning of the year	(15)
Legal Fee Income to date is higher than estimated	(10)
<u>Council Elections</u>	
Borough and Parish Elections accounts still to be reconciled and recharged - variance should decrease	24
Sundry variance	<u>7</u>
	<u><u>(2)</u></u>

## PORTFOLIO REVENUE INFORMATION

<b>ECONOMIC DEVELOPMENT &amp; TOURISM PORTFOLIO</b>	<b>Updated Estimate 2019/20</b>	<b>Profiled Estimate to 31/07/19</b>	<b>Actual Expenditure to 31/07/19</b>	<b>Adverse / (Favourable) Variance</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
<b><u>Community &amp; Leisure</u></b>				
Heritage	45,630	44,270	44,265	(5)
<b>Net Expenditure</b>	<b>45,630</b>	<b>44,270</b>	<b>44,265</b>	<b>(5)</b>
<b><u>Planning Policy &amp; Economic Development</u></b>				
Estates Support Unit	96,420	32,140	32,258	118
Economic Development & Promotion	76,170	34,476	32,627	(1,849)
Promotion of Tourism	97,520	79,267	78,180	(1,087)
Town Centre Management	18,930	(144)	(2,852)	(2,708)
<b>Net Expenditure</b>	<b>289,040</b>	<b>145,739</b>	<b>140,213</b>	<b>(5,526)</b>
<b><u>Property &amp; Asset Management</u></b>				
Andover Market	(29,690)	(36,568)	(36,769)	(201)
<b>Net Expenditure</b>	<b>(29,690)</b>	<b>(36,568)</b>	<b>(36,769)</b>	<b>(201)</b>
<b>Net Service Controlled Portfolio Expenditure</b>	<b>304,980</b>	<b>153,441</b>	<b>147,709</b>	<b>(5,732)</b>

**PORTFOLIO FINANCIAL MONITORING INFORMATION**

**ECONOMIC DEVELOPMENT & TOURISM PORTFOLIO**

**EXPLANATION OF KEY VARIANCES**

£ 000

Profiled Estimate to 31 July 2019	153
Actual Spend to 31 July 2019	<u>148</u>
Favourable Variance to 31 July 2019	<u>(5)</u>
No significant variances to report	
Sundry variance	<u>(5)</u>
	<u>(5)</u>

**PORTFOLIO REVENUE INFORMATION**

<b>ENVIRONMENTAL PORTFOLIO</b>	<b>Updated Estimate 2019/20</b>	<b>Profiled Estimate to 31/07/19</b>	<b>Actual Expenditure to 31/07/19</b>	<b>Adverse / (Favourable) Variance</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
<b><u>Environmental Service</u></b>				
Grounds Maintenance	991,449	490,471	464,228	(26,243)
Waste Collection	1,778,873	430,359	497,204	66,845
Garden Waste Collection	(171,564)	(372,093)	(374,601)	(2,508)
Street Cleansing	954,328	276,875	264,421	(12,454)
Vehicle Workshop	(25,725)	(20,192)	(16,109)	4,083
Service Overhead Account	26,835	92,172	94,847	2,675
<b>Net Expenditure</b>	<b>3,554,196</b>	<b>897,592</b>	<b>929,990</b>	<b>32,398</b>
<b><u>Planning Policy &amp; Economic Development</u></b>				
Sustainability	11,000	1,500	1,500	0
<b>Net Expenditure</b>	<b>11,000</b>	<b>1,500</b>	<b>1,500</b>	<b>0</b>
<b>Net Service Controlled Portfolio Expenditure</b>	<b>3,565,196</b>	<b>899,092</b>	<b>931,490</b>	<b>32,398</b>

**PORTFOLIO FINANCIAL MONITORING INFORMATION**

**ENVIRONMENTAL PORTFOLIO**

**EXPLANATION OF KEY VARIANCES**

£ 000

Profiled Estimate to 31 July 2019	899
Actual Spend to 31 July 2019	<u>931</u>
Adverse Variance to 31 July 2019	<u><u>32</u></u>
<u>Grounds Maintenance</u>	
Salary savings due to vacancies	(29)
<u>Waste Collection</u>	
Additional employee costs due to overtime and agency expenditure	25
Less than expected Dry Mixed Recycling income	31
<u>Green Waste</u>	
Additional income to date	(6)
Sundry variance	<u>11</u>
	<u><u>32</u></u>

## PORTFOLIO REVENUE INFORMATION

FINANCE PORTFOLIO	Updated Estimate 2019/20	Profiled Estimate to 31/07/19	Actual Expenditure to 31/07/19	Adverse / (Favourable) Variance
	£	£	£	£
<b><u>Property &amp; Asset Management</u></b>				
Estates Support Unit	948,417	327,424	292,017	(35,407)
Business Park Development	(5,952,090)	(2,298,708)	(2,308,875)	(10,167)
Investment Properties	(1,158,490)	(523,832)	(521,019)	2,813
Corporate Properties	(602,820)	(234,339)	(237,733)	(3,394)
Union Street	(80,820)	(39,810)	(41,115)	(1,305)
Chantry Centre	(374,600)	(187,300)	(187,300)	0
Andover Bus Station	(13,540)	(14,707)	(3,509)	11,198
Andover Magistrates Court	0	0	0	0
Public Halls	(1,750)	(8,557)	(15,154)	(6,597)
Public Conveniences	135,380	15,878	17,708	1,830
Office Accommodation	210,960	48,423	27,181	(21,242)
Building Maintenance	90,240	30,056	25,588	(4,468)
Building Cleaning	4,690	1,546	1,244	(302)
Depot Costs	51,050	11,516	12,568	1,052
Leisure Facilities	45,110	11,278	9,573	(1,705)
<b>Net Income</b>	<b>(6,698,263)</b>	<b>(2,861,132)</b>	<b>(2,928,826)</b>	<b>(67,694)</b>
<b><u>Finance</u></b>				
Finance Service	884,250	300,257	304,350	4,093
<b>Net Expenditure</b>	<b>884,250</b>	<b>300,257</b>	<b>304,350</b>	<b>4,093</b>
<b><u>Revenues</u></b>				
Council Tax Support Administration	358,810	117,791	115,711	(2,080)
Housing Benefit	411,420	149,395	133,644	(15,751)
Local Taxation Services	433,790	224,416	208,063	(16,353)
<b>Net Expenditure</b>	<b>1,204,020</b>	<b>491,602</b>	<b>457,418</b>	<b>(34,184)</b>
<b>Net Service Controlled Portfolio Income</b>	<b>(4,609,993)</b>	<b>(2,069,273)</b>	<b>(2,167,058)</b>	<b>(97,785)</b>

**PORTFOLIO FINANCIAL MONITORING INFORMATION**

**FINANCE PORTFOLIO**

**EXPLANATION OF KEY VARIANCES**

	£ 000
Profiled Estimate to 31 July 2019	(2,069)
Actual Spend to 31 July 2019	<u>(2,167)</u>
Favourable Variance to 31 July 2019	<u><u>(98)</u></u>
<u>Estates &amp; Economic Development</u>	
Estates Support Unit - salary savings due to vacancies	(41)
Public Halls - additional hall hire income	(7)
Office Accommodation - salary savings due to vacancies	(10)
Office Accommodation - savings on utilities, contract catering and additional income in respect of service charges from Quarter 4 2018/19	(9)
<u>Revenues</u>	
Salary savings due to vacancies	(16)
Unbudgeted income from the DWP	(10)
Sundry variance	<u>(6)</u>
	<u><u>(98)</u></u>

**PORTFOLIO REVENUE INFORMATION**

<b>HOUSING &amp; ENVIRONMENTAL HEALTH PORTFOLIO</b>	<b>Updated Estimate 2019/20</b>	<b>Profiled Estimate to 31/07/19</b>	<b>Actual Expenditure to 31/07/19</b>	<b>Adverse / (Favourable) variance</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
<b><u>Housing</u></b>				
<b>Housing Activities</b>				
General Management	104,226	34,736	35,963	1,227
Housing Development	118,134	41,958	30,572	(11,386)
Hampshire Home Choice	1,024	59,958	62,820	2,862
Housing Options	391,954	307,628	294,344	(13,284)
<b>Net Expenditure</b>	<b>615,338</b>	<b>444,280</b>	<b>423,699</b>	<b>(20,581)</b>
<b>Health Activities</b>				
Business Support Team	140,335	40,294	29,231	(11,063)
Pollution	227,740	65,108	65,254	146
Health Protection	333,407	108,642	86,449	(22,193)
Animal Welfare	70,693	20,531	18,307	(2,224)
Pest Control	39,480	9,632	17,006	7,374
Housing Standards	140,550	45,632	39,958	(5,674)
<b>Net Expenditure</b>	<b>952,205</b>	<b>289,839</b>	<b>256,205</b>	<b>(33,634)</b>
<b>Net Service Controlled Portfolio Expenditure</b>	<b>1,567,543</b>	<b>734,119</b>	<b>679,904</b>	<b>(54,215)</b>

**PORTFOLIO FINANCIAL MONITORING INFORMATION**

**HOUSING & ENVIRONMENTAL HEALTH PORTFOLIO**

**EXPLANATION OF KEY VARIANCES**

	£ 000
Profiled Estimate to 31 July 2019	734
Actual Spend to 31 July 2019	<u>680</u>
Favourable Variance to 31 July 2019	<u><u>(54)</u></u>
Salary savings across the service due to vacancies	(56)
Housing options - Bed and breakfast expenditure higher than estimated	9
Pest Control - income lower than estimated	10
Sundry variance	<u>(17)</u>
	<u><u>(54)</u></u>

## KEY FINANCIAL AREAS

	Updated Estimate 2019/20 £'000	Profiled Estimate to 31/07/19 £'000	Actual to 31/07/19 £'000	Adverse / (Favourable) Variance £'000	Comments
<b><u>Expenditure</u></b>					
Staff Costs	20,160	6,555	6,393	(162)	This includes all salary, recruitment, relocation and post entry training costs, net of the 4% vacancy management provision.
	<b>20,160</b>	<b>6,555</b>	<b>6,393</b>	<b>(162)</b>	
<b><u>Income</u></b>					
Investment Income	(568)	(172)	(223)	(51)	This is the net income generated by the management of the Council's cash investment portfolio.
Building Control Income	(428)	(143)	(128)	15	This is the income generated by fees in respect of Building Control work performed by the Council.
Car Parking Income	(2,645)	(862)	(820)	42	This includes season tickets and all on and off street parking income.
Development Control Income	(1,315)	(438)	(273)	165	This is income from Planning Applications and legal fees relating to the applications.
Investment Property Income	(6,496)	(2,427)	(2,425)	2	This includes the rental income for all the Council's industrial land and buildings, excluding those that have been purchased recently.
Investment Income from Property Purchases	(2,196)	(1,039)	(1,042)	(3)	This includes the rental income for investment properties that have been purchased recently and is expected to return a yield of 7.1% in the year on an investment of £28.2m.
Land Charges Income	(245)	(79)	(81)	(3)	This is income from Local Land Charge Search Fees.
Leisure Income	(696)	(217)	(237)	(20)	This includes all income from Community & Leisure services including indoor and outdoor leisure facilities, The Lights and cemeteries.
	<b>(14,589)</b>	<b>(5,377)</b>	<b>(5,229)</b>	<b>148</b>	
<b><u>Total</u></b>	<b>5,571</b>	<b>1,178</b>	<b>1,164</b>	<b>(15)</b>	

**PORTFOLIO FINANCIAL MONITORING INFORMATION**

**KEY AREAS OF INCOME AND EXPENDITURE**

**EXPLANATION OF KEY VARIANCES**

£ 000

Profiled Estimate to 31 July 2019 1,178

Actual Spend to 31 July 2019 1,164

Favourable Variance to 31 July 2019 (15)

Staff costs

Staff costs are lower than estimated at this time in the year, due mainly to vacancies (162)

Income

Investment income is higher than budgeted in the first half of the year due to a slightly better return than estimated (51)

Building Control income is lower than estimated in the year to date 15

Car parking income is lower than estimated for the first part of the year 42

Income from planning application fees and from pre-application advice has been lower than estimated in the year to date 165

Income from Community & Leisure services has been higher than estimated for the first part of the year. (20)

Sundry variance (4)

(15)



<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:	N/A
(Portfolio: Corporate) Councillor Preston			
Officer:	Sally Prior	Ext:	8024
Report to:	Cabinet	Date:	11 September 2019

<u>Date</u>		<u>Meeting</u>	<u>Time</u>	<u>Venue</u>
<b>Jan</b>	<b>1</b>	<b>Friday</b>	<b>NEW YEAR'S DAY</b>	
	6	Wednesday	<i>Northern Viewing Panel</i>	9.00 am tbc
	7	Thursday	Northern Area Planning Committee	5.30 pm Andover
	8	Friday	<i>Southern Viewing Panel</i>	2.00 pm tbc
	12	Tuesday	Southern Area Planning Committee	5.30 pm Romsey
	13	Wednesday	General Purposes Committee	4.00 pm Romsey
	13	Wednesday	Cabinet	5.30 pm Romsey
	14	Thursday	Licensing Committee	5.30 pm Romsey
	20	Wednesday	Overview & Scrutiny Committee	5.30 pm Romsey
	27	Wednesday	<i>Northern Viewing Panel</i>	9.00 am tbc
	27	Wednesday	COUNCIL	5.30 pm Romsey
	28	Thursday	Northern Area Planning Committee	5.30 pm Andover
	29	Friday	<i>Southern Viewing Panel</i>	2.00 pm tbc
<b>Feb</b>	2	Tuesday	Southern Area Planning Committee	5.30 pm Romsey
	10	Wednesday	Cabinet	5.30 pm Andover
	11	Thursday	Licensing Committee	5.30 pm Andover
	17	Wednesday	<i>Northern Viewing Panel</i>	9.00 am tbc
	17	Wednesday	Overview & Scrutiny Committee	5.30 pm Andover
	18	Thursday	Northern Area Planning Committee	5.30 pm Andover
	19	Friday	<i>Southern Viewing Panel</i>	2.00 pm tbc
	23	Tuesday	Southern Area Planning Committee	5.30 pm Romsey
	26	Friday	COUNCIL	5.30 pm Andover
<b>Mar</b>	10	Wednesday	<i>Northern Viewing Panel</i>	9.00 am tbc
	10	Wednesday	Cabinet	5.30 pm Romsey
	11	Thursday	Northern Area Planning Committee	5.30 pm Andover
	12	Friday	<i>Southern Viewing Panel</i>	2.00 pm tbc
	15	Monday	Audit Panel	5.30 pm Romsey
	16	Tuesday	Southern Area Planning Committee	5.30 pm Romsey
	17	Wednesday	Overview & Scrutiny Committee	5.30 pm Romsey
	18	Thursday	Licensing Committee	5.30 pm Romsey
	31	Wednesday	<i>Northern Viewing Panel</i>	9.00 am tbc
<b>Apr</b>	1	Thursday	<i>Southern Viewing Panel</i>	2.00 pm tbc
	1	Thursday	Northern Area Planning Committee	5.30 pm Andover
	<b>2</b>	<b>Friday</b>	<b>GOOD FRIDAY</b>	
	<b>5</b>	<b>Monday</b>	<b>EASTER MONDAY</b>	
	6	Tuesday	Southern Area Planning Committee	5.30 pm Romsey
	7	Wednesday	COUNCIL	5.30 pm Romsey
	14	Wednesday	General Purposes Committee	4.00 pm Andover
	14	Wednesday	Cabinet	5.30 pm Andover
	15	Thursday	Licensing Committee	5.30 pm Andover
	21	Wednesday	<i>Northern Viewing Panel</i>	9.00 am tbc
	21	Wednesday	Overview & Scrutiny Committee	5.30 pm Andover
	22	Thursday	Northern Area Planning Committee	5.30 pm Andover
	23	Friday	<i>Southern Viewing Panel</i>	2.00 pm tbc
	27	Tuesday	Southern Area Planning Committee	5.30 pm Romsey

	<u>Date</u>	<u>Meeting</u>	<u>Time</u>	<u>Venue</u>
<b>May</b>	<b>3</b>	<b>Monday</b>	<b>BANK HOLIDAY</b>	
	<b>6</b>	<b>Thursday</b>	<b>COUNTY ELECTIONS</b>	
	11	Tuesday	<i>Northern Viewing Panel</i>	9.00 am tbc
	12	Wednesday	ANNUAL COUNCIL	11.00 am Romsey
	13	Thursday	Northern Area Planning Committee	5.30 pm Andover
	14	Friday	<i>Southern Viewing Panel</i>	2.00 pm tbc
	18	Tuesday	Southern Area Planning Committee	5.30 pm Romsey
	19	Wednesday	Cabinet	5.30 pm Andover
	20	Thursday	Licensing Committee	5.30 pm Andover
	26	Wednesday	Overview & Scrutiny Committee	5.30 pm Andover
	<b>31</b>	<b>Monday</b>	<b>BANK HOLIDAY</b>	
<b>Jun</b>	2	Wednesday	<i>Northern Viewing Panel</i>	9.00 am tbc
	3	Thursday	Northern Area Planning Committee	5.30 pm Andover
	4	Friday	<i>Southern Viewing Panel</i>	2.00 pm tbc
	8	Tuesday	Southern Area Planning Committee	5.30 pm Romsey
	9	Wednesday	COUNCIL	5.30 pm Andover
	16	Wednesday	Cabinet	5.30 pm Romsey
	17	Thursday	Licensing Committee	5.30 pm Romsey
	23	Wednesday	<i>Northern Viewing Panel</i>	9.00 am tbc
	23	Wednesday	Overview and Scrutiny Committee	5.30 pm Romsey
	24	Thursday	Northern Area Planning Committee	5.30 pm Andover
	25	Friday	<i>Southern Viewing Panel</i>	2.00 pm tbc
	28	Monday	Budget Panel	5.30 pm Romsey
	29	Tuesday	Southern Area Planning Committee	5.30 pm Romsey
<b>Jul</b>	14	Wednesday	<i>Northern Viewing Panel</i>	9.00 am tbc
	14	Wednesday	Cabinet	5.30 pm Romsey
	15	Thursday	Northern Area Planning Committee	5.30 pm Andover
	16	Friday	<i>Southern Viewing Panel</i>	2.00 pm tbc
	20	Tuesday	Southern Area Planning Committee	5.30 pm Romsey
	21	Wednesday	Overview & Scrutiny Committee	5.30 pm Romsey
	22	Thursday	Licensing Committee	5.30 pm Romsey
	26	Monday	Audit Panel	5.30 pm Romsey
	28	Wednesday	General Purposes Committee	4.00 pm Romsey
<b>Aug</b>	4	Wednesday	<i>Northern Viewing Panel</i>	9.00 am tbc
	5	Thursday	Northern Area Planning Committee	5.30 pm Andover
	6	Friday	<i>Southern Viewing Panel</i>	2.00 pm tbc
	10	Tuesday	Southern Area Planning Committee	5.30 pm Romsey
	19	Thursday	Licensing Committee	5.30 pm Romsey
	25	Wednesday	<i>Northern Viewing Panel</i>	9.00 am tbc
	26	Thursday	Northern Area Planning Committee	5.30 pm Andover
	27	Friday	<i>Southern Viewing Panel</i>	2.00 pm tbc
	<b>30</b>	<b>Monday</b>	<b>BANK HOLIDAY</b>	
	31	Tuesday	Southern Area Planning Committee	5.30 pm Romsey

	<u>Date</u>	<u>Meeting</u>	<u>Time</u>	<u>Venue</u>	
<b>Sep</b>	1	Wednesday	COUNCIL	5.30 pm	Romsey
	8	Wednesday	Cabinet	5.30 pm	Andover
	13	Monday	Audit Panel	5.30 pm	Andover
	15	Wednesday	<i>Northern Viewing Panel</i>	9.00 am	tbc
	15	Wednesday	Overview & Scrutiny Committee	5.30 pm	Andover
	16	Thursday	Northern Area Planning Committee	5.30 pm	Andover
	17	Friday	<i>Southern Viewing Panel</i>	2.00 pm	tbc
	21	Tuesday	Southern Area Planning Committee	5.30 pm	Romsey
	23	Thursday	Licensing Committee	5.30 pm	Andover
	29	Wednesday	General Purposes Committee	4.00 pm	Andover
<b>Oct</b>	4	Monday	Budget Panel	5.30 pm	Andover
	6	Wednesday	<i>Northern Viewing Panel</i>	9.00 am	tbc
	6	Wednesday	Cabinet	5.30 pm	Andover
	7	Thursday	Northern Area Planning Committee	5.30 pm	Andover
	8	Friday	<i>Southern Viewing Panel</i>	2.00 pm	tbc
	12	Tuesday	Southern Area Planning Committee	5.30 pm	Romsey
	13	Wednesday	Overview & Scrutiny Committee	5.30 pm	Andover
	21	Thursday	Licensing Committee	5.30 pm	Andover
	27	Wednesday	<i>Northern Viewing Panel</i>	9.00 am	tbc
	28	Thursday	Northern Area Planning Committee	5.30 pm	Andover
	29	Friday	<i>Southern Viewing Panel</i>	2.00 pm	tbc
<b>Nov</b>	2	Tuesday	Southern Area Planning Committee	5.30 pm	Romsey
	3	Wednesday	General Purposes Committee	4.00 pm	Andover
	3	Wednesday	Cabinet	5.30 pm	Andover
	10	Wednesday	Overview & Scrutiny Committee	5.30 pm	Andover
	17	Wednesday	<i>Northern Viewing Panel</i>	9.00 am	tbc
	17	Wednesday	COUNCIL	5.30 pm	Andover
	18	Thursday	Northern Area Planning Committee	5.30 pm	Andover
	19	Friday	<i>Southern Viewing Panel</i>	2.00 pm	tbc
	23	Tuesday	Southern Area Planning Committee	5.30 pm	Romsey
	25	Thursday	Licensing Committee	5.30 pm	Romsey
<b>Dec</b>	1	Wednesday	Cabinet	5.30 pm	Romsey
	8	Wednesday	Northern Viewing Panel	9.00 am	tbc
	8	Wednesday	Overview & Scrutiny Committee	5.30 pm	Romsey
	9	Thursday	Northern Area Planning Committee	5.30 pm	Andover
	10	Friday	<i>Southern Viewing Panel</i>	2.00 pm	tbc
	14	Tuesday	Southern Area Planning Committee	5.30 pm	Romsey
	23	Thursday	Licensing Committee	5.30 pm	Romsey
	<b>25</b>	<b>Saturday</b>	<b>CHRISTMAS DAY</b>		
	<b>26</b>	<b>Sunday</b>	<b>BOXING DAY</b>		

## **ITEM 9                      Local Planning Enforcement Plan 2019**

Report of the Planning Portfolio Holder

### **Recommended:**

**That consideration be given for the formal adoption of the new Local Planning Enforcement Plan 2019.**

#### **SUMMARY:**

- Enforcement is defined as any action by an officer which encourages compliance with legislation enforced by the council. A range of actions are available, including informal interventions (e.g. offering advice) through to more formal measures such as prosecution in the courts.
- Test Valley Borough Council's current policy entitled "Procedural Policy On The Enforcement Of Planning Control" was published in February 2011.
- Since 2011, new relevant law, guidance and legislation has been introduced.
- The current policy therefore requires updating to reflect the current and established practice and legislation.

### **1        Introduction**

- 1.1    The Local Planning Enforcement Plan 2019 outlines Test Valley Borough Council's approach to encouraging compliance with its regulations and policies in a way that is in line with current government legislation and guidance.
- 1.2    It explains how breaches of planning control will be investigated.
- 1.3    It provides a common reference point and guidance on a range of options available to achieve compliance.
- 1.4    It sets out the priorities we have for investigating alleged breaches of planning control.
- 1.5    It sets out the procedures, priorities and performance the public can expect to receive.
- 1.6    It is intended for all users and providers of the service, including:
  - members of the public,
  - interested parties,
  - Town and Parish Councils and Borough Councillors

## **2 Background**

- 2.1 The National Planning Policy Framework 2018 (NPPF) states under paragraph 58 that :
- 2.2 Councils should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.
- 2.3 The Council's current Planning Enforcement Policy was published in July 2011 and as a result in changes in law, guidance and legislation it must now be updated to reflect the current and established practice and legislation.

## **3 Corporate Objectives and Priorities**

- 3.1 The Local Planning Enforcement Plan 2019 complies with the Councils values in that it highlights that:
  - The Council are Accountable for each and every decision made. Whether it be to enforce against a potential breach of planning control or consider a matter to be non expedient. Our activities should be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedure.
  - The Council act with Integrity and treat every situation fairly and with honesty at all times. Maintaining a open and transparent approach where the situation allows.

## **4 Consultations/Communications**

- 4.1 In drafting this document consultations have been undertaken with various Heads of Department/Service including Head of Planning and Building, Development Managers North/South, Head of Legal and Democratic Services, Solicitor and Legal Service Manager, Corporate Director and Planning & Building Portfolio Holder.
- 4.2 This document has been approved at OMT level and Portfolio Group prior to recommendation to be considered at Cabinet.

## **5 Options**

- 5.1 Should the Council choose to not adopt a revised Local Planning Enforcement Plan there would be no up-to-date common reference point and there would be a risk that the principles would be inconsistently applied across the service.

## **6 Option Appraisal**

- 6.1 There may increase the risk of a legal challenge and reduce the fairness and effectiveness of the Council's approach to planning enforcement.

## **7 Risk Management**

- 7.1 To continue using the current out of date Enforcement Procedural Policy we present a **CIII** risk in that the likelihood of the Council receiving a legal challenge is Significant with a Significant impact.
- 7.2 Should the Local Planning Enforcement Plan 2019 be adopted we could reduce this to a **EIII** risk likelihood to Very Low with a potential impact remaining to be Significant.

## **8 Resource Implications**

- 8.1 Nil

## **9 Legal Implications**

- 9.1 The Council's current Planning Enforcement Policy was published in July 2011 and there have been significant changes in law, guidance and legislation since.
- 9.2 Should the Council choose to not adopt this Local Planning Enforcement Plan there may be a increase in the risk of a legal challenge and reduce the fairness and effectiveness of the Council's approach to planning enforcement.

## **10 Equality Issues**

- 10.1 An Equality Impact Assessment has been carried out in relation to the Local Planning Enforcement Plan 2019 and there are no positive or negative impacts which cannot be mitigated against, have been identified at this time.
- 10.2 This conclusion has been reached as the Local Planning Enforcement Plan has been developed with the aim of providing a service to the entire community within Test Valley. This is in keeping with the Council's objectives to improve the quality of life for all residents.
- 10.3 The protected groups will continue to be considered throughout the lifetime of the Enforcement Policy and if a situation arises which causes the policy to need adjustment then protected groups will be further considered

## **11 Other Issues**

- 11.1 Community Safety
- 11.2 Environmental Health Issues
- 11.3 Sustainability and Addressing a Changing Climate
- 11.4 Property Issues
- 11.5 Wards/Communities Affected
- This Enforcement Plan will effect all areas of Test Valley Borough Council.

**12 Conclusion and reasons for recommendation**

- 12.1 The current Enforcement Policy has been reviewed, updated and renamed in line with the NPPF recommendations. The appropriate use of enforcement powers is important, both to secure compliance with legislation and to ensure that those who have duties in law may be held to account for failures to safeguard health, safety and welfare or breach of legislation enforced by the council.
- 12.2 An alternative option would be to have no policies on enforcement. This would be strongly inadvisable since it would undermine the council's ability to support its policies and regulations with effective enforcement. It would also leave the council vulnerable to legal challenge.

<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:	N/A
(Portfolio: Planning) Councillor Adams-King			
Officer:	Darren Hobson	Ext:	8164
Report to:	Cabinet	Date:	11 September 2019



# LOCAL PLANNING ENFORCEMENT PLAN 2019



## **Contents**

- 1.0 Introduction**
- 2.0 Government Advice and Legislation**
- 3.0 Aim of Planning Enforcement**
- 4.0 What is a breach of planning control?**
- 5.0 Matters which are not breaches of planning control**
- 6.0 Enforcement action is discretionary**
- 7.0 How to report an alleged breach of planning control**
- 8.0 What can you expect if you report an alleged breach of planning control?**
- 9.0 What happens if an allegation is made that you have breached planning control?**
- 10.0 How we prioritise complaints**
- 11.0 What are the possible outcomes of an investigation?**
- 12.0 Enforcement Register**
- 13.0 Deliberate Concealment - Planning Enforcement Orders**
- 14.0 Other Useful Links**

## 1.0 Introduction

- 1.1 Test Valley contains a diverse and high quality environment including a significant number listed buildings and conservations areas, suburban areas, business parks and attractive countryside all of which are highly valued by its residents.
- 1.2 This enforcement plan sets out Test Valley Borough Council's approach to planning enforcement, explains how breaches of planning control will be investigated, provides guidance on a range of options available to achieve compliance and sets out the priorities we have for investigating alleged breaches of planning control.
- 1.3 The Council is firmly committed to an effective and efficient enforcement service and this document will set out the procedures, priorities and performance the public can expect to receive.
- 1.4 This document is intended for all users and providers of the service, including members of the public, interested parties, Town and Parish Councils and Borough Councilors.

## 2.0 Government Advice and Legislation

- 2.1 **The Town and Country Planning Act 1990** provides the main legislative framework for dealing with breaches of planning control. The Act provides the Council with the necessary powers to deal with breaches of planning control whilst the **National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)**, provides guidance on how the Council should deal with breaches of planning control.
- 2.2 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) make it clear that the powers provided by the Act are discretionary and should only be used when it is expedient to do so. Any action taken should be commensurate with the seriousness of the breach of planning control and the harm caused or harm that may be caused:

**Paragraph 58**, of the NPPF states that:-

***“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a **local enforcement plan** to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.”***

- 2.3 NPPG provides additional guidance to that contained in the Framework under the title “Ensuring Effective Enforcement” for further advice please follow the link [Ensuring effective enforcement - GOV.UK](#)

### **3.0 Aim of Planning Enforcement**

- 3.1 The Council aims to provide an efficient and effective planning enforcement service within the resources available, whilst treating all of our customers with courtesy, respect and fairness.
- 3.2 The Council aims to remedy the undesirable effect of unauthorised development and to strike a balance between protecting amenity/environment and other interests.
- 3.3 The Council will, when it is considered appropriate and proportionate to do so, take a robust approach to enforcing against confirmed breaches of planning control.

### **4.0 What is a breach of planning control?**

- 4.1 A breach of planning control occurs when one of the following takes place:
- Carrying out of operational development (building or other works) without the required planning permission.
  - Carrying out of material changes of use without planning permission.
  - Failing to comply with a condition or limitation subject to which planning permission was granted.
  - Carrying out of works to a Listed Building without the relevant permission(s).
  - Unauthorised works to a tree protected by a Tree Preservation Order or works carried out to trees within a Conservation Area.
  - The display of advertisements without advertisement consent.
  - The neglect of land or buildings to an extent which causes harm to the amenity.
  - Failure to comply with Section 106 Agreements/undertakings.
  - Engineering operations such as the raising or lowering of ground levels and formation of earth bunds; carried out without the benefit of planning permission.
  - Not building in accordance with the approved plans (following the granting of planning permission).
- 4.2 Most breaches of planning control are not, in themselves, criminal offences. Under current legislation a criminal offence only arises when an Enforcement Notice has been served, has taken effect and the requirements of such a notice have not been complied with in the time required within the notice. However, certain breaches of planning control do constitute a criminal offence from the outset. Such breaches include:
- Unauthorised works to a List Building, without the necessary consents.
  - Unauthorised works to a Protected Tree or tree within a Conservation Area.
  - The display of Advertisements which do not benefit from deemed consent.

## **5.0 Matters which are not breaches of planning control**

5.1 The following list contains examples of those matters which do not constitute a breach of planning control. This list is not exhaustive:

- Internal alterations to a building which is not a listed building.
- Obstruction of a highway or public right of way.
- Land ownership disputes and boundary disagreements.
- Parking of vehicles on the highway or on grass verges.
- Operating a business from home, where the residential use remains to be the primary use of the property and there is no significant impact on the residential amenity or the character of the area.
- Covenants and restrictions on Deeds and Land Registry enquiries.
- Advertisements which are exempt or benefit from deemed consent.
- Any development deemed to be “Permitted Development” by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015 or in any statutory instrument revoking and re-enacting that Order, ie where it does not need the permission of the Council.
- Clearing land of overgrowth, bushes or trees (provided the trees are not subject to a Tree Preservation Order or within a conservation area).

## **6.0 Enforcement action is discretionary**

6.1 In most cases it is not a criminal offence to undertake development without first obtaining planning permission or other formal consent.

6.2 The Government has made it clear through legislation and guidance that the response to an alleged breach of planning control is a matter for the discretion of the local authority. Not every breach of planning control justifies the taking of enforcement action.

6.3 The Council must make a judgement having regard to national planning policy (including the National Planning Policy Framework), Local Planning Policy (Test Valley Borough Revised Local Plan DPD 2011- 2029), case law and any other relevant planning considerations.

6.4 Guidance from Central Government is that enforcement action should be a last resort and that councils are expected to give those responsible for a breach of planning control the opportunity to put matters right or to seek to regularise the breach before resorting to formal action such as an Enforcement Notice. Any such service of a formal notice must be proportionate and commensurate with the alleged breach of planning control.

6.5 In exercising planning functions, the Council is required to consider whether enforcement action is in the public interest. At the same time, it is also under an obligation to act consistently with the European Convention on Human Rights (in particular, Article 8 – the Right to Respect for Home, Privacy and

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Family Life, Article 14 – Prohibition of Discrimination, and Article 1 of the First Protocol – Right to the Enjoyment of Property). Regard must also be had to the Public Sector Equality Duty as contained in the Equality Act 2010.

- 6.6 Any one or a combination of these factors may mean that the Council will decide **not** to take formal action in any particular case where there has been a breach of planning control. It **will** however take action where a breach causes significant harm.

## **7.0 How to report an alleged breach of planning control**

- 7.1 If someone believes that a breach of planning control has occurred, they should notify the Council's Planning Enforcement Team using one of the following options:
- By using the Council's Online reporting form which can be found at: <http://www.testvalley.gov.uk/forms/showform.asp>.
  - By telephone: 01264 368000.
  - By email to: [planning@testvalley.gov.uk](mailto:planning@testvalley.gov.uk).
- 7.2 In order for the Council to investigate your complaint you will need to provide the following information:
- The address of the site or directions (we may need a plan so that we know exactly where the site is).
  - What the breach of control is considered to be and when it first occurred.
  - The name and address of the landowner(s) and/or the person responsible for carrying out the works, if known.
  - Your name, postal address, email address and telephone number.
- 7.3 Anonymous complaints will not be investigated unless they relate to a serious breach of planning control involving for example:
- A matter of public health or safety. Such as development causing severe pollution problems.
  - The storage and handling of hazardous materials.
  - The development of contaminated land.
  - Works to protected trees.
  - Works affecting heritage assets.
  - There is evidence of significant irreversible harm.
- 7.4 The Council will determine whether the alleged breach merits further investigation. If complainants do not wish to give their personal details they will be advised to contact either their Local Borough Councillor or their Parish Council who may then contact the Planning Enforcement Team on their behalf.

## 8.0 What can you expect if you report an alleged breach of planning control?

### 8.1 We will:

- Investigate alleged breaches of planning control reported to the Council.
- Keep your personal details confidential at all times, unless required to disclose as part of Court proceedings.
- Register your complaint within 3 working days, providing you with an acknowledgement and reference number with a named officer as the point of contact.
- Check the site planning history.
- Visit the site within the requisite time period (see priorities below) – planning enforcement officers have powers to enter land at any reasonable hour to investigate alleged breaches of planning control, should access be required to a dwelling house 24 hours notice must be given, in accordance with S196A of the Town and Country Planning Act 1990.
- Take photographs when on site and measurements if necessary.
- Establish whether a breach of planning control has taken place.
- Find out the details of the landowner.
- Establish the identity of the person(s) responsible for carrying out the breach (if not the landowner).
- On occasion, the Council may issue a Planning Contravention Notice (PCN). This is a formal request for information.
- Keep you informed of the progress of the case and of any decisions made with regard to whether to take action or of what action will be taken and likely timescales involved.
- Actively pursue your complaint to a conclusion.
- Investigations into alleged breaches of planning control may take some time as cases can be complex and raise a variety of issues that need careful consideration. However, we will seek to conclude 80% of cases within 42 days of the date of receipt.
- In cases where we decide there has not been a breach of planning control we will close the case and notify you.
- In cases where there may be a technical breach of planning control, but the harm caused is insufficient to warrant formal action (non expedient) we will inform you of the reason(s) for not taking formal action and close the case.
- Negotiate with those responsible for any breach of planning control, allowing them the opportunity to resolve the matters of concern rather than issuing a formal Notice in the first instance, unless the breach is so serious it warrants immediate action or where negotiations become protracted with no real likelihood of success.

### 8.2 When a breach of planning control is found to have occurred and it is causing significant 'harm' the case will be pursued until such a time that the matter is

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satisfactorily resolved or the breach is regularised or found to be lawful or the decision is taken that it is not expedient to pursue any further for sound planning reasons.

- 8.3 In the event that a formal notice is served and not complied with, the Council will consider pursuing the case through the Magistrates' Court or Crown Court where necessary and appropriate. Exceptionally the Council may decide to carry out works required in an Enforcement or other Notice which is not being complied with and will seek to recover the costs of doing so. Such action will be pursued where resources allow.
- 8.4 We will not re-open a case that has been closed unless there is a significant new piece of information or change on site.

## **9.0 What happens if an allegation is made that you have breached planning control?**

- 9.1 If a complaint is received you will be contacted by an Enforcement Officer. In cases where access to a dwelling house is required the Enforcement Officer will give at least 24 hours notice. However the site inspection may be undertaken without any prior notification should it be considered detrimental to the investigation to give such notice. The purpose of this visit is to establish the facts and whether there is any basis to the allegations made. The investigating Officer will, where necessary, take measurements and photographs of the development or activity taking place.
- 9.2 Enforcement Officers do have a right to enter land to undertake an investigation, in accordance with Section 196A of Town and Country Act 1990.
- 9.3 If it is established that there is a breach of planning control you will be advised of the details of the breach and what steps need to be taken to either rectify the breach or regularise the situation. If you have no involvement with the identified breach no action will be taken against you although if you are the land owner, if an Enforcement Notice is issued, we are required to serve a copy on you.
- 9.4 You will be given a reasonable period of time (subject to the nature of the breach) to resolve any breach of planning control. If compliance is not secured through negotiations or the submission of a retrospective planning application, formal action may be instigated.

## 10.0 How we prioritise complaints

10.1 To make the most effective use of resources, complaints regarding suspected breaches of planning control will be assigned a Priority Rating depending on the nature of the breach and the degree of harm caused. Individual cases may be re-prioritised as the investigation progresses.

Priority	Alleged Breach Of Planning Control
1 Site Visit within 1 working day of receipt.	<ul style="list-style-type: none"> <li>• Unauthorised development/activity which is causing immediate and irreversible harm in the locality.</li> <li>• Unauthorised works to trees subject of a Tree Preservation Order or to trees in a conservation area.</li> <li>• Unauthorised works to a Listed Building.</li> <li>• Development which is likely to give rise to a serious risk of harm to public health, public safety or seriously compromise highway safety (including a Breach of Condition).</li> </ul>
2 Site Visit within 5 working days from receipt.	<ul style="list-style-type: none"> <li>• Stationing a new residential caravan in the countryside (including gypsy sites and travelling show people sites).</li> <li>• Works not in accordance with a planning permission.</li> <li>• Householder development.</li> <li>• Commencement of development (following the grant of planning permission) without discharging 'pre-commencement' conditions – except for issues such as landscaping or means of enclosure, which are unlikely to require immediate action.</li> </ul>
3 Site visit within 10 working days from receipt.	<ul style="list-style-type: none"> <li>• All other breaches of conditions.</li> <li>• Changes of use not covered by Priority 1 or 2.</li> <li>• Earthworks and changes to land levels.</li> <li>• Display of advertisements.</li> <li>• Agricultural developments.</li> <li>• Equestrian related developments.</li> <li>• Gates, walls, fences.</li> <li>• Satellite dishes.</li> <li>• Untidy land.</li> </ul> <p><u>(Note: adverts and fence issues may be increased in priority if highway safety issues are identified).</u></p>

## **11.0 What are the possible outcomes of an investigation?**

- 11.1 **No breach established** – Following a site inspection it may be found that there is no breach of planning control because, for example, the unauthorised use has ceased or the development is permitted development or no development has taken place.
- 11.2 **There is a breach of planning control but not considered expedient to pursue formal action** – Just because a breach may exist does not automatically mean that formal action will be taken. Enforcement powers are discretionary and should be used proportionately and so for minor and technical breaches, which cause little or no planning harm, it may be considered expedient not to pursue, ie the breach is too minor to warrant the time and public expense of pursuing further.
- 11.3 **The development is lawful and immune from enforcement action** - This is when unauthorised operational development commenced more than 4 years ago, or an unauthorised material change of use has been continuing for more than for 10 years, or where planning conditions imposed by way of a planning permission have been breached for a continuous 10 year period. In any such case, the person responsible for the breach is entitled to immunity from enforcement action. They may be asked to submit an application for a Certificate of Lawful Use or Development which will enable the Council to make a formal decision on whether the breach has become lawful by the passage of time and is therefore immune from enforcement action. These time limits may also be extended where there is evidence that the alleged breach has been deliberately concealed from the Council. This is explained in more detail below under the heading “Deliberate Concealment – Planning Enforcement Orders”.
- 11.4 **Negotiations take place to find a solution** – In accordance with Government guidance, the first priority is to try and resolve any breaches of planning control through negotiation. Only when such negotiations fail to secure a solution should formal action be considered. The Council will not however allow negotiations to become protracted where there is a need to make the development acceptable or where there is a requirement for a particular use to cease.
- 11.5 **Invitation to submit a retrospective application** – In accordance with Government advice, where a breach of planning control is considered to be acceptable in planning terms, the Council would invite the submission of a retrospective planning application for formal consideration by a planning officer.
- 11.6 A retrospective application will only be invited where we consider that there is a reasonable likelihood that permission or consent may be granted in line with Local and National planning policies or where a development may be made acceptable by way of the imposition of conditions. However, the fact that an application is submitted does not necessarily mean it will be approved.

11.7 **Under-Enforcement** - Where development has been carried out without planning permission, and where the development could be made acceptable by imposing conditions, a retrospective application may be invited. If after a reasonable period of time the owner or occupier of the land fails to submit such a planning application, consideration will be given to serving an Enforcement Notice which “under-enforces”; that is, it has the effect of granting planning permission subject to the terms of the Enforcement Notice being complied with in full. This will only be used where it is considered that the harm caused by the unauthorised development is such that it can be made acceptable if controlled by restrictions or requirements imposed by a Notice. In such circumstances the Council will notify the owner or occupiers of the land, the complainants and the Local Ward Borough Councillors, and where appropriate the Parish Council, of the intended course of action.

11.8 **Formal Action** - The Council considers that the harm caused by the unauthorised development is unacceptable and it is therefore necessary to take formal enforcement action to remedy the breach of planning control. The more common forms of enforcement action are listed below:

- The service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 that identifies a breach of planning control and requires specific steps to be undertaken to remedy the breach.
- The service of a Listed Building Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires specific steps to be undertaken to bring a listed building back to its former state or to carry out work to alleviate the effects of unauthorised works or to bring the building into the state it would have been if the terms of any listed building consent had been observed.
- The service of a Breach of Condition Notice (BCN) under Section 187A of the Town and Country Planning Act 1990 to secure compliance with conditions imposed on a planning permission.
- The service of a Stop Notice or a Temporary Stop Notice (TSN) under Section 183 and Section 171E of the Town and Country Planning Act 1990 requiring the cessation of unauthorised activities. A Stop Notice may only be served in conjunction with an Enforcement Notice referred to above. Before issuing a Stop Notice the Council will carry out a cost benefit analysis so that any costs incurred by the developer by having to stop works are fully taken into account and weighed against the harm being caused and the likelihood of planning permission being granted. A TSN is not issued in conjunction with an Enforcement Notice and will last a period of up to 28 days after it is served. There is no right of appeal against either a Stop Notice or a TSN.
- The service of a Notice under Section 215 of the Town and Country Planning Act 1990 requiring the proper maintenance of land and buildings.
- In extreme cases where the need arises proceedings for an injunction may be considered. The Council is entitled under s187B of the Town and Country Planning Act 1990 to seek to obtain an injunction in either the High Court or County Court in order to restrain a breach of planning control. Should there be non-compliance with an injunction, the person in breach

Test Valley Borough Council Planning Enforcement Plan 2019 will be in contempt of Court, and may be liable to financial penalty, or committal to prison.

11.9 If enforcement action is considered to be necessary, the Enforcement Team will instruct the Council's Legal Team and aim to issue an Enforcement Notice or other relevant Notice within 28 days of sending those instructions.

11.10 **Right of Appeal** - The recipient of an Enforcement/Listed Building Enforcement Notice has the right to lodge an appeal before the date on which the Notice takes effect (which must be at least 28 days from the date when the notice is served). Appeals are decided by an independent Planning Inspector and it will take several months, or longer in complex cases, before there is a formal decision. If there is an appeal interested parties will have an opportunity to make representations to the Planning Inspectorate.

11.11 **Failure to comply with the requirements of a Notice** - Where a landowner/occupier or other person responsible for a breach of planning control does not comply with an Enforcement Notice (after either the appeal process has been exhausted and the Notice has been upheld or the Enforcement Notice has come into effect without an appeal being made), the Council can:

- Take direct action to remedy a breach. Where such action is taken the Council will seek to recover the costs of undertaking the works from the landowner, including charging the land with the costs incurred. Whilst this can be an effective way to secure compliance with an Enforcement Notice, it can also involve a significant cost to the Council. Such action will, therefore, only be considered in exceptional circumstances, and will be subject to appropriate resources being identified.
- Prosecute land owners who fail to comply with an Enforcement Notice within the compliance period. In most cases this will be the preferred method.
- Prosecute land owners who have committed other criminal offences such as unauthorised works to protected trees and listed buildings and the display of advertisements without consent.
- Apply to the County Court or High Court for an injunction in serious cases.

## **12.0 Enforcement Register**

12.1 The Council has a statutory duty to hold and maintain an enforcement register. This records details and basic information about what notices have been issued. The notices contained in the register are:

- Enforcement Notices
- Breach of Condition Notices
- Full Stop Notices
- Temporary Stop Notices.

12.2 The enforcement registers are public records and hard copies of the notices can be viewed at Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ.

### **13.0 Deliberate concealment - Planning Enforcement Orders**

- 13.1 In accordance with Sections 171BA, 171BB and 171BC of the Town and Country Planning Act 1990, as amended by the Localism Act 2011, the Council can apply to the Magistrates' Court for a Planning Enforcement Order to be made if it finds that an owner/occupier has deliberately concealed an unauthorised development.
- 13.2 In these circumstances, the Council will need to produce evidence that the owner/occupier has taken positive steps to conceal the unauthorised development, rather than merely refraining from informing the Council about it. An application must be made within 6 months, starting with the date on which sufficient evidence of the apparent breach came to the Council's knowledge.
- 13.3 If a Planning Enforcement Order is made, the Council is able to take enforcement action in relation to a breach of planning control notwithstanding that the time limits for taking enforcement action may have expired. If an Order is granted the Council has a further 12 months to complete its investigations and take formal action.

### **14.0 Other useful links**

<http://www.testvalley.gov.uk/>

[https://www.planningportal.co.uk/info/200125/do\\_you\\_need\\_permission/90/interactive\\_house](https://www.planningportal.co.uk/info/200125/do_you_need_permission/90/interactive_house)

<https://www.gov.uk/guidance/ensuring-effective-enforcement>

<http://www3.hants.gov.uk/archives/hals-collections/hedgerows.htm>

<https://www.hants.gov.uk/transport/parking/droppedkerbs>

<http://www3.hants.gov.uk/mineralsandwaste/monitoring-and-enforcement-homepage.htm>

<https://www.gov.uk/government/organisations/environment-agency>

<https://www.gov.uk/government/organisations/land-registry>

<https://www.citizensadvice.org.uk/>

## ITEM 10

## Planning Advisory Panel

Report of the Planning Portfolio Holder

### Recommended:

**That the approach set out in paragraph 5.3.1 to paragraph 5.3.5 of the report regarding the arrangement and membership of the Planning Advisory Panel be agreed**

#### SUMMARY:

- To review the arrangements and membership of the Planning Advisory Panel

### 1 Introduction

- 1.1 Members play a valuable role in the formulation and review of planning policy. The Council's informal member's panel, the Planning Advisory Panel, provides the forum for members to be briefed and views to be raised.
- 1.2 The Planning Advisory Panel was last reviewed in 2016 the outcome of which was agreed by Cabinet. There is now an opportunity to revisit that review and update the arrangements and membership of the panel.

### 2 Background

- 2.1 Planning policy documents establish the planning framework for the Borough. The Head of Planning Policy is responsible for advising the Council and Portfolio Holder on planning policy issues at a national, sub regional and local level. There is also the responsibility for taking planning documents through the necessary processes and monitoring their application.
- 2.2 These documents, whether it is the Development Plan Document or Supplementary Planning Documents, are approved and adopted at meetings of the Council. This provides the forum for all Members to formally debate the content of planning policy documents.
- 2.3 As a mechanism for greater Member involvement in the planning policy process an informal Planning Advisory Panel (PAP) was established. These meetings provided opportunity for Members to be briefed on planning policy and for them to raise any issues they may have. The PAP is not a decision making body.
- 2.4 The PAP is long established however the function and role of councillors in the PAP was considered as part of the OSCOM review into member involvement in the preparation of planning policy. This review reported to Cabinet on 1 June 2016 and its recommendations were approved. A subsequent OSCOM review was reported to Cabinet on 2 November 2016 and was noted.

- 2.5 The 1 June approval triggered a number of differences in how the previous PAP was organised. This included agreeing the standing membership and the process for all members to be involved. As part of the 1 June report it was identified that the amended process would be reviewed once there had been opportunity for those recommendations to be put in place. Since that time officers have been able to review the recommendations effectiveness and which allows for the current arrangements to be updated.

### **3 Corporate Objectives and Priorities**

- 3.1 Improving the way in which the Council develops and implements its planning policies will help, either directly or indirectly, deliver the corporate objectives.

### **4 Consultations/Communications**

- 4.1 Ensuring that Councillors are briefed on the strategic planning process for the Borough is key. The recommendations proposed aim to improve that ongoing involvement with all Members.

### **5 Options**

- 5.1 There remains value in having a forum in which Councillors can be involved in the preparation of planning policy documents. Their experience can, albeit on an informal basis, help inform possible future reviews of policy in combination with other material factors e.g. case law, national guidance etc.

- 5.2 Given the early stage of the Local Plan there now is an opportune time to review and update PAP. As changes are recommended it is necessary to do this via Cabinet given the previous approval process.

- 5.3 Having reviewed the current approach a number of proposals are recommended:-

- 5.3.1 The 1 June 2016 Cabinet report listed those portfolio titles and committee chairman which would comprise the standing membership. Since that time changes have been made to both the portfolios and committee structure meaning the composition is out of date. It is recommended that PAP would continue to have a standing membership of 16 Councillors. PAP is not an ordinary committee of the Council so rules of proportionality do not apply. However it is suggested that the standing membership is informally politically proportionate with each group putting forward members. It is proposed that Cabinet members with a portfolio that has links to land use planning would form part of that standing membership;

- 5.3.2 That the frequency of the meetings changes from one per month to once every two months with additional sessions factored in as required e.g. at key milestones of the local plan;

- 5.3.3 All members would have the opportunity to attend PAP and would be notified of meetings via the Members Information Bulletin;

- 5.3.4 Papers would be circulated electronically, unless the nature of the item requires hard copies to be produced; and

5.3.5 That the Planning portfolio holder continues to chair PAP with other portfolio holders being requested to vice chair in the Planning portfolio holders absence.

5.4 To supplement PAP member workshops/ briefing sessions will continue to be had to help provide a greater understanding of policy issues and opportunity for better engagement with officers. For example in the drafting of the Issues & Options document all member workshops were held. This allowed members to highlight particular concerns

## **6 Option Appraisal**

6.1 The recommendations are relatively minor and are intended to help continue Member involvement in planning policy as well as reflecting an update to the administration of the PAP. There would be no benefit in continuing with the existing arrangements and would not reflect the current situation with regards to membership.

## **7 Risk Management**

7.1 This report is for information purposes so the Council's Risk management process does not need to be applied.

## **8 Resource Implications**

8.1 The resources required to facilitate the Planning Advisory Panel can be met via existing budget. There is a benefit in only providing electronic copies of any papers.

## **9 Legal Implications**

9.1 The proposed continued use of a panel to assist the Head of Planning Policy and Transport in the preparation of policy documents does not raise any legal issues provided that it acts in a purely advisory capacity and is not a decision making body.

## **10 Equality Issues**

10.1 An EQIA screening had been completed in accordance with the Council's EQIA methodology and no potential for unlawful discrimination or negative impact has been identified, therefore a full EQIA has not been carried out.

## **11 Other Issues**

11.1 Community Safety - none

11.2 Environmental Health Issues - none

11.3 Sustainability and Addressing a Changing Climate - none

11.4 Property Issues - none

11.5 Wards/Communities Affected – all

**12 Conclusion and reasons for recommendation**

12.1 Members have an important role to play in the process of preparing, approving and implementing the Council’s planning policies. The proposed recommendations outlined in section 5 allow for the current arrangements to the Planning Advisory Panel to be updated.

<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:	0	File Ref:	Pp2-2
(Portfolio: Planning) Councillor Adams-King			
Officer:	G Smith	Ext:	8141
Report to:	Cabinet	Date:	11 September 2019

## **ITEM 11                      Adoption of the International Holocaust Remembrance Alliance Working Definition of Antisemitism**

Report of the Head of Legal and Democratic Services

### **Recommended:**

**That the International Holocaust Remembrance Alliance working definition of antisemitism is adopted; namely “Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish Community institutions and religious facilities”**

#### **SUMMARY:**

- The purpose of this report is to consider the adoption of the International Holocaust Remembrance Alliance working definition of Antisemitism.

### **1        Introduction and background**

- 1.1    The International Holocaust Remembrance Alliance (IHRA) is an international organisation consisting of 32 member countries, including the United Kingdom, bringing together member governments to strengthen, advance and promote Holocaust education, research and remembrance.
- 1.2    In May 2016 the IHRA adopted a working definition of antisemitism and set out some contemporary examples of antisemitism in public life, the media, schools, the workplace and the religious sphere. The definition states:  
  
“ Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish Community institutions and religious facilities”
- 1.3    In December 2016 the UK Government, recognising that antisemitism continues to be a problem in this country also formally adopted the definition and numerous Local Authorities have gone on to adopt it also.
- 1.4    It is proposed that Test Valley Borough Council adopts the IHRA’s working definition.

## **2 Options**

- 2.1 The options are to either adopt the definition or not. Adopting a clear and consistent definition of antisemitism supports the Council's equalities objectives and would provide residents of and visitors to the Borough with reassurance that antisemitism will not be tolerated.

## **3 Risk Management**

- 3.1 A Risk Management questionnaire has been completed and indicates this report does not require a risk assessment because the changes/issues covered by this report are not significant in terms of risk or have previously been considered.

## **4 Resource Implications**

- 4.1 No resource implications are identified.

## **5 Legal Implications**

- 5.1 There are no legal implications, save that adoption of the definition would support the Council's equalities objectives and duties as further described below.

## **6 Equality Issues**

- 6.1 No adverse equality issues are identified. Adopting the IHRA definition of antisemitism would support the Council's obligations under the Equality Act 2010 including its duty under the Public Sector Equality Duty to have due regard to the need to -
- (a) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act;
  - (b) advance equality of opportunity between people who share a protected characteristic and those who do not; and
  - (c) foster good relations between people who share a protected characteristic and those who do not.

## **7 Other Issues**

- 7.1 None are identified.

## **8 Conclusion and reasons for recommendation**

- 8.1 It is recommended that the IHRA working definition of antisemitism is adopted.
- 8.2 Whilst the definition is not legally binding, adoption would support the Council in meeting its obligations under the Equality Act 2010 in providing a clear definition of antisemitism and assisting in identifying antisemitism where it may exist.

<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:	None	File Ref:	N/A
Portfolio: Leader			
Officer:	Karen Dunn	Ext:	8401
Report to:	Cabinet	Date:	11 September 2019

**ITEM 12**

**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 the following report(s) 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:**

**Item 13 Estates Property Matters**

**Item 14 Estates Property Matters**

**Paragraph 3**

It is considered that these reports contain 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 any particular person including the authority holding that information.