

Notice of Meeting

Council

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

Date: Wednesday 10 April 2019

Time: 4.00 pm

Venue: Main Hall, Crosfield Hall, Broadwater Road, Romsey, Hampshire,
SO51 8GL

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,
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SP10 3AJ

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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 10 April 2019

AGENDA

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

- 1 Prayers**
- 2 Apologies**
- 3 Public Participation**
- 4 Declarations of Interest**
- 5 To approve the minutes of the meetings of the Council held on 25 February 2019 and 13 March 2019 (less exempt minute)**
- 6 Mayor's Announcements**
- 7 To receive and adopt Committee reports 4 - 30**

To receive and, where necessary, adopt reports of Committees
- 8 Questions on resolved items - Rule 11.1**
- 9 Questions under Rule 11.2**
- 10 Notice of Motion - Rule 12**
- 11 Review of Area Planning Committees 31 - 58**

To consider a recommendation to revise the Area Planning Committee structure.
- 12 Change of Time of Full Council 59 - 61**

To consider a proposal to change the starting time of Full Council Meetings.

ITEM 7 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).

7.1 To receive the minutes of the following meetings:

- 7.1.1 Cabinet – 13 February 2019
- 7.1.2 Southern Area Planning Committee – 19 February 2019
- 7.1.3 Overview & Scrutiny Committee – 20 February 2019
- 7.1.4 Northern Area Planning Committee – 7 March 2019
- 7.1.5 General Purposes Committee – 12 March 2019
- 7.1.6 Southern Area Committee – 12 March 2019
- 7.1.7 Cabinet – 13 March 2019
- 7.1.8 Overview & Scrutiny Committee – 20 March 2019
- 7.1.9 Northern Area Planning Committee – 28 March 2019
- 7.1.10 Southern Area Planning Committee – 2 April 2019

(Note: in relation to 7.1.8, 7.1.9 and 7.1.10 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.)

7.2 To adopt recommendations from the following:

- 7.2.1 Cabinet – 13 March 2019
- 7.2.1.1 Corporate Plan 2019 – 2023 (APPENDIX)

The Council's current Corporate Plan "Investing in Test Valley" was approved in 2015 and adopted for a four year period, to April 2019. A new draft proposed Corporate Plan had been developed for the next four years, 2019-2023.

The draft proposed Corporate Plan outlined the Council's priorities for Test Valley for the four year cycle of the newly elected Council. The Corporate Plan provided a focus for the services provided by the Council, informing decisions and the allocation of resources.

The plan had been developed using a robust evidence base, taking into account the views of local residents, external influences and statistical bases.

The draft proposed Corporate Plan outlined the Council's vision and priorities for the Borough over the next four years of the newly elected council. It set the direction and provided a focus for all the Council's projects and services. As a result it directly informed decision making and allocation of resources across the Council.

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

Recommended:

- 1. That the draft proposed Corporate Plan for 2019-2023 be approved.**
- 2. That the Policy Manager, in consultation with the Leader, be authorised to make changes of a minor nature to improve the presentation of the document and correct typographical errors prior to publication.**

Report to Cabinet – 13 March 2019

APPENDIX

ITEM

Corporate Plan 2019-2023

Report of the Leader

Recommended:

- 1. That the draft proposed Corporate Plan for 2019-2023 be approved.**
- 2. That the Policy Manager, in consultation with the Leader, be authorised to make changes of a minor nature to improve the presentation of the document and correct typographical errors prior to publication.**

Recommendation to Council

SUMMARY:

- The Council's current Corporate Plan "Investing in Test Valley" was approved in 2015 and adopted for a four year period, to April 2019. A new draft proposed Corporate Plan has been developed for the next four years, 2019-2023. (Annex)
- The draft proposed Corporate Plan outlines the Council's priorities for Test Valley for the four year cycle of the newly elected Council. The Corporate Plan provides a focus for the services provided by the Council, informing decisions and the allocation of resources.
- The plan has been developed using a robust evidence base, taking into account the views of local residents, external influences and statistical bases.

1 Introduction

- 1.1 The Corporate Plan is a key corporate document, at the heart of the Council's strategic policy framework. The Corporate Plan sets out key priorities and can be used in conjunction with the Local Plan and the Medium Term Financial Strategy to view the overarching strategic plans for the Council.
- 1.2 The current Corporate Plan "Investing in Test Valley" ends in April 2019. A new draft proposed Corporate Plan has been developed for the Council cycle of 2019-2023. The Draft Proposed Corporate Plan is attached in the Annex.
- 1.3 The Corporate Plan is underpinned by the Corporate Action Plan (CAP), which runs for the lifetime of the Corporate Plan. The CAP details the annual progress of the Corporate Plan through the delivery of key projects. A new CAP is being developed alongside the Draft Proposed Corporate Plan; this will be considered by Cabinet in July 2019.

2 Background

- 2.1 The draft proposed Corporate Plan has been developed using a robust evidence base, taking into account the views of local residents, external influences and statistical bases.
- 2.2 During the summer of 2018 councillors and officers attended more than 70 events throughout the Borough, carrying out a consultation which has taken into account the views of 2000+ local residents. This also included a targeted approach to engage with residents who would normally be considered harder to reach. More details on the Corporate Plan consultation can be found under Section 5.
- 2.3 The draft proposed Corporate Plan has been developed in an inclusive way, with Councillors playing an active and collaborative role in its development. This has included sessions with Portfolio Holders and multiple OSCOM roundtables, enabling members to inform the priorities which come together in the draft proposed Plan.

3 New Corporate Priorities

- 3.1 The draft proposed Corporate Plan, **Growing our Potential**, builds on the priorities from the current Plan, "Investing in Test Valley". Over the last four years resources and skills have been invested to achieve the best results for communities in Test Valley. This has developed real potential within our communities and the new plan seeks to grow this further, enabling people to play their part in improving quality of life across the Borough.
- 3.2 The proposed strategic priorities for the new Corporate Plan have been developed with the ethos of Growing Our Potential. The strategic priorities are therefore entitled:

Growing the potential of...

- **Town Centres** to adapt and be attractive, vibrant and prosperous places
 - **Communities** to be empowered, connected and able to build upon their strengths
 - **People** to be able to live well and fulfil their aspirations
 - The **Local Environment** for current and future generations
- 3.3 Throughout the draft proposed Corporate Plan there is a focus on the continuation and strengthening of place-based working within communities. The Council will continue to play an enabling role in supporting communities and local people as part of its community leadership function. The new Plan is also focused on a commitment to promote and secure inclusive growth, ensuring social and economic benefits are delivered for communities across the Borough. Our commitment to supporting a thriving economy sits at the very heart of this approach and is therefore reflected across all of the strategic priorities within the plan.

4 Corporate Objectives and Priorities

- 4.1 The Corporate Plan is a key corporate document at the heart of the Council's strategic framework. The Corporate Plan sets out the medium term priorities and can be used in conjunction with the Local Plan and the Medium Term Financial Strategy to view the overarching strategic plans for the Council.
- 4.2 The draft proposed plan has been built on the strong foundations of the last plan. Elements of the previous document will live on in the new corporate priorities, recognising that much of what we are working on now will still require focus beyond a four year cycle. It is therefore anticipated that some of the current Corporate Action Plan (CAP) projects will be transferred from the existing CAP to the next one, following the adoption of the new plan.
- 4.3 In developing the plan we have looked closely at internal and external influences on the Borough which may provide challenges or opportunities in the lifetime of the next Corporate Plan. These challenges include the changing nature of town centres and the role of the Council to encourage inclusive growth in our towns. In addition, there is the importance of sustaining vibrant rural communities and ensuring the right infrastructure and support is provided in these areas. Any decision made in the lifetime of the draft proposed Corporate Plan will also need to take account of preserving and enhancing natural assets for future generations. There are also uncertainties relating to the financial environment in which Local Government continues to operate within, so there will be an ongoing focus on sustaining financial resilience and delivering value for money.

5 Consultations/Communications

- 5.1 The consultation carried out for the development of the draft proposed Corporate Plan was robust, with the views of more than 2000 local people being gathered.
- 5.2 Councillors and Officers attended more than 70 events throughout the summer of 2018 in communities across the Borough. As well as these events, the surveys were taken to individual community groups and meetings in order to get opinions from as wider range of people as possible. These events included attending a Nepalese community event, disability groups and mother and toddler groups. Attending events in this way meant that councillors were able to gain a greater level of detail in the responses given by the public, and therefore a greater understanding of resident's priorities.
- 5.3 As part of this consultation the Council sought to make the most of digital opportunities. Social media and an online survey tool were utilised to increase the reach to residents. On the homepage of the Test Valley Borough Council website there was a link to the Corporate Plan survey, enabling a greater reach than in previous years.
- 5.4 The feedback from residents highlighted the importance of community spirit and activities being available in people's local area. There was a strong focus on the changing nature of town centres and what people would like to see in them for the future. There was also an increased emphasis and a high value placed on the green spaces and recreational facilities people use, with residents keen to look after their surroundings and recycle more.

6 Options

- 6.1 For Cabinet to endorse the draft proposed Corporate Plan, endorse the draft proposed Corporate Plan with amendments, or not to endorse the draft proposed Corporate Plan.
- 6.2 For Council to approve the draft proposed Corporate Plan, approve the draft proposed Corporate Plan with amendments or not to approve the draft proposed Corporate Plan.

7 Risk Management

- 7.1 An evaluation of the risks indicates that the existing controls in place mean that no significant risks have been identified at this time.

8 Resource Implications

- 8.1 There are no direct resource implications arising from this report.
- 8.2 The draft proposed Corporate Plan, will guide the extent to which future resources are allocated to projects that form the Corporate Action Plan. Projects will be subject to the Council's corporate project management framework which will assess and consider resourcing implications.

9 Legal Implications

- 9.1 There are no legal implications arising from this report.

10 Equality Issues

- 10.1 An Equality Impact Assessment has been carried out in relation to the Corporate Plan and there are no positive or negative impacts that have been identified at this time. This conclusion has been reached as the Plan has been developed as part of an inclusive process which aims to service the entire community within Test Valley. This is in keeping with the Council's objectives to be an organisation of excellence and improve the quality of life for all residents.
- 10.2 The draft proposed Plan has also incorporated the Council's Equalities Objectives. These updated objectives include strengthening the Council's evidence-led methodology with a suite of engagement tools and processes to enable those with protected characteristics to have their views understood and shared. The Council's approach to understanding the experience of service users will therefore be strengthened and embedded as practice, ensuring those with protected characteristics perspective is heard.
- 10.3 The protected groups will continue to be considered throughout the lifetime of the Corporate Plan with the Corporate Action Plan providing an opportunity for all projects to go through an EQIA process as part of the council's project management framework.

11 Other Issues

- 11.1 Sustainability and Addressing a Changing Climate – The Corporate Plan recognises the long term challenges and opportunities around preserving natural assets for future generations and balancing this with other aspirations and commitments such as economic growth. A specific strategic priority in relation to growing the potential of the environment for current and future generations has been identified to reflect this.
- 11.2 The areas of work identified in the Corporate Plan and Corporate Action Plans will enable further consideration of sustainability and climate change matters, including supporting the objectives of the Council's Sustainability Framework (2017).
- 11.3 Wards/Communities Affected - All

12 Conclusion and reasons for recommendation

- 12.1 The draft proposed Corporate Plan outlines the Council's vision and priorities for the Borough over the next four years of the newly elected council. It sets the direction and provides a focus for all the Council's projects and services. As a result it directly informs decision making and allocation of resources across the Council.

<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: Leader) Councillor Phil North			
Officer:	James Moody / Catherine Pritchard	Ext:	8130
Report to:	Cabinet	Date:	13 March 2019



Welcome to Test Valley Borough Council's Corporate Plan 2019-2023

Growing Our Potential

We are an ambitious, innovative and optimistic council. Our new Corporate Plan, Growing Our Potential, is focused on how we can build upon the strengths of the Borough and its communities to improve the quality of life across Test Valley.

Our ambition to grow potential is underpinned by our investing approach which is more than just about money; it is about devoting our energy, skills and resources to the right things at the right time.

The Borough is rich in community, environmental and economic assets. This is resulting in more people wanting to live and work in Test Valley. It is also at the heart of what makes the Borough an attractive place to visit and enjoy, whether it be the renowned high street of Stockbridge, the attractions of historic Romsey or Andover's green spaces and state-of-the-art leisure facilities.

Our culture of, and commitment to, place-based working continues to be at the centre of how we will do business through this new Plan. It is central to our making well-informed decisions which reflect the needs of all communities in order to ensure that not just those who shout the loudest are heard.

This sets the context for our new strategic priorities, drawing upon our enabling and community leadership role. We aim to tackle the issues which are the most important for our communities,

including businesses, in a way which builds upon their strengths.

We are seeking to create, and sustain, successful, vibrant and prosperous communities within Test Valley. We are passionate about playing our part in delivering inclusive growth, so that our residents reap both social and economic benefits, resulting in greater access to opportunities and improved wellbeing.

In developing this plan we have engaged with more than 2000 residents to gain an understanding of what is most important to them. Key issues, such as the future vitality of our towns and rural communities, the ability to access a decent home, a thriving local economy and looking after the local environment, all featured highly. We are also seeking to address some of the challenges our communities face, and respond to national trends such as the changing nature of town centres, tackling homelessness and exploring opportunities so that people can recycle more.

Together these issues not surprisingly form the focus of our new strategic priorities so that we can grow the potential of:

- **Town Centres**
- **Communities**
- **People**
- **Local Environment**



We will deliver the priorities of this Plan through our Corporate Action Plan that will also run from 2019 to 2023 and will be updated annually. This will show how we intend to make progress by detailing the specific actions that we will take forward against each of the priorities.

This plan has been built on the strong foundations of the previous plan. We recognise that much of what we are working on now will require focus beyond the next four years, just as elements of the previous plan continue to feature within our new strategic priorities.

To deliver on those priorities we must retain a clear focus on maintaining financial resilience within a challenging climate for local government and crucially, ensuring value for money for our residents.

We passionately believe that the potential of our communities and the Borough's many other assets provide the springboard for delivering our shared ambitions.



Cllr Phil North
Leader of the Council



Roger Tetstall
Chief Executive

What is the Corporate Plan?

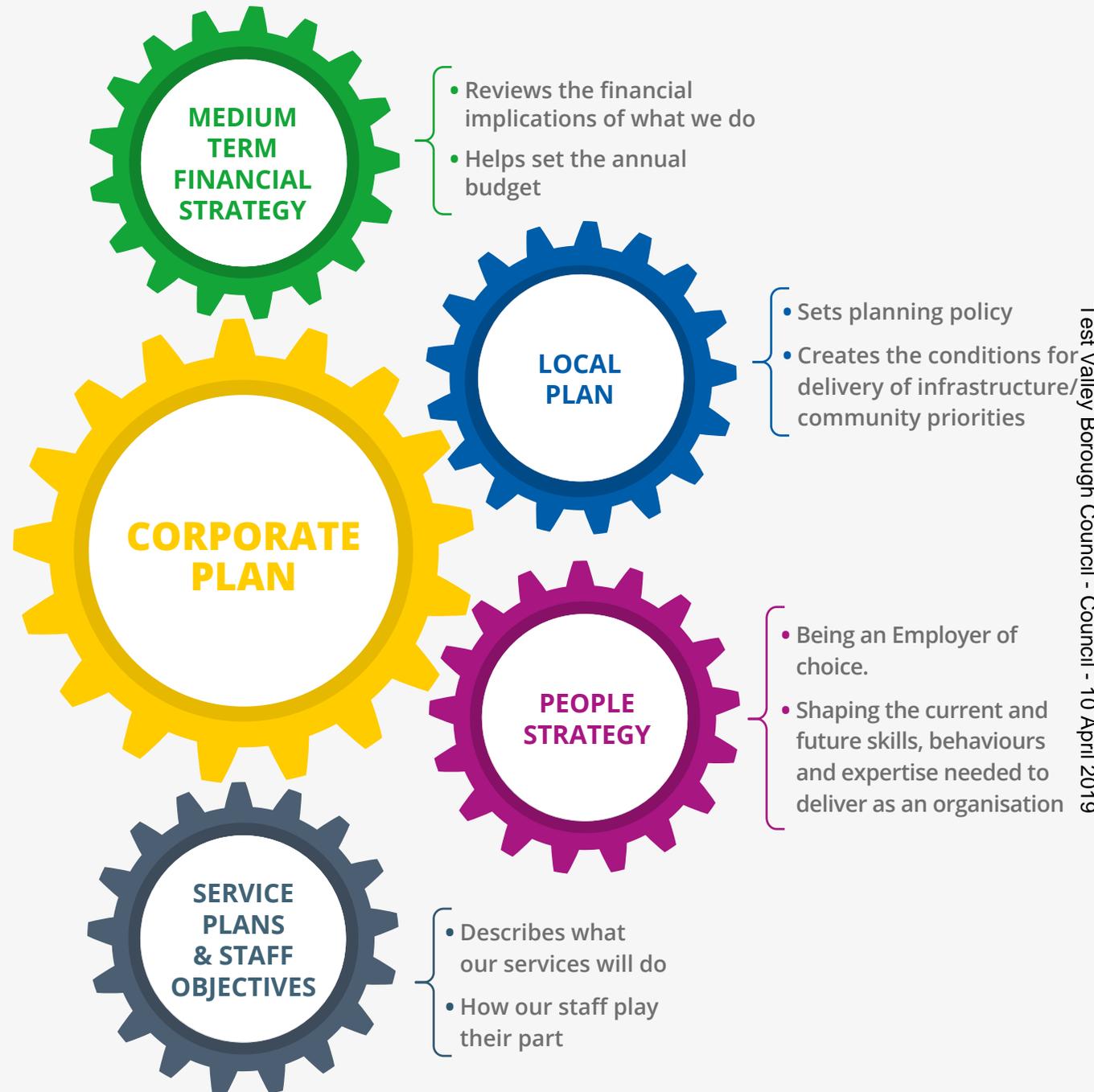
The Corporate Plan outlines the Council’s vision and priorities for Test Valley over the next four years. It sets our direction and provides a focus for all of our activities and services. As a result, it informs decision making and the allocation of resources across the Council.

The Corporate Plan in context

The Corporate Plan is an important link in the Council’s overall strategic planning framework. It describes the links between the key planning documents, which together will help us to deliver our priorities.

We also use the Corporate Plan as our contribution towards meeting the long-term aspirations for the Borough that we share with our partner organisations, through the Test Valley Partnership.

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How we develop the plan and our priorities

1. We start with four important principles:

Vision led

We aim to be an organisation of excellence committed to improving the quality of life of all the people of Test Valley.

Values driven

We are committed to high standards in everything we do, shaping our behaviours and building our reputation in the eyes of our residents.

Our five values are:

 **Accountability**

 **Integrity**

 **Empowerment**

 **Inclusiveness**

 **Ambition**

Democratically accountable

Our councillors, elected by local people, shape what we do and bring together the needs and expectations of the communities they represent in order to make balanced decisions.

Evidence-based decision making

We seek to understand the key issues and then we take a full assessment of what is needed and why.

2. We build the evidence base

Public engagement:

During the summer of 2018, local councillors and officers attended more than 70 events across the Borough and engaged with more than 2,000 residents about what was important to them and would improve their quality of life. Residents were also invited to complete a survey online. This was advertised through social media, online videos and a link on our website.

We used creative methods to engage with different groups, including organising competitions, games and workshops. In addition we actively took part in events organised by communities such as Andover Parkrun. By attending local events, setting up smaller focus groups and inviting residents to share their views online we now have a greater understanding of what is important to our residents which has helped us to shape our strategic priorities.

An inclusive approach:

Inclusiveness forms one of the Council's five values and sits at the heart of our evidence-

based approach. Reflecting the needs of all communities in order to ensure that not just those who shout the loudest are heard is a prerequisite to making well-informed decisions.

The Council's Equality Objectives are published as part of the Corporate Plan. They provide the framework in which the Council ensures an inclusive approach as part of our duties under the Equality Act.

Objective 1: To strengthen the Council's evidence-led approach for developing new policy and strategy. By developing a suite of engagement tools and clear processes that will enable the needs and views of people who share a protected characteristic to be understood.

Objective 2: To strengthen the Council's approach to understanding the experience people have of the services they receive. We will develop ways in which the views of people who share a protected characteristic are sought as part of reviewing how services are provided.

3. We ask Councillors to consider and balance the evidence gathered to shape our priorities

Our councillors set the priorities for the next four years and beyond. Their role has been to set the priorities of the Plan by considering and balancing the evidence and information collected to inform what the Council will do over the next four years and beyond.

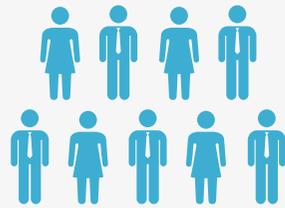
About Test Valley



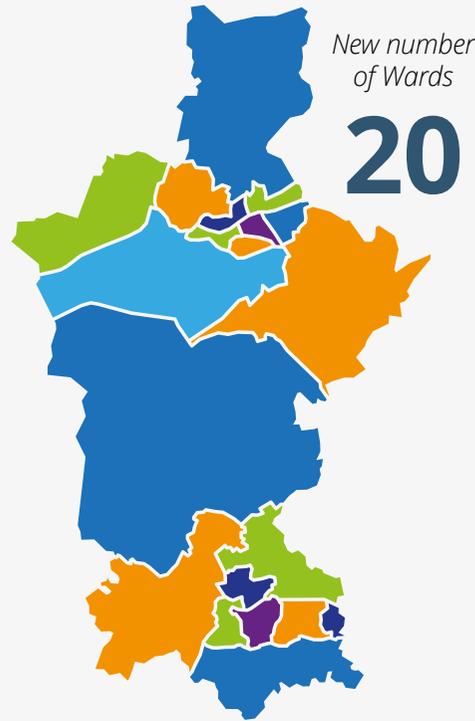
Population (2019 predictions SAPF)



5.6% increase



Estimated 2023 population



5.4% increase



43



Housing type



9

Local nature reserves



7

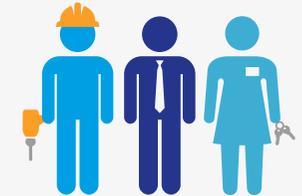
times winner of Federation of Small Businesses awards



Over £1 Million awarded to communities through CAF Grants 2015-19

3

open spaces with Green Flag award standard



ANNEX

Public feedback

Overall, the residents of Test Valley expressed their aspirations and determination to support and develop their Borough. They care greatly about the place they live and want to see it grow and develop in a way that supports them and their communities.



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Residents highlighted their ambitions and aspirations for Test Valley's town centres

- More events and activities.
- Amenities such as family friendly restaurants and leisure facilities.
- Good availability of local services and transport links.
- Many people recognised that town centres are changing, becoming less retail focused and developing into destinations where people can enjoy social activities.

Residents are keen to take part in more leisure activities across the Borough making the most of Test Valley's green spaces.

- Being able to easily access the countryside and green spaces within Test Valley.
- More accessible and well-linked cycling and walking routes.
- Continued investment in our green spaces and nature reserves.



Test Valley's residents care about their local environment and want to recycle more.

- They would like to have more opportunities to recycle.
- More, clearer information about what they can recycle and how they can play their part.

Community spirit is something that residents rate highly.

- Increasing importance of helping our neighbours.
- Getting involved in activities in their local community.
- People want to do more but time is viewed as a barrier.



Looking ahead: Challenges and opportunities



In developing this Plan we have been looking ahead to understand the strategic challenges we will face over the next four years and beyond. Understanding these challenges means that we can also view them as opportunities and can continue our programme to do things better for our residents.

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Encouraging inclusive growth within our towns

Our challenge is to ensure that the benefits of growth impact positively on all of our communities. For example, as new people locate to Andover and Romsey it is imperative that we are agile in future-proofing our town centres as places that bring communities together.

Sustaining vibrant rural communities

Around a third of the Borough's population lives within our rural areas. We need to explore what more we can do to champion the ongoing sustainability of our rural communities. By working with local people and key partners to ensure that the right homes are in the right places, underpinned by appropriate infrastructure to enable our villages to be great places to live, work, enjoy and visit.

Preserving the natural assets of Test Valley for future generations

Through our strategic planning, we will continue to ensure that we balance our commitments to housing delivery and economic growth, alongside preserving and enhancing the natural environment as a place to enjoy and spend time.

Maintaining financial resilience in an uncertain environment

The Council is committed to delivering high quality services. Through our investing ethos this has created the space in which to manage financial challenges in a sustainable way. Investing, however, does not mean that the Council has moved away from saving money or challenging ourselves to think differently. Our focus in the medium term is very much on managing the key financial risks associated with ongoing changes in how local government is funded.

Developing our workforce to be fit for the future

Our people (officers and councillors) are our greatest asset. We must continue to build upon our commitment of investing in their growth and future-proofing our workforce through the development of a People Strategy so that we have the right skills, attitudes and behaviours to ensure that we are best placed to continue to deliver high quality services for our residents.

Our Investing Approach

We are an ambitious, innovative and optimistic Council. Operating within an environment in which there is an ever increasing demand on our services within tough financial conditions, we have sought to develop and embed our “investing philosophy” at the heart of how we do business as an organisation.

Investing is about more than just money; it is about devoting our energy, skills and resources to achieving the best results for our residents and communities. To achieve this, our operating model underpins our approach and how we pursue the ambitions of this plan. It enables us to undertake a full business assessment of our existing and potential activities and opportunities, so that we can make the right decisions about where to invest. This means we can be confident that we are taking an efficient and effective approach and delivering value for money for our residents.

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Our Priorities

Using our investing approach we will **grow the potential of...**

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Town Centres

to adapt and be attractive, vibrant, and prosperous places



Communities

to be empowered, connected and able to build upon their strengths



People

to be able to live well and fulfil their aspirations



The Local Environment

for current and future generations



Growing the potential of Town Centres

to adapt and be attractive, vibrant and prosperous places

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Test Valley Borough Council - Council - 10 April 2019



Town Centres



Over the next four years and beyond we will invest in:

1. Taking this once in a generation opportunity to respond to the changing face of the High Street. Future-proofing our town centres to be accessible places where people live, shop, work and spend their leisure time.
2. Enhancing public realm and improving the appearance and environment of our town centres.
3. Making our town centres attractive places for inward investment to attract more jobs and increase footfall.
4. Working with Andover Vision and Romsey Future to ensure that growth within our town centres benefits all of our communities.

What's going to happen as a result?

- We shall involve the people of Andover in the development of a Masterplan so that they can contribute to shaping the future of the town centre, together with Andover Vision, the Business Improvement District (BID) and other interested parties.
- We will bring forward proposals for the regeneration and re-development of Andover town centre to support the future demand for business, leisure and residential opportunities.
- In partnership with Romsey Future we will develop a Vision and Masterplan as a blueprint for the future development of land south of Romsey town centre.
- Working closely with local businesses, we will support the development of the new BID in Andover town centre, delivering on its priorities to increase footfall and improve the High Street.
- In Romsey we will work with local businesses and stakeholders through Romsey Future to promote the town's tourism and visitor offer.
- We shall work with the EM3 Local Enterprise Partnership in pursuance of their strategic growth ambitions. In particular, we will also explore the opportunities presented by the use of changing technology.
- Through the review of our Local Plan, we will provide a long-term strategic overview of what is needed in our town centres, within an ever changing environment, putting in place the mechanisms to enable delivery.



Growing the potential of **Communities**

to be empowered, connected and able to build upon their strengths





Communities



Over the next four years and beyond we will invest in:

1. Building upon our positive track record of working with communities. We will do this by harnessing the strengths that exist within communities, so that local people are able to contribute and play an active role.
2. Bringing local communities together alongside their councillors and other partners to plan for their future needs. We will enable communities to take forward their ambitions by helping them to access funding opportunities, resources and support.
3. Supporting the Borough's business community by attracting inward investment and creating the conditions for new and existing businesses to thrive. Encouraging the growth of economic prosperity within Test Valley communities.

What's going to happen as a result?

- Our Members, as Community Councillors, will enable and facilitate communities to come together and ensure that all voices are heard. Councillors will champion and support people to develop and deliver local projects and initiatives.
- Building upon our success in empowering communities, we shall work closely with town and parish councils and other local organisations, to strengthen this work further. We will support more communities to take part in a range of community planning activities such as neighbourhood planning, community resilience and local action planning.
- Through the Andover Vision and Romsey Future partnerships we will play our part in helping to deliver the shared ambitions of these communities.
- We will work with our partners in the voluntary and community sector to reduce the barriers that people face in being able to give their time and volunteer within their communities. A priority is to focus on how opportunities to volunteer can be made easier and more accessible.
- Promoting the wellbeing of our communities by securing a legacy of outstanding sports, leisure and cultural spaces that are accessible and will enable a positive impact on the quality of life of the Borough's residents for generations to come.
- Through the delivery of the Economic Development Strategy we will ensure an ongoing focus on promoting the Borough as "being open for business".



Growing the potential of People

to be able to live well and fulfil their aspirations





People

Over the next four years and beyond we will invest in:

1. Working with communities and partners to help identify and deliver the supply of homes which reflects current and future housing needs.
2. Taking a positive approach to supporting those who are most vulnerable. Enabling people to build upon their strengths to address the underlying causes of their housing need. Improving outcomes and support available for people who are homeless or at risk of homelessness.
3. Creating communities that have the infrastructure and accessibility to meet the needs of a changing and growing population. Establishing attractive, sustainable and vibrant communities for people to live, work and enjoy.
4. Supporting the growth and quality of employment within Test Valley to enable people to fulfil their aspirations. Addressing barriers within the current and future workforce such as raising aspirations, skills and access to opportunities. Increase the variety of jobs available so that people can earn and live well.



What's going to happen as a result?

- We will strengthen our community-led approach to spatial planning so that local people can play an active part in shaping their communities. This will include our ongoing commitment to undertake the review of the Local Plan in an inclusive way, and support communities who will benefit from developing a Neighbourhood Plan or Village Design Statement to do so. More specifically, we will work with all of our communities to explore opportunities to deliver more new affordable homes in urban and rural areas.
- We will renew our key housing strategies to focus on new ways of working that will support people to build upon their strengths, to help resolve their housing issues. We will support people in a personalised way by building upon lessons learned from the developmental pilot, enabling people to access the right support and the right time.
- We shall explore opportunities to see how more social rented housing can be provided. We will work with the private rented sector to meet housing need, drive up standards and develop services that improve access to the sector for people on low incomes.
- We will support communities to ensure that the right infrastructure at the right scale is secured that delivers homes and employment growth, enabling people to access a job, live in a decent home and fulfil their aspirations.
- In partnership with business and education providers we will work to increase the provision and level of skills across Test Valley. We will continue to build on our track record of fostering stronger relationships between schools and businesses.
- We will continue to make the most of the opportunities for inward investment to increase business productivity across Test Valley. Through our strategic partnerships with partners, including Walworth Business Park and the University of Southampton Science Park in Chilworth, we will promote the important economic growth role that the Borough plays both in Hampshire and beyond.



Growing the potential of The Local Environment

for current and future generations



The Local Environment

Over the next four years and beyond we will invest in:

1. Providing high-quality green infrastructure such as green spaces and nature reserves for our communities to access and enjoy for generations to come.
2. Enhancing the quality of our public realm to improve the local environment, so that these are attractive spaces and places that people can enjoy and spend time.
3. Expanding the network and usage of family-friendly cycling and walking routes to make them accessible and well linked, in order to promote wellbeing and more sustainable travel.
4. Opportunities to work with our communities and partners to reduce the amount of household waste produced by increasing recycling and ensuring improved knowledge of our recycling processes.
5. Making the most of the benefits from inward investment and economic growth. Promoting the Borough as an outstanding place to live and work, whilst safeguarding its heritage and natural assets.



ANNEX

What's going to happen as a result?

- Through the review of our Local Plan and our strategies for green spaces, we will continue to identify opportunities to increase access to the countryside and green spaces for Test Valley residents.
- We will work with parish and town councils to make the most of the green spaces within their communities.
- We will work with residents to understand their need for more, safer cycle routes and walkways, taking on board their feedback and using it to inform and develop plans to deliver an appropriate infrastructure. We will also support community-based initiatives to encourage more people to use these facilities.
- Our "Love Where You Live" campaign will continue to encourage and promote ways in which everyone can help improve where they live and work through community-led activities such as "Sparkle Days" and working with local schools. We will also continue to take a zero-tolerance approach to people who spoil local areas.
- Through the Hampshire Waste Partnership we will play our part to develop opportunities to increase the range of materials that can be recycled. Taking a positive approach, we will encourage people to recycle more by developing campaigns and initiatives that educate and help make recycling easier.

What next:

Delivering our priorities and measuring our impact



The Corporate Plan sets out our priorities, providing the direction and focus for our activities and guiding the allocation of resources over the next four years. It also outlines the impact we hope to make as a result of our actions, so that we can demonstrate to residents how we are working towards our vision to improve quality of life in Test Valley and be an organisation of excellence.

The Corporate Plan is underpinned by the **Corporate Action Plan (CAP)** which runs for the lifetime of the plan and is updated annually. This shows, in detail, how we intend to make progress and focuses on the specific projects we will take forward against each of the priorities.

The Cabinet reviews the performance of the CAP on an annual basis. This enables the active performance management of the CAP and ensures that the Council is allocating resource in the most effective way. Each year, the Leader of the Council will make an annual presentation to the Overview and Scrutiny Committee to report on progress made during that year. This will form the basis of an annual update report and will be published on the Council's website.

We monitor our progress by measuring the impact of our work and by showing the difference we have made as a result. This is done by having a range of performance and satisfaction-based indicators against which our progress can be judged. The indicators are used as part of a broader suite of operational management tools that ensure standards are being met ensuring that the things that matter most to residents are being delivered in an efficient and effective way. The indicators also provide a useful analysis, both in terms of the performance within a given year and by telling a story over a number of years.

In addition, each of our services produces an annual Service Plan which describes the things they do and how they contribute to the Corporate Plan priorities. Progress is monitored on a quarterly basis through the service performance boards.

Our Values

We are committed to high standards in everything we do, shaping our behaviours and building our reputation in the eyes of our residents.

INTEGRITY

We ensure that as an organisation, our communities can trust us to act fairly and honestly, and so can our staff.

ACCOUNTABILITY

We are accountable to all of the people of Test Valley for our actions and how we use resources, ensuring that we provide value for money.

EMPOWERMENT

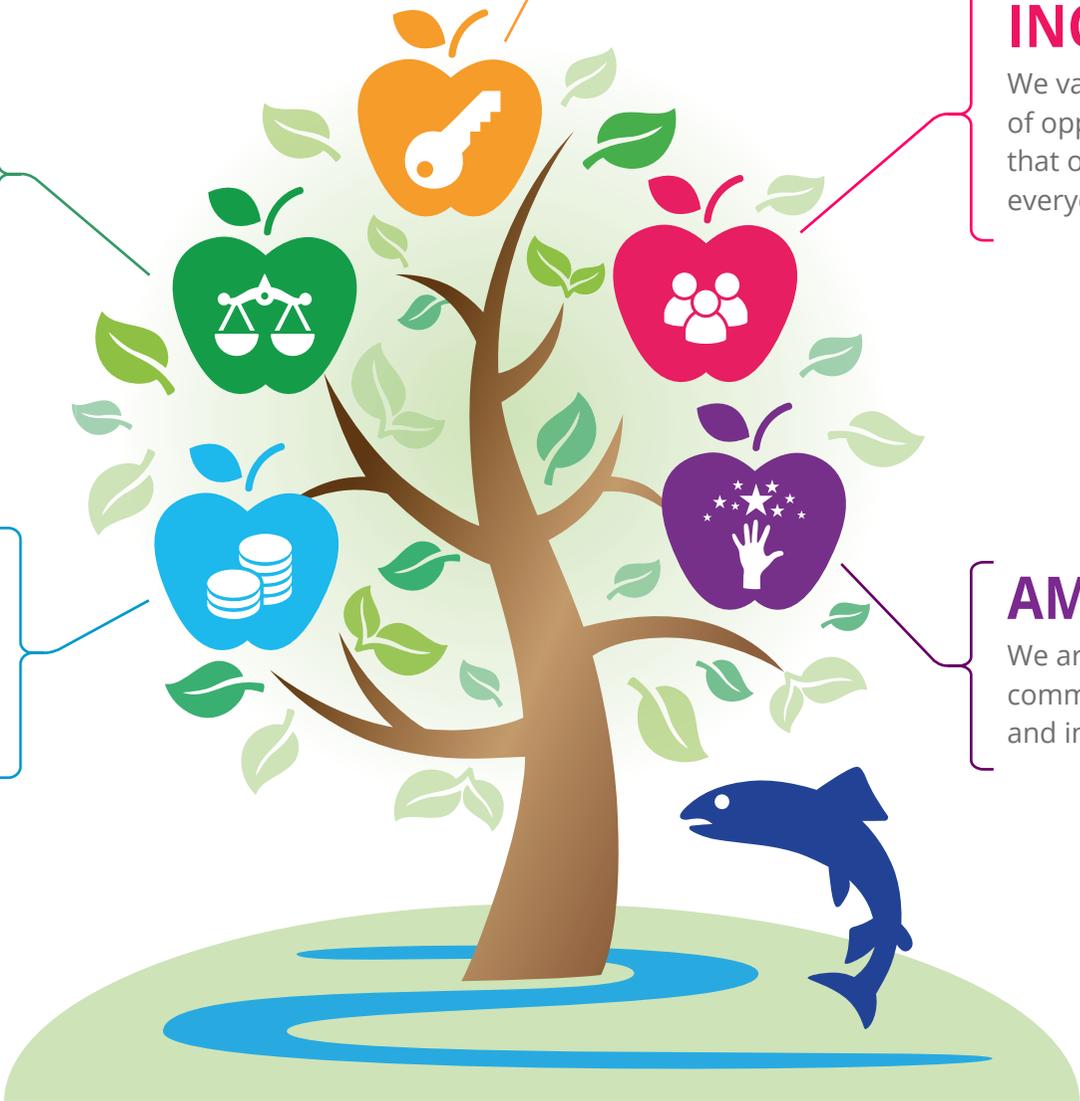
We are an organisation committed to continuous learning, enabling and motivating all of our people to do their best work.

INCLUSIVENESS

We value diversity, promote equality of opportunity for all, and ensure that our services are accessible to everyone in Test Valley.

AMBITION

We are a dynamic organisation committed to achieving, improving and innovating.



ITEM 11 Review of Area Planning Committees

Report of the Planning and Corporate Portfolio Holders

Recommended by the Planning and Corporate Portfolio Holders:

- 1. With effect from 9 May 2019 the existing Development Management Committee system of Northern Area Planning Committee, Southern Area Planning Committee and Planning Control Committee shall be abolished.**
- 2. It will be replaced by two politically balanced Development Management Committees; Northern Area and Southern Area with each Committee comprising thirteen Members.**
- 3. Meeting frequency will remain unchanged.**
- 4. The Northern Area Committee will cover the area to the North of the new Mid-Test Ward.**
- 5. The Southern Area Committee will cover the area to the South of and including the new Mid-Test Ward.**
- 6. The Planning Control Committee shall not be replaced.**
- 7. The Leader, Deputy Leader and Planning Portfolio Holder will not be permitted to sit on either of the new Committees.**
- 8. Performance of the new Committee structure will be reviewed prior to Annual Council 2020.**

SUMMARY:

- In October 2018 the Planning Advisory Service carried out a Peer Review of the operation of Planning Committees at Test Valley Borough Council, culminating in their report of 22 November 2018.
- The Planning Advisory Service report recommends abolition of the current Northern Area, Southern Area and Planning Control Committees and recommends that the Council adopt alternative arrangements.
- This report recommends establishing two new Development Management Committees; one for each of the North and South of the Borough each comprising thirteen members and dispensing with Planning Control Committee.

1 Introduction

- 1.1 This report considers the recommendations of the Planning Advisory Service as they relate to changes in the Development Management Committee structure at Test Valley Borough Council and recommends changing the structure in accordance with the Planning Advisory Service's recommendations.

2 Background

- 2.1 The Council's Development Management Committees exercise the duties of the Council in relation to Development Management matters, including determining (save where delegated elsewhere) applications for permission. The full list of the Committees' powers and duties as set out in the Council's Constitution is attached at Annex 1.
- 2.2 The Council's current Development Management Committee structure comprises two Development Management Committees; Northern Area Planning Committee and Southern Area Planning Committee. All elected Members sit on one or other of the Committees depending on their location in the North or the South of the Borough. The dividing line is Stockbridge; with two Members sitting on both Northern and Southern Committees. Each Committee meets on a broadly three-week cycle.
- 2.3 Additionally, Planning Control Committee comprising seventeen Members is convened as required to determine matters referred to it from either of the Development Management Committees.
- 2.4 In October and November 2018 the Planning Advisory Service carried out a Peer Review of the operation of the Planning Committees at Test Valley Borough Council. The Planning Advisory Service is a Ministry of Housing, Communities and Local Government funded programme and is part of the Local Government Association. The Planning Advisory Service exists to provide support to local planning authorities to provide efficient and effective planning services, to drive improvement in those services and to respond to and deliver changes in the planning system.
- 2.5 The Council's Peer Review Team consisted of Councillor Stephen Parker of Hart District Council and Gilian Macinnes Bsc MBA MRTPI, Gilian Macinnes Associates. A copy of their report dated 22 November 2018 is attached at Annex 2 to this report. Members are directed to this detailed report and its recommendations.
- 2.6 The Planning Advisory Service Report makes a number of recommendations, ranging from relatively minor in nature to the most important and pressing recommendation that the current Planning Committee regime should be restructured.
- 2.7 The Review Team concluded that the current structure does not represent an effective or efficient approach to discharging the Council's planning decision making function.
- 2.8 Other recommendations are largely operational in nature and many are in the process of being addressed. The Head of Planning and Building Services will be consulting with the Planning Portfolio Holder and Planning Committee Chairs and Vice-Chairs in respect of implementing these recommendations.

- 2.9 The Peer team recommends the abolition of the existing Planning Committee structure and *either*:
- (a) Creation of one smaller Borough-wide Committee (no larger than the Planning Control Committee) to make decisions for the whole Borough.
 - (b) Alternatively, “if the single committee is considered too radical at this time, creation of two smaller committees to make decisions in the interests of the whole Borough.”
- 2.10 Against this background the Planning Portfolio Holder has consulted extensively with members on the future arrangements. As a result thereof he and the Corporate Portfolio Holder recommend the alternative Committee structure described above.
- 2.11 These consultations also affirmed to the Planning Portfolio Holder that Members were minded to agree with the suggestion in the Planning Advisory Service report that seeking to introduce a “one committee” structure might be too extreme a measure to seek to introduce immediately (if at all). This report does not consider that proposal further. This of course does not prevent consideration of a “one committee” structure in the future.
- 2.12 The Planning Advisory Service report recommends that Executive Members do not sit on the Planning Committee/s to avoid or minimise the risk of actual or perceived conflicts of interest. The recommendation contained in this report provides that the Leader, Deputy Leader and Planning Portfolio Holder do not sit on any revised Planning Committees, striking a balance between the current position and excluding Cabinet members as a whole from Planning Committee membership. The recommendation of this report proposes excluding the Executive Members who are most likely to have an actual or perceived conflict of interest. Any conflicts of interest which arise with regard to other Cabinet Members sitting on Development Management Committee can be dealt with in accordance with the existing arrangements contained in the Code of Conduct, Local Code and the rules on bias, pre-disposition and pre-determination.
- 2.13 The Planning Advisory Report identifies training needs for all members on planning matters including on matters of probity and decision making. Further, more detailed training is recommended for Committee Members including matters of Government Policy, technical matters and probity. Training on Chairmanship is recommended for all Committee Chairs and Vice-Chairs and training for non-Committee Members on the role of Ward advocate. Members sitting on a Planning Committee under the recommended proposal will be expected to undergo regular training provided both by external trainers and officers. However is envisaged that all training would be available to all Members whether they are members of a planning committee or not.
- 2.14 It should be noted that under the recommended change in committee structure, Councillors who were not Committee members would still fully retain their ability to call matters in to Committee. They would remain equally free to ask questions of and discuss applications with Planning Officers prior to Committee and would continue to receive planning lists as presently.

- 2.15 It is proposed that the Council's Planning Advisory Panel would continue post-implementation of any change in Committee structure.

3 Corporate Objectives and Priorities

- 3.1 Facilitating an effective and efficient Development Management decision making regime directly contributes to the corporate priorities of investing in Test Valley as a great place to:
- live, where the supply of homes meets local needs and enjoying the natural and built environment;
 - work and do business;
 - enjoy the natural and built environment; and
 - contribute to and be part of a strong community.

4 Consultations/Communications

- 4.1 In carrying out their independent review, the Planning Advisory Service Consulted with the Head of the Planning and Building Service, the Chair and Vice-Chair of both Northern and Southern Area Development Control Committees, the Planning Control Committee Chairman and Vice-Chair, Senior Planning Officer North and Planning Officer South, Development Managers North and South, Committee Managers, Legal Representative and Planning Portfolio Holder.
- 4.2 The Reviewers also attended a meeting of Southern Area Planning Committee on 6 October 2018, Planning Control Committee on 16 October 2016 and reviewed documentation in respect of Northern Area Planning Committee.
- 4.3 An "initial feedback" session was held with the Chairs and Vice-Chairs, the Portfolio Holder, Leader of the minority group and Head of Planning and Building Service on the 16 October 2019.
- 4.4 The Reviewers considered the Council's Member Code of Conduct, Local Code for Members and Officers dealing with Planning Matters, Protocol for Member and Officer Relations, Scheme of Delegations, reports, plans and agenda notes for the meetings observed and Planning information contained on the Council's website.
- 4.5 Officers have advised Members and the Review Team throughout the review process that they will administer whatever lawful committee arrangements Members wish to implement.

5 Options

5.1 Option A.

That the recommendation set out in this report be approved. The existing Development Management Structure be abolished and replaced with two smaller Northern and Southern Area Committees comprising thirteen members each. Planning Control Committee should not be replaced.

5.2 Option B.

Do nothing and continue with the current Development Control Committee arrangements as they stand.

6 Option Appraisal

6.1 **Option A- Adopting the recommendations of this Report.**

Advantages

- (a) This option provides the opportunity for non-Committee Ward Members to attend and speak at Planning Committee meetings as advocates for their Wards and to fully develop their role as Ward advocates.
- (b) The removal of Planning Control Committee is likely to further foster robust and well informed decision-making at Planning Committees with increased accountability.
- (c) The removal of Planning Control Committee would simplify the planning decision-making process for members of the public and Councillors; resulting in a more straightforward, transparent and accountable system where the decision of the Planning Committee is the final decision.
- (d) This option provides the opportunity for better trained, specialised Members sitting on Planning Committees. However, it is envisaged that Planning training will be available for all Members, irrespective of Committee Membership.
- (e) A reduced number of Committee Members would make site visits more effective and manageable.
- (f) The experience of Test Valley Borough Council Planning Committees by the public and customers of the Planning Service will be enhanced.
- (g) The prohibition on Committee Membership by certain Executive Members will reduce the potential for actual or perceived conflicts of interest.
- (h) The Council will be proactively adopting and implementing the recommendations of its independent professional reviewers.

6.2 Disadvantages

- (a) Not all Members will have the opportunity to take part in decision-making on Planning Matters and may consider themselves disenfranchised.
- (b) Planning Control Committee is often viewed as a safeguard so some might view its removal as a disadvantage.

6.3 **Option B – Retaining the existing Committee structure.**

Advantages

- (a) Retains the ability of all Councillors to take part in decision-making on Planning matters.
- (b) The existence of Planning Control Committee provides a safeguard against rogue decisions.

6.4 Disadvantages

- (a) The ability of Members to act as advocates for their Ward is curtailed by the Council's Code of Conduct, Local Code for Members and Officers dealing with Planning Matters and the rules on bias and predetermination.
- (b) The Council may be perceived as continuing with a decision-making system which an independent specialist review Team has identified as ineffective.

6.5 For the reasons set out above, Option A namely adopting the proposals of this report is recommended.

7 Risk Management

7.1 A risk assessment has been carried out and an evaluation of the risks indicate that the existing controls in place mean that no significant risks have been identified at this time.

8 Resource Implications

8.1 No resource implications are identified.

9 Legal Implications:

9.1 Amending or agreeing the powers and duties for Committees, deciding on their composition and making appointments to them is a function of Full Council.

10 Equality Issues

10.1 This report does not identify any issues relating to equality.

11 Conclusion

11.1 An independent Peer Review has identified significant obstacles to efficient decision making in the Council's current Development Management Structure. This report recommends an alternative structure in line with the recommendation of the Planning Advisory Service.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Planning Advisory Service Peer review of the operation of the Planning Committees Test Valley Borough Council 22 November 2018.			
<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:	2	File Ref:	N/A
(Portfolios: Planning and Corporate) Councillor Adams-King and Councillor Flood			
Officer:	Karen Dunn	Ext:	8401
Report to:	Council	Date:	10 April 2019

DEVELOPMENT CONTROL COMMITTEES

(Northern Area Planning Committee and Southern Area Planning Committee)

Powers and Duties:

Subject to the Council's Constitution to exercise the powers and duties of the Council relating to the following matters:

1. Determination within policy, or very exceptionally outwith policy where the recommendation of the Head of Planning and Building Services is for permission, of all applications within their respective areas and all matters connected therewith except those applications where the Head of Planning and Building Services advises there is a possible conflict with policy, public interest or possible claims for costs against the Council, in which case those applications shall be referred to the Planning Control Committee for determination.
2. Applications by or on behalf of Test Valley Borough Council, or any company in which the Council holds an interest.
3. For the avoidance of doubt, applications falling within more than one Committee area shall be determined by the Committee in whose area the application has the greatest impact, subject to any appropriate consultation with the other Committee.
4. The forming of views on applications submitted by Hampshire County Council or on Notices of Proposed Development submitted by any Government Department.
5. The forming of views on applications which have been submitted to the Secretary of State for Energy, including overhead electricity lines.
6. Tree Preservation Orders and all matters connected therewith.
7. Tree Felling Licences.
8. Diversions and stopping up of footpaths under the Planning Acts wholly within their respective areas of the Borough.
9. Enforcement actions.
10. Challenge and prosecution in respect of unauthorised advertisement displays.
11. The forming of views on applications for the extraction of minerals where the Head of Planning and Building Services agrees with the stated view of the County planning officer.
12. Building Preservation Notices.
13. All matters pursuant to the Anti-Social Behaviour Act 2003 Part 8 and any subordinate legislation made thereunder and any amendments thereto.
14. To authorise officers identified in the Council's Scheme of Delegation, to enter land or premises and to carry out any act included in the legislation pertaining to the above Powers and Duties.

PLANNING CONTROL COMMITTEE

Powers and Duties

Subject to the Council's Constitution to exercise the powers and duties of the Council in respect of the following matters:

1. To determine within policy or very exceptionally outwith policy those applications referred to it by either of the Development Control Committees.
2. To recommend to Cabinet and to the Overview and Scrutiny Committee revisions to policy resulting from its determination of applications.

LICENSING COMMITTEE

Powers and Duties:

Subject to the Council's Constitution, to discharge the Council's functions as set out in 1 and 2 below, and to exercise the powers and duties of the Council in respect of 3 to 9 below:

1. Licensing functions set out in the Licensing Act 2003 and any amendments thereto.
2. Licensing functions set out in the Gambling Act 2005 and any amendments thereto.
3. Licensing of Hackney Carriage Vehicles and Drivers and Private Hire Vehicles, Drivers and Operators.
4. Licensing of sex shops, sex cinemas, sexual entertainment venues and performances of hypnotism.
5. Health & Safety at Work Enforcement.
6. House-to-house and street collections licensing.
7. To hear representations from:
 - (a) applicants, in cases where the application for a Street Trading Consent has been refused by the Head of Housing and Environmental Health; or
 - (b) the holder of a Street Trading Consent which has been revoked by the Head of Housing and Environmental Health.
8. To hear representations from:
 - (a) applicants, in cases where the application for a Licence to place tables and chairs on the highway has been refused by the Head of Legal and Democratic Services or has been issued with conditions; or
 - (b) the holder of a licence to place tables and chairs on the highway which has been suspended by the Head of Legal and Democratic Services.



Planning Advisory Service (PAS) Peer Review of the operation of the Planning Committees

Test Valley Borough Council

Peer Team:

Cllr Stephen Parker, Hart District Council

Gilian Macinnes Bsc MBA MRTPI, Gilian Macinnes Associates

Test Valley Borough Council Planning Advisory Service (PAS) Peer Review of the operation of the Planning Committees

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1. Introduction

- PAS Review Team
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4. Trust, Codes of Conduct & Good Decision Making

5. Decisions- Delegation and Call – In

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7. Quality Information, Reports and Training

8. Planning Committee Management

9. Planning Committee – Shop Window

Appendix 1: Interview Timetables

Appendix 2: Planning Panel’s Final Report- Overview and Scrutiny Report - 19 September 2018

Appendix 3: Task and Finish panel Review: The Member’s Role in Planning- Overview and Scrutiny – 26 March 2014

1. INTRODUCTION

- 1.1 Test Valley Borough Council, Head of Planning and Building Control, Paul Jackson invited the Planning Advisory Service (PAS) to undertake a peer review of the operation of its Planning Committees, in October 2018.

PAS Peer Review Team

- 1.2 The Planning Advisory Service invited Peer Reviewers Councillor Stephen Parker (Opposition Leader at Hart District Council and previously cabinet member for planning policy) and Gilian Macinnes (Planning Consultant and previously Head of Planning Sevenoaks District Councils and Development Control Manager Sevenoaks District, Maidstone Borough and Royal Borough of Windsor and Maidenhead), to undertake the review. This was agreed by the Head of Planning and Building Control, Test Valley Borough Council.

Review Timetable & Outputs

- 1.3 As part of the Peer Review, the Test Valley Planning website, committee agendas for October 2018 were assessed, other relevant reports and statistical information including reports to Overview and Scrutiny Committee (2014 & 2018). The Peer Reviewers interviewed officers and members including the chair and vice chair of the planning committees and the head of Planning and Building Control (see appendix 1); they visited the Southern Area Planning committee on the 6th October 2018 and the planning control committee on the 16th October 2018. An 'Initial Thoughts' feedback session took place with chairs and vice chairs, the portfolio holder, lead opposition councillor and Head of Planning and Building Control on the 16th October 2018, after the Planning Control Committee. The final draft report was sent through to Paul Jackson, Test Valley on the 19 November 2018 and the Final report was sent through on the 22nd November 2018.

- 1.4 **The Peer Reviewers would like to put on record their thanks to Test Valley Borough Council for the cooperation of members and officers during this Review process.**

Test Valley Key Planning Issues

- 1.5 The Peer Reviewers asked interviewees what they considered were the key town planning issues. Responses included: the delivery of housing (with Infrastructure) and affordable housing, the protection of the countryside and heritage issues. Many of the interviewees focused on controversial issues such as development in the villages.

Peer Review Assessment

- 1.6 The Peer Review has reviewed issues under the following headings:

Trust – Roles and Conduct of Officers and Members

- Code of Conduct
- Local planning Code of Conduct and Planning Practice Guidance
- Roles and Conduct of Officers and Members - Findings

Decisions -Delegation and Call-In

- Delegated Decisions to Officers
- Planning Board "Call In" Procedures

Pre-Application Discussions

- Pre-Application process options

Quality Information, Reports and Training

- Member Training
- Planning Report Values and Essentials
- Planning Report Contents

Committee Management

- Overview - Committee/Board size
- Executive Members
- Southern Area Planning Committee
- Northern Area Planning Committee
- Planning Control Committee
- Site Viewing Panel
- Pre Meeting/Briefings

SHOP WINDOW

- Shop Window on the Council

2. CONCLUSIONS & RECOMMENDATIONS**2.1 Overall Conclusion**

Test valley has good performance in terms of Government speed of throughput for major planning applications and has exceeded Government performance targets on non-majors, and the quality of decision making performance indicator. The authority have a good code of conduct and local code of conduct in relation to planning. The planning officer reports are generally clear, covering all the relevant development plan policies and issues. Therefore, Test Valley are doing well in relation to many elements of the planning service. However, the current committee structure is not an effective or efficient approach to discharging the Council's planning decision making function. The overall scale of the committees can, and does, adversely affect the ability of the committee to operate in a clear and efficient manner and can provide a poor experience of Test Valley for the public and customers of the planning service.

There has been reference over many years to the issues facing the planning committees including the scale, need for training, approach of councillors and their relationship with officers and it would appear that there is now an appetite, by some, for change. The recommendations are focused on restructuring the committees and creating a more professional, focused and dedicated decision making in the public interest, and enabling ward members to attend the committee as an advocate for their wards.

2.2 Conclusions and Recommendations**TRUST – ROLES & CONDUCT OF OFFICERS AND MEMBERS****Conclusions**

- All Councillors sit on one of the area planning committees and the scale of the committee

contributes to issues such as insufficient training for all committee Members, the lack of 'professionalism' and clarity in proceedings referred to by interviewees. Test Valley BC's codes and guidance regarding the standards required of the planning committees are clear. Most of the main probity issues are well understood by Members but there are still actions which could be perceived as bias or predetermination; the area committees do not always demonstrate their commitment to making decisions on the basis of the "whole community"; and it is not always apparent that all the Members understand "material planning considerations". A number of the concerns are particularly related to the SAPC, for example, a lack of trust and officers feeling intimidated by the confrontational approach of some Members. Although it has been noted that the relationship between Members and officers at the SAPC has improved over the last 18 months. Planning Control is thought by many to be a safety net but can be perceived as an officer threat.

Recommendations:

- Review the committee structure to create a more effective and efficient decision making body where the proceedings can be more clearly understood, where all the members are trained to effectively execute the planning decision making function of the Borough and make decisions in the public interest of the whole Borough, in accordance with the Development plan, unless material planning considerations indicate otherwise.
 - Create one smaller Borough wide committee (no larger than the Planning Control Committee) to make decisions for the whole Borough.
 - Alternatively, if the single committee is considered too radical at this time, create two small area committees to make decisions in the interests of the whole Borough.
- Training - material considerations, probity (predeterminations, pre-disposition and bias)
- Relationship building between officers and members e.g. workshops, joint training

2.3 DECISIONS – DELEGATION AND CALL-IN

Conclusions

- The Test Valley BC delegation level is reasonably high but delegation procedure can give rise to all types of application being called to committee and it is not always clear why they have been brought before the committee. The Planning Control Committee doesn't run very often but is seen by many as saving the Council money and reducing appeals.

Recommendations

- Test Valley BC amend the delegation agreement to introduce a requirement that Members wishing to call an application to committee state a planning reason for bringing the application to committee and this is reported as part of the Case officers report.

- Amend the delegation agreement/standing orders to abolishing the area committees and PPC and restructure to a single Borough-wide committee (akin to the PCC committee).

2.4 PRE-APPLICATION PROCESS

Conclusions

The pre-application page of the web site provides relevant pre-application advice in PDF form but this could be expanded to increase its usefulness, to include links to relevant documents, the role of Councillors at pre application stage and the use of Planning Performance Agreements (PPA), particularly for major schemes. Several Supplementary Documents are old and require review.

Recommendations:

- The planning pre application advice page could be usefully expanded to include other useful information, planning performance agreements, Members role in pre- application engagement and links to the relevant plans and supplementary planning documents
- Further advice on effective pre-application Member engagement should be produced to ensure that all engagement is in line with the Codes of Conduct.
- All Supplementary Documents should be reviewed to ensure they are up to date with current development plan policies and the National Planning Policy Framework

2.5 QUALITY INFORMATION, REPORTS & TRAINING

Conclusions

- The quality of the information, reports, plans and agenda notes are clear and cover the key issues although the NPPF policies need updating and some minor changes should be considered to further improve clarity of reports. All members require additional training and an ongoing training programme for planning decision makers should be devised and an annual review of decision making and developments should be undertaken as a learning opportunity for Members. Chairmen and vice chairmen should be provided with specialist chairmanship training. Members should be further encouraged to ask questions of the officers in advance of committee which would result in speedier more informed decision making. To improve the understanding of the committee, the information provided for the public on the agenda should also be on the website and publicised on relevant correspondence.

Recommendations:

- Training: All Members undertake a programme of planning and probity training, including, decision making (defensible, robust, lawful decision making focusing on material planning consideration and public interest) and members that sit on planning committee undertake a more detailed training programme including: Government policy/guidance e.g. NPPF; technical training e.g. design and training on probity.

- Training: All Planning chairs and vice-chairs undertake planning chairmanship training.
- At least annually, all planning committee decision makers undertake a review of a selection of decisions and visit developments in the Borough.
- Committee reports: Include comparison or summary tables where relevant
- Committee reports: Collate the same consultees responses together – to understand the development of views.
- Further encouragement for any Member with questions of the application/report approach officers in advance of the committee.
- Agenda/website- Include Information notes on the website and include links in correspondence to inform the public and users of the Planning Service in advance of the committee, to aid greater public understanding of the planning application committee processes.

2.6 PLANNING COMMITTEE MANAGEMENT

Conclusions:

- The overall scale of the committees can, and does, give rise to issues that affect the efficiency and effectiveness of the decision making and provide a poor experience for the public and customers of the planning service.
- There appears to be a view that the process could be improved and a will by some, but not all, to change the current committee structures. Restructuring the committees and creating a more focused and dedicated decision making body focused on: enabling ward members to attend the committee as an advocate for their wards and decision makers to concentrate on making decision in the wider public interest. The smaller committee would also release the executive members to focus on their portfolio and avoid any potential conflict of interest or perception of a conflict. The smaller committee will also improve the focus of the planning site visit panel

Recommendations:

- Restructure the planning committee into 1 Borough -wide committee and no planning control committee, with a membership of circa 13 members or similar to facilitate balance. OR
- If the single committee is too radical a proposal at this time, introduce an interim step of creating two small area committees and remove the Planning Control Committee.
- The creation of a single, or two smaller committee, should not include executive members enabling them to focus on their cabinet role and avoid any potential conflict of interest, or perception of a conflict.

Note: these changes will also require changes to the constitution to facilitate ward representation; and training for Members on the role of ward advocate and Planning committee decision maker ensuring that planning committee decisions are robust and defensible, taking over this role from the PCC.

- Award of Costs workshop: case studies, from other authorities, of the circumstances and cost award to develop an understanding of unreasonable behaviour.

2.7 PLANNING COMMITTEE SHOP WINDOW

Conclusion

- The planning committee/s are one of the main 'shop windows' for any council, there are people that will only ever come into direct contact with how the council operate through planning applications. The current committees have good clear reports and visual aids, reasonable formality between officers and members, but difficult confusing layouts and are so large that it is difficult to follow proceedings which are extremely lengthy. The scale of the committee; the lack of training; confusion of ward advocate/committee decision maker roles; lack of preparation by some members; culture, in the SAPC, that members want to be seen to speak and are repetitive leading to very lengthy periods on each application (in excess of an hour)- do not result in the appearance of a 'professional' decision making body that represents the community. As set out above, the reduction in the size of the committees, to one single committee with ongoing training will result in a committee that can make planning decisions in a more effective and efficient manner for the whole of Test Valley Borough.

3. TEST VALLEY BOROUGH COUNCIL & TOWN PLANNING CONTEXT

Geography and Politics

- 3.1** Test Valley is located in Hampshire, North of Southampton and the New Forest, East of Wiltshire, and West of Basingstoke & Deane and Winchester. It is a long borough with two urban centres Andover and Romsey and a sizeable rural area populated by many villages.
- 3.2** In the 2015 Local Elections 48 councillors were elected: 37 conservative councillors, 9 Liberal Democrat councillors and 2 Independent councillors. The council has full election, for all seats in May 2019.

Key Planning Issues and Documents

- 3.3** Test Valley Borough's overall town planning policy context and strategic policies is set out in the Test Valley Borough Revised Local Plan DPD - 2011 - 2029 which contains policies for determining planning applications and identifying strategic allocations for housing, employment and other uses. This Local Plan was adopted by the Council on 27 January 2016.
- 3.4** Those interviewed in the review consider the key planning issue to be the delivery of housing growth and the protection of the countryside in the Borough.
- 3.5** Test Valley has a history of delivering housing, most recently 891 units in 2016/17, above that required by the local plan. The 2016/17 level was slightly down on 2015/16. The historic rates of delivery were: 1004 units in 2015/16, 880 units in 2014/15 and 542 units in 2013/14. As at 1st April 2018, the Housing Land Supply position for Northern Test Valley was 7.65 years, and for Southern Test Valley was 7.97 years. These figures are assessed against a target of 5.00 years.

4. TRUST – CODES OF CONDUCT - THE ROLES OF THE PLANNING COMMITTEE MEMBERS AND OFFICERS IN DECISION MAKING

4.1 Trust –Code of conduct:

Test Valley Borough Council has a Constitution and Code of Conduct that clearly sets out the need to comply with the 7 Standards of Public Life, (Selflessness; Integrity; Honesty; Objectivity; Accountability; Openness and Leadership). The code sets out pecuniary and personal interests and the general obligations for Members includes:

“Part 2: General obligations for members

2.1 When acting in your role as a Member of the Council:

- (a) Do treat others with respect.*
- (b) Do ensure that you are aware of and comply with the requirements which the Bribery Act 2010 places on you in your role as a Member and on the Council as a whole.*
- (c) Do ensure that you behave in accordance with all the Council’s legal obligations, policies, protocols and procedures as they relate to your conduct.*
- (d) Do not do anything which may cause your Council to breach any of the equality enactments (as defined in Section 33 of the Equality Act 2006(a)).*
- (e) Do not bully any person (bullying is offensive, intimidating, malicious, insulting or humiliating behaviour that is directed at someone over whom you have some actual or potential influence).*
- (f) Do not intimidate, or try to intimidate, anyone who has complained about you or who may be involved with a complaint about you.*
- (g) Do not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your Council.*
- (h) Do not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:*
 - _you have the consent of a person authorised to give it;*
 - _you are required by law to do so;*
 - _the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or*
 - _the disclosure is:*
 - (a) reasonable and in the public interest; and*
 - (b) made in good faith and in compliance with the reasonable requirements of the Council.*
- (i) Do not prevent another person from gaining access to information to which that person is entitled by law.*
- (j) Do not use or try to use your position improperly to obtain an advantage or disadvantage for yourself or any other person or body.*

2.2 When making decisions on behalf of or as part of the Council:

- (a) **Do** exercise independent judgement and do not compromise your position by placing yourself under any obligations to outside individuals or organisations who might seek to influence your decision”
- (b) **Do** have regard to any relevant advice provided to you by the Council’s Chief Financial Officer and Monitoring Officer where such advice is offered pursuant to his or her statutory duties.
- (c) **Do** give reasons for the decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

4.2 Trust - Local planning code and planning practice guidance

In line with good practice the Council also has a local code of conduct for planning matters which clearly sets out the approach to determining planning applications. The local code of conduct, in relation to determining planning applications states:

“1.2 Determining a planning application is a formal administrative process involving rules of procedure, rights of appeal, and an expectation that people will act reasonably and fairly. Those involved should always be alert to the possibility that an aggrieved party may:

- (a) seek judicial review of the way the decision was arrived at; and/or*
- (b) complain to the Local Government Ombudsman on grounds of maladministration; and/or*
- (c) complain to the General Purposes Employment Appeals & Ethics Sub-Committee that a Member has breached the Code of Conduct.*

1.3 Decisions on planning involve considering private development proposals against the wider public interest. Much is often at stake, particularly the financial value of landholdings and the quality of their settings, and opposing views are often strongly held by those involved. It is important, therefore, that planning decisions affecting these interests are made openly, impartially, with sound judgements and for justifiable reasons. While Members should take account of various views expressed they should not favour any person, company, group or locality, nor put themselves in a position where they appear to do so. The process should leave no grounds for suggesting that a decision has been partial, biased or not well-founded in any way. The members’ code of conduct requirement that a Member should act solely in terms of the public interest is also relevant in this context.

Officers

1.4 Officers must always act impartially

1.5 Officers are required to disclose to the council their direct and indirect pecuniary interest under section 117 of the Local Government Act 1972. Officers involved in processing and determining planning matters must also observe the guidance set out in the officers code of conduct concerning gifts and hospitality and with the relevant section of the Royal Town Planning Institute’s Code of Professional Conduct.”

The code of conduct is in line with the requirements of the Planning Practice Guidance :

“How must elected councillors and other members of the local authority consider planning applications?”

Local authority members are involved in planning matters to represent the interests of the whole community and must maintain an open mind when considering planning applications. Where members take decisions on planning applications they must do so in accordance with the development plan unless material considerations indicate otherwise. Members must only take into account material planning considerations, which can include public views where they relate to relevant planning matters. Local

opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons.”

Paragraph: 016 Reference ID: 21b-016-20140306 -Revision date: 06 03 2014

4.3 Trust – Roles and Conduct of Officers and Members -Findings

- Test Valley BC is clear in its codes and guidance regarding the standards required of the planning committees. However, the area committees do not always demonstrated their commitment to making decisions on the basis of the “whole community”.
- Member and Officer Applications: Planning applications by Members and officers are reported to the committee for decision. And there is clear guidance on the disclosure of pecuniary interests – both in general and with particular regard to town planning matters.
- At present all councillors are expected to sit on one of the area planning committees including executive (cabinet) members. The presence of the cabinet members can result in or give the perception of a conflict of interest.(see section 8)
- At the committees it is not always apparent that all the Members understand “material planning considerations”. It is necessary for the officers to step in to identify when a councillor has strayed away from material planning considerations.
- The Northern Area Planning Committee (NAPC) demonstrate respect for the officers and their role. However, at the Southern Area Planning Committee (SAPC) there have been issues between Members and officers. The poor relationship between Councillors and officers led to a local press headline of: *“Planning officers accused of being disrespectful over proposal for 40 homes”* Some councillors approach to officers has been described by some as intimidation, aggression and adversarial questioning. The Council’s code of conduct requires that members treat others with respect, do not intimidate, bully or do anything that would compromise the impartiality of the officers. These issues were identified the 2014 Overview and Scrutiny report . And more recently (18 months ago) these concerns were tackled by officers and senior Councillors and since that time there has been a significant improvement.
- It appears that there has been, and continue to be, a lack of trust between officers and some councillors, not all councillors appreciate or support the role of the officers as advisors to the Council. Therefore, further relationship building, particularly between officers and the SAPC is required.
- Predisposition and Predetermination – Managing Bias: There is guidance on predetermination in Test Valley BC’s Planning code of conduct (paragraphs 4.4 - 4.9). Most of the main probity issues are well understood by Members but there are still actions which could be perceived as bias or predetermination e.g. leaving the chamber immediately after an item to talk to the supporter or objector, representing the views of applicant or objector, blurring the line between ward representation and public interest decision maker. Therefore, from observing the planning committee and undertaking the review interviews this is an area that would merit further training for Members and potentially clearer guidance. This is a complicated and delicate matter and is a subject that needs to be constantly addressed.

- The use of the Planning Control Committee (PCC) is seen by some as a scare tactic by officers but most consider it to be a safety net. The PCC “safety net” has a different purpose, at different times. To some the PCC enables them to make popular decisions at area committees and be rescued from the consequences by PCC or to maintain the integrity of the policy or to maintain quality of the decision making (Government indicator) or save the council money in terms of appeal decisions or legal challenge.

Trust – Conclusion and Recommendation

Conclusions: All Members sit on one of the area planning committees and the scale of the committee contributes to issues such the difficulty in sufficiently training all committee Members, the lack of ‘professionalism’ and clarity in proceedings referred to by interviewees. Test Valley BC’s codes and guidance regarding the standards required of the planning committees are clear. Most of the main probity issues are well understood by Members but there are still actions which could be perceived as bias or predetermination; the area committees do not always demonstrate their commitment to making decisions on the basis of the “whole community”; and it is not always apparent that all the Members understand material planning considerations. A number of the concerns are particularly related to the SAPC, for example, a lack of trust and officers feeling intimidated by the confrontational approach of some Members. Although it has been noted that the relationship between Members and officers at the SAPC has improved over the last 18 months. Planning Control is thought by many to be a safety net but can be perceived as an officer threat.

Recommendations:

- Review the committee structure to create a more effective and efficient decision making body where the proceedings can be more clearly understood, where all the members are trained to effectively execute the planning decision making function of the Borough and make decisions in the public interest of the whole Borough, in accordance with the development plan, unless material planning consideration indicate otherwise.
 - Create one smaller Borough wide committee (no larger than the Planning Control Committee) to make decisions for the whole Borough.
 - Alternatively, if the single committee is considered too radical at this time, create two small area committees.
- Training - material consideration, probity (predeterminations, pre-disposition and bias)
- Relationship building between officers and members e.g. workshops, joint training

5. DECISIONS - DELEGATION AND CALL IN

5.1 Delegation & “Call In” Findings:

- Test Valley BC have recently amended their delegation agreement (Jan 2018),

removing the exception for applications that the Head of Planning and Building Control consider are of significant local impact/interest; adding that Members can withdraw their committee request at any time; and that notification application no longer have to go to committee. Delegation levels to officers have recently increased from around 90% to 94%. A range of applications are referred to committee from residential extension to major schemes (in addition to those officer or councillor application that have to be referred in line with the code of conduct). There are mixed views about the nature of applications that are called into committee but many feel that the small residential type of applications do not need to be reported to committee and the planning reason for them being at committee is not always clear.

- The Member call in process is a two tier approach and it is not currently essential that councillors state the material planning/public interest reasons as to why they are being referred. Therefore, the reason is not always referred to in the report or clear why it is on the Committee agenda.
- There are quite regular overturns of planning recommendations at the area committees, particularly by SAPC, but these are often referred to the Planning Control Committee (PCC) and the final decision is frequently made in accordance with the original recommendation. The PCC is seen as essential by many as: it saves the Council money on costs that may follow an unreasonable decisions, or a court challenge and/or it protects the local plan policies where the decision would harm the policy. However, the ability for officers to refer applications to the PCC has been seen by some Members as facilitating them to make a 'popular' decision at area committee which will be overturned at PCC. The review was told of cases where officers did not make the referral, to the surprise of Members, and the decision was made contrary to recommendation. PCC referral by officers is seen by some Members as a scare tactic. However, most interviewees agreed that the PCC was effective in ensuring more robust, defensible decisions. Test Valley BC's level of appeal losses, in terms of major application quality indicator, are not concerning as they are mid- table (187/346) for major application decisions overturned at appeal. In addition, Test Valley BC have not been subject to recent court challenges.

5.2 Delegation and "Call In" Conclusions and Recommendation:

Conclusions: The Test Valley BC delegation level is reasonably high but delegation procedure can give rise to all types of application being called to committee and it is not always clear why they have been brought before the committee. The Planning Control Committee doesn't run very often but is seen by many as saving the Council money and reducing appeals.

Recommendation:

- Test Valley BC amend the delegation agreement to introduce a requirement that Members wishing to call an application to committee state a planning reason for bringing the application to committee and this is reported as part of the case officers report.
- Amend the delegation agreement/standing orders to abolishing the area committees and PPC and restructure to a single Borough-wide committee (akin to the PCC committee).

6. PRE-APPLICATION PROCESS

6.1 Pre-Application – Findings:

- Pre-Application Process: Test Valley BC offer a pre-application and planning 'duty' service for general planning enquiries. The pre-application leaflet and fee schedule is easily accessible on the Council's website as a PDF but the information page could be developed further to provide help to applicants and agents, including relevant links. It does not appear that Test Valley BC overtly offer 'planning performance agreements', this is an area that could be explored further to maximise the efficiency and effectiveness of the service particularly for major development proposals.
- Councillors and Pre application: Councillors rarely get involved in pre application meetings or presentations and there appears to be a distrust of this form of engagement. This could be a useful tool for the Council to use on large or complex schemes to facilitate greater understanding and enable Members input at an early stage. There is general guidance on this in the code of conduct but specific further pre application guidance would be required for all parties.
- Pre-Application supplementary planning documents : The Council provide a range of pre application supplementary planning documents (SPDs) including Andover Access Plan, Shopfronts, and Draft Residential areas of Special Character that will assist in the delivery of their planning policy aims. However, there are some SPDs that are considerably out of date e.g. Affordable Housing and Infrastructure and Developer Contributions that are out of date in terms of the NPPF and the Local plan. Out of date SPDs can cause difficulties and confusion to users of the planning service.

6.2 Pre-Application - Conclusions and Recommendations:

Conclusions

The pre-application page of the web site provides relevant pre-application advice in PDF form but this could be expanded to increase its usefulness, to include links to relevant documents, the role of Councillors at pre application stage and the use of Planning Performance Agreements (PPA), particularly for major schemes. Several Supplementary Documents are old and require review.

Recommendations:

- The planning pre application advice page could be usefully expanded to include other useful information, planning performance agreements, Members role in pre- application engagement and links to the relevant plans and supplementary planning documents
- Further advice on effective pre-application Member engagement should be produced to ensure that all engagement is in line with the Codes of Conduct.
- All Supplementary Documents should be reviewed to ensure they are up to date with

current Development plan policies and the National Planning Policy Framework

7. QUALITY INFORMATION, REPORTS & TRAINING

7.1 Quality Information – Findings and Conclusions:

- Planning Reports and Committee Agendas: The reports are generally clear and cover all the key issues and have the reasons for refusal/conditions set out in full. However, the reports at the SAPC had not been updated to include the most recent changes to the National Planning Policy Guidance. The inclusion of location plans and appropriate plans as part of the reports is important. Some applications included comparison tables – this type of summary and comparison is extremely useful. In terms of the ease of understanding of the report, it would be helpful if all of the individual consultees responses were located together (dated) to understand the totality and development of that consultees comments. The inclusion of the information notes at the beginning of the agenda are extremely useful but may, additionally, be even more valuable for service users if it was included on the Council's website with links provided in correspondence regarding planning applications and committee. These notes could be expanded to provide an illustrative seating plan for the committee. The update paper clearly sets out the latest application correspondence and information, including whether there was, and who attended, a viewing panel and officers response to additional information including any amendments to the recommendation. It was apparent that not all committee members read the reports in advance of the meeting and very few councillors in the SAPC sought answers to their questions in advance of the meeting "preferring to keep their powder dry". Overall these issues, extends the meeting, and officers directing the Members to the committee report does not look prepared, and does not give the appearance of 'professional', robust, considered, decision making. This was also identified as an issue in the 2014 Overview and Scrutiny report.
- Member Training: The planning code of conduct (1.10) is clear that members who have not attended training sessions should not be involved in the decision making process. It is not however, clear how often this training should be (except that it is plural). At present Members get induction training but not ongoing training. The Policy Panel had recently undertaken a session on the new NPPF which was open to everyone but was not 'badged' as being necessary for all decision makers on planning applications and as training for planning committee members. The review has identified the need for planning decision makers to be trained on new Government policy/guidance e.g. NPPF; material considerations; technical training e.g. design and training on probity. The issue of planning training and poor attendance at planning training was raised in the 2014 and 2018 Overview and Scrutiny reports.
- Planning Chairmanship Training: All three planning committee have relatively new planning chairs, none of whom have had any planning chairmanship training. Even those with significant planning knowledge have not had chairing skills training and those that are experienced at chairing meetings haven't necessarily got planning chairing skills. The Overview and Scrutiny report in 2014 identified the need to provide Chairmen and vice chairmen of the Planning committees with Planning Chairmanship skills training. All chairs and vice-chairs would benefit from such training.
- Decision and Development Review: Currently members do not review planning decisions or new development within the borough, this is a lost opportunity to learn about their decision making, the decision making of officers and the Planning Inspectorate; and the physical

impact of the development on the ground. This understanding and knowledge could feed into reviews of planning policy and guidance.

Recommendations:

- Training: All Members undertake a programme of planning and probity training, including, decision making (Defensible, Robust, lawful decision making focusing on material planning consideration and public interest).and members that sit on planning committee undertake a more detailed programme including: Government policy/guidance e.g. NPPF; technical training e.g. design and training on probity
- Training: All Planning chairs and vice- chairs undertake planning chairmanship training.
- At least annually, all planning committee decision makers undertake a review of a selection of decision and visit developments in the Borough.
- Committee reports: Include comparison or summary table were relevant
- Committee reports: Collate the same consultees responses together – to understand the development of views
- Further encouragement for any Member with questions of the application/report approach officers in advance of the committee
- Agenda/website - Include Information notes on the website and include links in correspondence to inform the public and users of the Planning Service in advance of the committee, to aid greater public understanding of the planning application committee processes.

8. PLANNING COMMITTEES MANAGEMENT

8.1 Committees Management – Findings:

- Planning Committee Size: There was an overwhelming perception that most interviewees would like, or thought that, the committee structure would change. Many comments were made about the benefit of a single committee but most did not appear to think this was possible. Most people, and sources, commented on the very large size of the committees i.e. “ the size of the committees is ridiculous” ; “Smaller committee but still north and south” , “Smaller Committee would be better trained and more focused on planning issues”
- Executive Members: At present all councillors are expected to sit on one of the area planning committees including executive (cabinet) members. The presence of the cabinet members can result in or give the perception of a conflict of interest.
- Southern Area Planning Committee: The location of the meeting and where the public had to go was clear, all the speakers were welcomed and what they had to do was briefly explained. The Chairman opened the meeting and gave a brief explanation of the proceedings. The public were not introduced to the ‘top table’ or councillors at the committee. The name badges were so small as to be pointless, which is an issue that has

already been raised by the Chairman of SAPC who has requested larger name signage. It was difficult for the public to see and identify which councillor was speaking due to the layout and size of the committee. Committee was supported by a range of officers of varying seniority to cover the issues relevant to the evening's agenda (including Environmental Health). There was no highway officers present but this did not cause any problems. It was very encouraging to see that the Committee was supported by a legal officer. There was an appropriate level of formality between officers and Members. The committee was ordered to take the largest/controversial items first and the smaller items later. There are pros and cons for this approach, it deals with the items most of the public are interested in first, but applicants for straight forward applications had to sit through very lengthy presentations, speakers, questions and debates before reaching their items which were then dealt with very quickly. The SAPC agenda (9/10/18) had 8 items(1 x 5 house and a pub extension, 2 x 1 detached dwelling, 2 extensions including one with Listed Building applications and 2 officer/Member interest) 4 of the items took approximately 4 hours. The committee had to vote to continue. There was concern that we witnessed a large agenda for SAPC, however, overall the numbers or complexity should not normally have taken 4 ½ hours, as these were all relatively straight forward non-major applications, albeit there were speakers and public in attendance. There was confusion over the full and listed building (LB) applications speakers and the Chair could have used their discretion to allow the speaker to speak for this item rather than the following LB item. The officers' presentations were clear and very fulsome, if slightly lengthy. There was a slow pace, a significant degree of repetition, and on several occasions the debate strayed away from material planning considerations and the officers had to identify this before the debate was brought back to relevant planning matters. There seems to be a culture of the majority of this very large committee wanting to speak and a noticeable amount of 'grandstanding' for the public. It remains questionable that all members understand the role of the officers as advisors to the Council. However, the Members were not aggressive or overly intimidating and there seemed to be a degree of respect between officers and Members with only a couple of adversarial questions. Many of these issues were identified in the Overview and Scrutiny 2014 report. The attitude to officers is a significant improvement on everything the review Panel was told about how the committee operated 18 months ago.

- Northern Area Planning Committee (NAPC): The review team did not visit the NAPC but we did collect information on it and asked questions about how it operated during our interviews. It is apparent that the nature of the two areas and the two committees are entirely different. There is mutual respect between officers and members at the NAPC and a feeling of a team working towards the same goal. There are less applications called to committee and less referred to the Planning Control Committee. Overall development in the area is less controversial. The layout of the committee is extremely poor and again due to the size of the committee it is difficult for the public to follow what is going on and who is speaking. Similar to SAPC there is no introduction of the top table or Members.
- Planning Control Committee: The review team visited the Planning Control Committee (PCC) on the 16th October 2018. The PCC only had one applications on the agenda, that had been at a previous PCC (June 2018) with delegation to approve subject to a legal agreement. Since that time, the National Planning Policy Framework had been issued, therefore, the application was returned to committee to consider it in light of the new material consideration. In addition, there had been a legislative change affecting pre-commencement conditions. This was essentially a ratification of the previous decision with some amendments to the conditions. This did not therefore provide an ability from the Review Panel to view the PCC as it would normally be. However, it was noted that the layout did cause similar difficulties to the SAPC – but slightly worse as it was more compressed. There was similar issues to SAPC in terms of understanding who all the

participants were. As part of the interviews there were several comment about the relationship of North and South Members and the comments that can ensue in relation to the referral and the relevant area committees approaches. The comments and apparent relationship issues were not considered to appear 'professional' and undermined the overall standing of the committee and reflects poorly upon the Council.

- **Site Visits:** The Viewing Panel takes place on the Friday before the committee, there were several comments about the timing that precluded many Members that work attending. There is a limited attendance at the Panels (8 or 9 out of 24). At the Panel, Members appear to understand that they should not talk to anyone when visiting the site but panel management can be tricky if the Panel do not remain in a group.
- **Pre-Meeting /Planning Committee Briefings of Members:** The pre-meeting, is a meeting of officers and Chair and Vice Chair to run through the agenda and key issues. In accordance with the code of conduct, there is no apparent planning pre-meeting on party political grounds or any party political 'whipping'

8.2 Committee Management – Conclusions and Recommendation:

Conclusions:

- The overall scale of the committees can, and does, give rise to issues that affect the efficiency and effectiveness of the decision making and provide a poor experience for the public and customers of the planning service.
- There appears to be a view that the process could be improved and a will by some, but not all, to change the current committee structures. Restructuring the committees and creating a more focused and dedicated decision making body focused on: enabling ward members to attend the committee as an advocate for their wards and decision makers to concentrate on making decision in the wider public interest. The smaller committee would also release the executive members to focus on their portfolio and avoid any potential conflict of interest or perception of a conflict. The smaller committee will also improve the focus of the planning site visit panel

Recommendations:

- Restructure the planning committee into 1 Borough -wide committee and no planning control committee, with a membership of circa 13 members or similar to facilitate balance. OR
- If the single committee is too radical a proposal at this time, introduce an interim step of creating two small area committees and remove the Planning Control Committee.
- The creation of a single, or two smaller committee, should not include executive members enabling them to focus on their cabinet role and avoid any potential conflict of interest, or perception of a conflict.

Note: these changes will also require changes to the constitution to facilitate ward representation; and training for Members on the role of ward advocate and planning committee decision maker

- Award of Costs workshop: case studies, from other authorities, of the circumstances and cost award to develop an understanding of unreasonable behaviour.

9. PLANNING COMMITTEE – SHOP WINDOW

Shop Window –Conclusion:

- 9.1 The planning committee/s are one of the main ‘shop windows’ for any council, there are people that will only ever come into direct contact with how the council operate through a planning applications. The current committees have good clear reports and visual aids, reasonable formality between officers and members, but difficult confusing layouts and are so large that is it difficult to follow proceedings which are extremely lengthy. The scale of the committee; the lack of training; confusion of ward advocate/committee decision maker roles; lack of preparation by some members; culture, in the SAPC, that members want to be seen to speak and are repetitive leading to very lengthy periods on each application (in excess of an hour) - do not result in the appearance of a ‘professional’ decision making body that represents the whole community. As set out above the reduction in the size of the committees, to one single committee with ongoing training will result in a committee that can make planning decision in a more effective and efficient manner for the whole of Test Valley Borough.

ITEM 12 Change of Time of Full Council Meetings

Report of the Corporate Portfolio Holder

Recommended:

That from the date of Annual Council on 13 May 2019, ordinary meetings of Full Council will begin at 5.30pm.

SUMMARY:

This report recommends changing the start time of meetings of Full Council from 4.00pm to 5.30pm

1 Introduction and background

- 1.1 Currently meetings of Full Council take place on an alternating rotation between Andover (Guildhall or Beech Hurst) and Crosfield Hall, Romsey with a start time of 4.00pm.
- 1.2 In October 2018 Test Valley Borough Council underwent a Local Government Association Corporate Peer Challenge Review culminating in the Peer Review Team's Feedback Report. Having considered the findings and recommendations of the Feedback Report, an Action Plan was formulated.
- 1.3 The Peer Review Team considered the issue of the time of meetings at Test Valley Borough Council and commented as follows:

 "The current timings of committee and council meetings are uncommon rather than unique. Full Council meetings begin at 4pm for example and other committee meetings typically commence at 5.30pm. While the council is best placed to determine when its meetings take place, meetings that begin later in the evening may make serving on the council a more realistic option for those residents that work full-time outside of the borough."
- 1.4 On 16 January 2019 Cabinet resolved:-
 - (a) To note the LGA Peer Challenge Team's findings, as set out in the Feedback Report attached in Annex 1 to the report.
 - (b) To approve the proposed Action Plan in Annex 2 to the report which addresses the recommendations highlighted in the Feedback Report.
 - (c) That the Feedback Report and Action Plan are published on the Council's website.
- 1.5 The Action Plan produced pursuant to the report identified that options around the future timings of the Council's committee meetings should be explored.

- 1.6 This report recommends that meetings of Full Council should (after the meeting of Annual Council on 13 May 2019) start at 5.30pm, bringing them in line with the times of the majority of other Council meetings.
- 1.7 Of our fellow District Councils in Hampshire, four start their Full Council meetings at 7pm, three at 6.30pm, two at 6.00pm and one at 5.00pm.
- 1.8 A calendar of dates and times for the ordinary meetings of Full Council for the upcoming year is approved annually at Annual Council. If this recommendation is approved, the start time for full Council meetings for 2019/2020 presented to Annual Council for approval on 13 May 2019 will be 5.30pm.

2 Corporate Objectives and Priorities

- 2.1 Enhancing access to Council meetings supports the corporate objective of enabling contribution to a strong community.

3 Options and Appraisal

- 3.1 This report proposes that after the date of Annual Council on 13 May 2019 that Full Council meetings commence at 5.30pm.
- 3.2 To have Council meetings commence after or at the end of the working day would make it easier and more convenient for members of the public who wish to attend Council meetings to do so. This is of course equally applicable to Councillors who are otherwise committed during the working day.
- 3.3 Changing the start time of Full Council would bring the meeting in line with the general start time of 5.30pm for meetings of Committees of the Council.
- 3.4 Also as the Peer Review Report identifies, a later start time for Council and Committee meetings may make the prospect of serving as an elected representative a more realistic option for those working outside of the Borough.
- 3.5 It is for the above reasons of greater access to Council meetings and assimilation with the times of the majority of other meetings that the new start time of 5.30pm is recommended.

4 Risk Management

- 4.1 A risk assessment has been carried out and an evaluation of the risks indicate that the existing controls in place mean that no significant risks have been identified at this time.

5 Resource Implications None identified

6 Legal Implications None identified

7 Equality Issues

- 7.1 This report does not identify any issues affecting or relating to equality.

8 Other Issues None

9 Conclusion and reasons for recommendation

- 9.1 It is recommended that the time of Full Council meetings be changed from 4.00pm to 5.30pm to enhance access to those meetings and to bring the time in line with other meetings of the Council.

Background Papers (Local Government Act 1972 Section 100D)

Local Government Peer Challenge Test Valley Borough Council Feedback Report 3-5 October 2018.

Test Valley Borough Council LGA Peer Challenge Action Plan.

Confidentiality

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:	N/A
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(Portfolio: Corporate) Councillor Flood

Officer:	Karen Dunn	Ext:	8401
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Report to:	Council	Date:	10 April 2019
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ITEM 13 Review of the Council's Petition Scheme and Amendment to Scheme of Public Participation

Report of the Corporate Portfolio Holder

Recommended:

- 1. That the Council's Petition Scheme be amended as set out at Annex 1 to this report.**
- 2. That the Council's Scheme of Public Participation be amended as set out at Annex 2 to this report.**

SUMMARY:

- A change to the Council's Petition Scheme is proposed to ensure that a petition is considered by the Council decision-making body with power to make a decision on the subject-matter of the petition.
- A small change to the Council's Scheme of Public Participation is proposed to ensure the public may speak under the Public Participation Scheme in relation to petitions presented to Full Council.

1 Introduction and background

- 1.1 A review of the Council's Petition Scheme and Scheme of Public Participation has been carried out to address the issues of:
 - (a) A petitioner being able to request that a petition is considered by a Council body other than that body which has the ability to make a decision in relation to a matter; and
 - (b) The Scheme of Public Participation as currently drafted does not allow public participation at Full Council where a matter (which would include a petition) is not listed as a motion on notice.
- 1.2 Local Authorities are no longer required to maintain petition schemes. Previously, the Local Democracy, Economic Development and Construction Act 2009 ("the Act") and the Local Authorities (Petitions) (England) Order 2010 required Local Authorities to have petition schemes and set out certain requirements for the content of those schemes.
- 1.3 Statutory guidance issued under the Act contained a model Petition Scheme which the majority of Local Authorities adopted and which most schemes reflect or have evolved from.
- 1.4 The Localism Act 2011 repealed the previous legislation referred to above.

- 1.5 The Council's Petition Scheme as currently drafted enables a petitioner (subject to the required number of signatories) to bring a petition to Full Council even though Full Council may not be the decision-making body in respect of the subject matter of the petition.
- 1.6 This resulted in an instance last year where a petitioner quite properly brought a petition to Cabinet which was the appropriate decision-making body for the subject matter of the petition. The petitioner spoke to their petition and there was public participation.
- 1.7 Thereafter, under the current "Petitions for Debate" provisions the petitioner also brought their petition to Full Council. As the petition had the requisite number of signatories, in accordance with the Petition Scheme it was placed on the Council agenda. By the time the petition came to Council, Cabinet had properly made its decision resulting in the situation that Council was presented with a petition in respect of which it had no decision-making powers and in respect of which the relevant decision had in any event been made.
- 1.8 It is recommended that the current divisions of "ordinary", "consultation", "statutory" and "petitions for debate" are replaced by one class of simple petition which will be reported (subject to the required number of signatories) to the Council body with decision making power for the subject matter of the petition.
- 1.9 The reason for this recommendation is to simplify the Council's Petition Scheme and to ensure that the petitions submitted under the Scheme are reported to the Council body with decision-making power for the subject matter of the petition.
- 1.10 A copy of the Petition Scheme is attached at Annex 1, track-changed to show the recommended amendments.
- 1.11 Similarly at Annex 2 the Scheme of Public Participation is attached with the recommended amendments shown in track-changed format.
- 1.12 In making the above amendments, the opportunity has been taken to recommend simplification of the wording of both documents.
- 1.13 An additional provision has added to the list of petitions which will not be accepted; namely petitions which the Council's Monitoring Officer acting in consultation with the Chief Executive consider to be vexatious, abusive, discriminatory or otherwise inappropriate or unreasonable.

2 Options and Option Appraisal

- 2.1 This report recommends amending the Council's Petition Scheme and Scheme of Public Participation in accordance with the track-changed drafts contained in the Annexes to this report.
- 2.2 Adoption of these changes simplifies the Petition Scheme and ensures that Petitions are reported to the Council decision-making body with power to make a decision in respect of the subject matter of the petition.

2.3 The option of leaving the Petition Scheme as it stands presently may result in the situation where a petition may be brought to a meeting of Council which is not the decision-making body in respect of the subject matter at hand.

2.4 It is also recommended that the Scheme of Public Participation is amended to delete the provision limiting matters at which the public can speak at Council Meetings to enable Public Participation upon Petitions which are not listed as a motion on notice.

3 Risk Management

3.1 A risk assessment has been carried out and an evaluation of the risks indicate that the existing controls in place mean that no significant risks have been identified at this time.

4 **Resource Implications** None are identified.

5 Legal Implications

5.1 An amendment to the Council's Petition Scheme and Scheme of Public Participation, being as they are part of the Council's Constitution is a matter for Full Council.

6 Equality Issues

6.1 This report does not identify any issues relating to equality.

7 Conclusion and reasons for recommendation

7.1 It is recommended that the Council's Petition Scheme is amended to ensure that Petitions are reported to the Council body with decision-making power in relation to the subject matter of the Petition and that the Scheme of Public Participation is amended to enable public participation in relation to Petitions reported to Full Council.

Background Papers (Local Government Act 1972 Section 100D)

The Council's Petition Scheme and Scheme of Public Participation.

Confidentiality

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:	2	File Ref:	N/A
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(Portfolio: Corporate) Councillor Flood

Officer:	Karen Dunn	Ext:	8401
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Report to:	Council	Date:	10 April 2019
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Council Petition Scheme

We welcome petitions as one way in which you can let us know your concerns. We set out below how the authority will respond to petitions which you send us.

This scheme does not cover the process for dealing with petitions received in response to Planning or Licensing applications as they are dealt with under separate procedures. ~~Such petitions will be considered in accordance with all other submissions made in relation to these applications.~~ Further information can be obtained from the relevant department.

1. What is a petition?

We treat any communication which is signed by or sent to us on behalf of at least 10 signatories as a petition. It is not a requirement that you live, work or study in the Borough and we would take equally seriously a petition from, for example, 10 visitors on the subject of one of our visitor attractions. People under 18 can submit and sign petitions.

2. What should a petition contain?

- a) A clear statement of your concerns and what you would like the authority to do.

This must relate to something which is the responsibility of the authority, or over which the authority has some influence. ~~Where a petition relates to a matter which is within the responsibility of another public authority, we will ask the petition organiser whether he/she would like us to redirect the petition to that other authority.~~

Where a petition relates to a matter over which the authority has no responsibility or influence, we will return the petition to the petition organiser with an explanation for that decision.

- b) The name and contact details of the “petition-organiser” or someone to whom you would like any correspondence about the petition to be sent.

~~Contact details may be either a postal address or an email address.~~

- c) The names, addresses and signatures of at least 10 petitioners (which can include the petition organiser).

Where the petition is in paper form, this must include an actual signature from each petitioner. ~~Where the petition is to be reported to full Council, it will need to contain the required minimum number of signatures (see below). If you want your petition to be debated at a meeting of the Council (“A Petition for Debate”), your petition will need to contain a higher number of signatories or petitioners (see below).~~

- d) [^] ~~The minimum number of signatories for the appropriate decision-making body.~~

3. Who should you send a petition to?

3. ~~Where you submit a petition in response to consultation by the authority, please clearly identify the matter it relates to and return it to the address set out in the consultation invitation. This will ensure that it is reported to the appropriate committee or officer.~~

The Democratic Services Manager is responsible for receiving, managing and reporting ~~all other~~ petitions to which this scheme applies sent to the authority.

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You may submit a petition ~~on~~ via our website (www.testvalley.gov.uk) or in paper/electronic form. Please address paper/electronic petitions to the Democratic Services Manager at:

Test Valley Borough Council, Beech Hurst, Andover, SP10 3AJ or admin@testvalley.gov.uk

The Democratic Services Manager will ~~ensure that~~ acknowledge receipt of the petition ~~is acknowledged to the petition organiser and paper/electronic petitions and will be entered~~ the petition details on the authority's petitions website. The website is regularly up-dated with information on the progress of petitions.

~~As advised, petitions can be received in hard copy, electronically or through our petitions website. This scheme applies to website petitions in the same way as it applies to paper and electronic petition~~

s-

4. ~~Types of Petition~~ How will a petition be considered?

~~There are four different types of petition, as set out below. How we deal with a petition depends on which type of petition you submit.~~

~~Please note that petitions which raise issues of possible Councillor misconduct will be not be considered under this Petitions Scheme but instead taken as complaints arising under the Local Government Act 2000 and will be reported to the Monitoring Officer who may refer it to the General Purposes Employment Appeals and Ethics Sub-Committee.~~

~~(a)~~ Ordinary Petitions

~~These are petitions which do not come within any of the following specific types.~~

The Democratic Services Manager will arrange for each ~~valid Ordinary~~ Petition to be reported to the ~~relevant Council~~ body responsible for taking decisions on the ~~subject matter of the petition.~~

~~This may be:-~~

- ~~• an Officer;~~
- ~~• a Portfolio Holder;~~
- ~~• Cabinet~~
- ~~• Full Council - at least 1,500 signatures required; or~~
- ~~• a Committee.~~

~~Portfolio Holder, the next convenient meeting of Cabinet, Council or other relevant Committee of the Council, **whichever has the power to make a decision on the matter.**~~

~~(b)~~ Consultation Petitions

~~These are petitions in response to an invitation from the authority for representations on a particular proposal.~~

~~The petition will be reported to the relevant Committee or officer making the decision on the proposal. The Council's Constitution defines who will take different~~

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~~types of decision, as set out in the Scheme of Delegations and the Powers and Duties of each Committee or Sub-Committee.~~

~~Where the petition relates to a matter which is within the delegated power of an officer, he/she will not exercise those delegated powers but will automatically refer the matter up to the relevant Portfolio Holder for decision.~~

~~Where the petition relates to a matter which is within the delegated powers of an individual Portfolio Holder, he/she may decide not to exercise those delegated powers but to refer the matter to Cabinet for decision.~~

~~(c) — Statutory Petitions~~

~~Particular Acts of Parliament require the Council to consider petitions, for example a petition for a review of Parish Councils, or a petition for a directly elected Mayor. Where a petition is received under such a specific statute, it will be reported to the next available meeting of the Council in accordance with the statutory requirements.~~

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~~(d) — Petitions for Debate~~

~~If you want your petition to be reported to and debated at a meeting of full Council, it must contain at least 1,500 signatories or petitioners (reduced where it is a local matter which affects no more than 2 wards to 200 per ward Member, meaning 200 signatories will be required where there is a single ward Member, 400 in the case of a ward with two Members, etc).~~

~~Petitions for debate will be reported to the next convenient meeting of full Council. Please contact the Democratic Services Manager if you would like to discuss who your petition is likely to be reported to.~~

~~-Where a Petition is to be considered at a meeting, we will endeavour to accommodate the petition at the next available meeting. This may not always be possible in which case it will be considered at the next convenient meeting.~~

~~Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of Council which are not convened to consider the subject matter of the petition.~~

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5. The role of Ward Members

~~When a petition is received which relates to a local matter (particularly affecting specific electoral wards), the Democratic Services Manager will send a copy of the petition to each relevant ward Member at the same time as acknowledging receipt of the petition to the petition organiser.~~

6.5. What happens when a petition is received?

- ~~• Within 5 working days of receipt, the Democratic Services Manager will acknowledge receipt to the petition organiser and will notify the Chief Executive, leaders of political groups, the relevant Portfolio Holder and Ward Councillor/s;~~

- ~~If it is considered that the petition cannot be dealt with by the Council, the Democratic Services manager will notify the petition organiser giving reasons.~~
- ~~In some cases, the Democratic Services Manager may be able to resolve the petitioner's request directly, by the relevant Portfolio Holder or Officer taking appropriate action. Where this is done, the Democratic Services Manager will ask the petition organiser whether they consider the matter resolved.~~
- ~~and if not resolved, within 10 working days, will open a new public file will be opened on the Council's website and recording the subject matter of the petition, its date of receipt and the number of signatories or petitioners. The petition organiser's name and contact details will only be included on the website if he or she so requests.~~
- ~~Once it is decided within the authority who will consider the petition and when it will be considered, the information will be entered on the website at the same time as it is sent to the petition organiser. The Democratic Services Manager will inform the petition organiser of the Officer or meeting to which the petition will be reported for consideration and when and where that will take place. This information will also be entered on the Council's website. If the petition is to be considered at a meeting of Council, Cabinet or a Committee, the petition organiser will be invited to attend that meeting and to address the meeting for up to 3 minutes on the issue covered by the petition. The invitation to the petition organiser to address the meeting is in addition to any other public speaking rights at that meeting.~~
- ~~Where the petition relates to a matter which is within the delegated power of an Officer, that Officer will not exercise that power without consulting the relevant Portfolio Holder on the decision.~~
- ~~At each stage of consideration of the petition, the Democratic Services Manager will update the Council's website and will notify the petitioner.~~
- ~~Once the petition has been considered, the authority's decision will be notified to the petition organiser and entered put on the website within 5 working days of that consideration.~~

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Petitions are presented on the Council's website in the order in which they are received. All petitions are kept on the website for 2 years from the date of receipt.

Whilst we are committed to dealing with petitions promptly, a petition will normally need to be received at least 15 working days before a relevant meeting if it is to be reported to that meeting.

~~In some cases, the Democratic Services Manager may be able to resolve the petitioners' request directly, by getting the relevant Portfolio Holder or officer to take appropriate action. Where this is done, the Democratic Services Manager will ask the petition organiser whether they consider the matter resolved.~~

~~Unless the matter has been resolved to the satisfaction of the petition organiser, the Democratic Services Manager will, within 10 working days of~~

~~receipt, inform the petition organiser of who the petition will be reported to for consideration, when and where that will take place, and will invite the petition organiser to attend that meeting and to address the meeting for up to 3 minutes on the issue covered by the petition. The invitation to the petition organiser to address the meeting is in addition to any other public speaking rights at that meeting.~~

~~Whilst we are committed to dealing with petitions promptly, a petition will normally need to be received at least 15 working days before a relevant meeting if it is to be reported to that meeting. Where it is necessary to undertake a significant amount of work to collect information and advice to enable the matter to be properly considered, it may be necessary for the Democratic Services Manager to decide that the petition will be held over until the following meeting of the relevant body.~~

~~At the same time as responding to the petition organiser, the Democratic Services Manager will notify the leaders of party groups, the relevant Portfolio Holder, the Chief Executive and relevant ward Members of receipt of the petition.~~

~~At each stage of the consideration of the petition, within 5 working days of any decision, the Democratic Services Manager will enter the relevant information on the petitions website at the same time as it is sent to the petition organiser, to ensure that petitioners can track progress of their petition.~~

7.6. Consideration of a petition at a meeting

~~Petitions which do not relate to an ordinary item of business will be considered before the normal business of the meeting, and will be considered in the order in which they were received, unless the Chairman at the meeting determines otherwise. A maximum of 30 minutes will be allowed at each meeting for considering such petitions and any petitions on which a decision is not reached in the time allowed will be referred to the relevant Portfolio Holder for consideration or deferred until the next meeting.~~

~~Any petitions relevant to particular items of business will usually be taken together with that item of business, in the normal order of business.~~

~~The Chairman of the meeting may invite a relevant officer to set out the background to the issue before inviting the petition organiser to address the meeting for up to 3 minutes. The Portfolio Holder, Chairman and Councillors may then ask questions of the petition organiser, and the Chairman may will then invite the relevant Ward Member/Councillor(s) present to speak on the matter for up to 3 minutes (each). The Portfolio Holder/Chairman will then invite the relevant officer(s) to advise him/her/the meeting, after which the matter will be open for debate among member/Councillors of the decision-making body.~~

~~Where the matter is to be determined by a Portfolio Holder, he/she will take a decision on the matter. That decision may be a determination of the matter, or may be a decision to refer the matter for investigation and report back, or to refer it up to a meeting of the Council, Cabinet or a Committee of the Council for determination.~~

~~Within 5 working days of the consideration of the petition, the Democratic Services Manager will notify the petition organiser of the decision outcome and advise him/her/them that if he/shethey is/are not satisfied with that decision, he/shethey~~

may require the matter to be reported to the next convenient meeting of the appropriate Overview and Scrutiny Committee for review.

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8.7. Review by Appeal to an Overview and Scrutiny Committee.

If the petition organiser is not satisfied with ~~the outcome of~~ the decision in relation to their petition, they may ~~appeal ask to~~ the Overview and Scrutiny Committee ~~to review the outcome~~ by notifying the Democratic Services Manager of their ~~intention to appeal request for review~~ within 15 working days of being notified of the authority's decision.

Within 10 working days of receipt of ~~intention to appeal a request for review~~, the Democratic Services Manager will notify the petition organiser of the time, date and place of the next convenient meeting of the Overview and Scrutiny Committee. At that meeting, the Overview and Scrutiny Committee will invite the petition organiser and ~~ward Ward Member Councillor~~(s) to address the Committee for up to 3 minutes each to explain why it is felt the decision was insufficient. The Overview and Scrutiny Committee may not override the decision, but the decision-maker must consider any recommendations made by the Overview and Scrutiny Committee.

9.8. Petitions which will not be accepted reported

(a) *Duplicate Petitions*

Where more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, each petition organiser will be treated as an independent petition organiser, but only the petition organiser of the first petition to be received will be invited to address the relevant meeting.

(b) *Repeat Petitions*

A petition will not normally be considered where ~~they are it is~~ received within 6 months of another petition being considered by the authority on the same matter.

(c) ~~Rejected Petitions~~ Petitions which the Council's Monitoring Officer acting in consultation with the Chief Executive considers to be vexatious, abusive, discriminatory or otherwise inappropriate or unreasonable

(d) Petitions, the subject matter of which relates to ongoing legal proceedings.

(e) Petitions which raise issues of potential Councillor misconduct will not be dealt with under this scheme but will be referred to the Monitoring Officer for consideration.

(f) Consultation petitions – where a petition is clearly a group response to a public consultation organised by the Council, it will be dealt with as a consultation response.

(g) Statutory petitions. Where legislation requires the Council to consider certain types of petitions, the Council will consider them as prescribed by legislation.

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(h) Petitions which target individual members of the community or relate to party political matters.

• Petitions relating to matters where a legal right to seek a review or appeal exists, (i)

~~Petition organisers will be notified, in writing, should a petition be rejected. It should be noted that petitions will not be not accepted where:~~

- ~~• they contain vexatious, abusive or otherwise inappropriate language; _____~~
- ~~• they relate to ongoing legal proceedings;~~
- ~~• they target individual members of the community; and/or~~
- ~~• they relate to party political matters.~~

Petitions received in the six weeks before an election or referendum may need to be dealt with differently. The petition organiser will be notified of the reasons for the change and informed of the any changes that will apply.

40.9. Further information

The Democratic Services Manager can provide advice about how to petition the authority or the progress of your petition, at either of the above addresses or by telephone at 01264 368000.

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Public Participation Scheme

INTRODUCTION

1. The Council wishes to give those who are interested the opportunity to make a statement on any item on the agenda for any meeting of the Council, Cabinet, or any of the following Committees:
 - Overview & Scrutiny;
 - Planning Control;
 - Northern Area Planning;
 - Southern Area Planning;
 - Licensing Committee (except when hearing licence applications to which the relevant Licensing Procedure Rules apply); or
 - General Purposes Employment Appeals & Ethics Sub-Committee (subject to the restrictions set out in paragraph 4 under Provisions for Specific Meetings).
2. The Public Participation Scheme is in addition to ~~and not in derogation of~~ any other practice or procedure which the Council is required to follow.
3. The Scheme also applies to Members who have a personal interest to which paragraph 5.6 of the Members' Code of Conduct applies (which expression includes those Members who have prejudged a planning application or a licensing application to the hearing of which the Licensing Procedure Rules do not apply) in an item on the agenda.
4. Details of the Scheme and explanatory leaflets are available from the Council offices at Andover and Romsey.

GENERAL PROVISIONS

1. **Rules for Speaking**
 - (a) Statements - These can only be made in respect of items on the agenda for a meeting. Copies of the agendas will be available for inspection 5 clear working days before the relevant meeting at the Council offices at Andover and Romsey.
 - (b) Content of address – Speakers (public and Members with a personal interest) must keep their address to the material issues involved. There will be no opportunity to present background or supporting material. There are restrictions in relation to some Committees and these are set out in the Provisions for Specific Meetings below.

- (c) Questions of Speakers – After they have made their statements, speakers (public and Members with a personal interest) may be asked questions on the content of their statements by the Members.
- (d) Notice of intention to speak (the public): in order to make a statement, oral or written notice must be given to Committee Services at the Council Offices, Beech Hurst, Weyhill Road, Andover by 12 noon on the previous working day. Notice to speak will not be accepted until an agenda has been published or, exceptionally, no more than a month in advance of a meeting, and only then if it is known that the subject matter is going to appear.
- (e) Representation by Members: in addition, or as an alternative to speaking directly to the meeting, members of the public may wish to consult with a local or any Member before the meeting to request them to represent their views to the meeting. It should however be noted that Members are not required to do so.
- (f) Planning Committees: it should be understood that, in relation to Planning Committees, Members are prevented by their Local Planning Code of Conduct from taking a view for or against any particular item until they have heard all the views that may be expressed at the relevant Committee meeting, otherwise they may not be able to take part in the meeting.
- (g) Licensing Committee: has its own procedure rules and Ward Members have a representational role but do not take part in decisions in their Ward. Speakers may be asked to clarify matters of fact by Members; there will be no debate between speakers (the public or Members) and the meeting.

2. Procedure at Meetings

- (a) Public speakers should arrive at least 10 minutes before the start of the meeting and register with the Committee Officer.
- (b) The Chairman will invite the speakers (public and Members with a personal interests) when the agenda item is called.
- (c) Public speakers may remain for the debate but may not speak during the debate.
- (d) After making their statement, Members with a personal interest must leave the room for the duration of the item in which they have the interest.
- (e) The Chairman has discretion to decide the order of agenda items.

PROVISIONS FOR SPECIFIC MEETINGS

1. Council Meetings

~~The matters upon which the public can speak at Council Meetings will be limited to recommendations from the Cabinet and the Council's Committees, and to motions debated under Council Procedure Rule 12. Speakers should seek advice of the Committee Officer.~~

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1.2. Planning Control and Northern and Southern Area Planning Committees

- (a) The Council will allow the following six groups to make presentations:
- Members with a personal interest who object to the application
 - Members with a personal interest who support the application
 - The relevant Parish Council
 - Objectors
 - Supporters
 - Applicant (including agent)
- (b) The onus is on Parish Councils, applicants, objectors and supporters to enquire as to the progress of the matter in question. The dates of forthcoming meetings can be obtained from the Council offices and officers will be able to advise on the progress of applications.
- (c) The order of speaking is as follows:
- Announcement of item by Chairman giving basic details;
 - Introduction by an officer, drawing attention to significant issues and giving updated information;
 - Representations from Members with a personal interest;
 - Parish Council representations;
 - Objectors' representations;
 - Supporters' representations;
 - Applicants' representations;
 - Further comments by officer;
 - Debate and decision.

2.3. Licensing Committee

The Licensing Procedure Rules will apply when the Licensing Committee sits to hear licensing applications.

3.4. General Purposes Employment Appeals & Ethics Sub-Committee

Statements cannot be made on items on the agenda that relate to the conduct of individual Members of Test Valley Borough Council, Independent Persons of the

General Purposes Employment Appeals & Ethics Sub-Committee, or Members of Parish Councils within the Test Valley Borough area.

LENGTH OF STATEMENT

1. Council, Cabinet and Committees other than Planning Committees

- (a) A total of 15 minutes will be set aside for each item for each of the two categories of public and Members with a personal interest.
- (b) At Council meetings only, the Mayor may use his/her discretion to extend the total time in exceptional circumstances. The Mayor's decision as to what constitutes exceptional circumstances and the length of such extension shall be final. The total time for Members with a personal interest shall only be extended if there is an equivalent extension for the total time for the public.
- (c) Individual statements will be limited to a maximum of three minutes for members of the public.
- (d) The Mayor or Chairman may limit the length of statements to less than three minutes if a large number of people wish to speak on a particular item.
- (e) A device of green, amber and red lights to indicate times will be provided.

2. Planning Control and Northern and Southern Area Planning Committees

- (a) Each group will have a maximum of three minutes.
- (b) The Chairman may limit the length of statements to less than three minutes if a large number of people wish to speak on a particular item.
- (c) A device of green, amber and red lights to indicate times will be provided.

ITEM 14

Exclusion of the Public

Recommended:

That, pursuant Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in the following Paragraphs of Part 1 of Schedule 12A of the Act, as amended, indicated below. The public interest in maintaining the exemption outweighs the Public interest in disclosing the information for the reason given below:

To approve the exempt minute of the meeting of the Council held on 13 March 2019

Paragraph 3

It is considered that this 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.