

Notice of Meeting

Council

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

Date: Wednesday 10 June 2020

Time: 5.30 pm

Venue: Being held virtually by Microsoft Teams. The public can listen to a live stream here:

<http://www.audiominutes.com/p/player/player.html?userid=tvbc>

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



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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 June 2020

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 meeting of the Council
held on 26 February 2020 and 6 May 2020**
- 6 Mayor's Announcements**
- 7 To receive and adopt Committee reports 4 - 20**

To receive and, where necessary, adopt reports of
Committees
- 8 Questions under Rule 11.1**
- 9 Questions under Rule 11.2**
- 10 Notice of Motion - Rule 12**
- 11 Climate Emergency Action Plan 21 - 46**

Following the resolution of the Council in September 2019, OSCOM was tasked with establishing a cross party working group that would develop a climate emergency action plan. This paper presents the outputs of this work, seeking approval of the Climate Emergency Action Plan

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|-----------|--|-----------------|
| 12 | <u>Appointments to Project Enterprise Member Panel</u> | 47 - 49 |
| | To consider appointments to the Member Panel for Project Enterprise. | |
| 13 | <u>Amendments to the Constitution</u> | 50 - 83 |
| | To consider the amendments to the Constitution. | |
| 14 | <u>Reporting of Urgent Decisions</u> | 84 - 158 |
| | To consider the urgent decisions which was taken by the Chief Executive in consultation with the Leader during the period of national emergency presented by the Coronavirus pandemic. | |
| 15 | <u>Appointment of Chief Executive</u> | |
| | To receive a recommendation from the General Purposes Appointments Sub-Committee held on 9 June, 2020 relating to the appointment of a new Chief Executive. | |

ITEM 7 To receive and, where necessary, adopt 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 – 12 February 2020
- 7.1.2 Southern Area Planning Committee – 18 February 2020
- 7.1.3 Overview & Scrutiny Committee – 19 February 2020
- 7.1.4 Northern Area Planning Committee – 5 March 2020
- 7.1.5 Southern Area Planning Committee – 10 March 2020
- 7.1.6 Cabinet – 11 March 2020
- 7.1.7 Licensing Committee – 12 March 2020
- 7.1.8 General Purposes Committee – 18 March 2020
- 7.1.9 Overview & Scrutiny Committee – 18 March 2020
- 7.1.10 General Purposes – 6 May 2020
- 7.1.11 Southern Area Planning Committee – 12 May 2020
- 7.1.12 Cabinet – 13 May 2020
- 7.1.13 Overview & Scrutiny Committee – 20 May 2020
- 7.1.14 Cabinet – 29 May 2020
- 7.1.15 Southern Area Planning Committee – 2 June 2020
- 7.1.16 General Purposes – 9 June 2020

(Note: in relation to 7.1.13 7.1.14. 7.1.15 and 7.1.16 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 – 11 March 2020

7.2.1.1 Capital Strategy 2019/20 – 2024/25 (APPENDIX A)

Consideration was given to a report of the Finance Portfolio Holder which presented an update of the Capital Strategy 2019/20 – 2024/25.

The Capital Strategy aimed to demonstrate that the Council takes capital expenditure and investment decisions in line with service objectives and properly takes account of stewardship, value for money, prudence, sustainability and affordability. Having considered the options and for the reasons set out in the report, Cabinet agreed to the following:

Recommended:

That the updated Capital Strategy 2019/20 to 2024/25 be approved.

7.2.1.2 Overview & Scrutiny Committee – 18 March 2020

7.2.1.3 Climate Emergency Draft Action Plan

The recommendation from OSCOM can be seen in full report at Item 11. This includes the Overview & Scrutiny minutes from the meeting held on the 18 March 2020.

7.2.3 Overview & Scrutiny Committee – 20 May 2020

Recommendations to follow (if any)

7.2.4 Northern Area Planning Committee – 28 May 2020

Recommendations to follow (if any)

7.2.5 Cabinet – 29 May 2020

Recommendations to follow (if any)

7.2.6 Southern Area Planning Committee – 2 June 2020

Recommendations to follow (if any)

7.2.7 General Purposes – 9 June 2020

Recommendations to follow (if any)

Capital Strategy 2019/20 – 2024/25

Report of the Finance Portfolio Holder

Recommended:

That the updated Capital Strategy 2019/20 to 2024/25 be approved.

Recommendation to Council

SUMMARY:

- This report provides an update of the existing Capital Strategy and includes forecast changes to its timescale and total cost.

1 Introduction

1.1 The approval of a Capital Strategy is an annual requirement under the revised CIPFA Prudential Code 2018. The Code requires that councils should have in place a strategy that sets out the long term context in which capital expenditure and investment decisions are made, giving due consideration to both risk and reward and the impact resulting from those decisions.

1.2 As local authorities become increasingly complex and diverse it is important that those charged with governance understand the long term context in which investment decisions are made and the financial risks to which the council is exposed.

1.3 The objectives of the Capital Strategy are to:

- Provide an overview of the governance process for approval and monitoring of the capital expenditure;
- Provide a longer term view of planned capital expenditure
- Provide expectations around debt and use of internal borrowing to support capital expenditure
- Define the authority's approach to commercial activities including due diligence and risk appetite
- Define the available knowledge and skills of the authority in relation to capital investment activities

2 Background to the Capital Strategy

2.1 The Council's Capital Strategy was last updated for the period 2018/19 to 2020/21.

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- 2.2 The Capital Strategy aims to demonstrate that the Council takes capital expenditure and investment decisions in line with service objectives and properly takes account of stewardship, value for money, prudence, sustainability and affordability.
- 2.3 The Capital Strategy addresses in detail the following key areas:
- Linking together capital requirements related to corporate priorities for new projects and the ongoing capital need to maintain / repair existing assets through the Asset Management Plan.
 - Managing the approved Capital Programme in an affordable, financially prudent and sustainable way
 - The process showing how new bids are introduced to the Capital Programme
 - Monitoring progress against approved budgets
 - Financing capital expenditure including borrowing requirements and Minimum Revenue Provision (MRP)
 - Purchase of commercial properties and the resources required to ensure due diligence
 - Knowledge and skills
- 2.4 The Capital Strategy does not allocate resources as this is included in the decision-making process in setting the three-year rolling capital programme as part of the annual budget-setting process.
- 2.5 The Capital Strategy report is written to give a broad view of spending in the longer term and how it will be financed. There are several large projects being currently considered, but as these projects are in the early planning stage and have not yet been costed, it will be prudent to give a further update when these figures are available.
- 2.6 All capital receipts and expenditure identified in this document are subject to the Council's Financial Regulations and the authority limits contained therein.

3 Definition of Capital Expenditure

- 3.1 In order to qualify as capital expenditure an item must meet the following three criteria:
- Have a total cost greater than £10,000
 - Have a useful economic life greater than one year
 - Expenditure must be for the purchase of new land / equipment that can be separately identified on the asset register OR

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Materially lengthen the expected useful economic life of an asset OR
Add value to the asset being modified.

- 3.2 All other expenditure on the routine maintenance and repair of assets will be treated as revenue expenditure.

4 Corporate Objectives and Priorities / Asset Management

- 4.1 The objective of the Capital Strategy is to ensure that the overall strategy, governance procedures and risk appetite are clear to members. The strategy outlines how stewardship, value for money, prudence, sustainability and affordability will be secured.

- 4.2 The Council's Corporate Plan, sets out the Council's aims over the period 2019 – 2023. In particular this highlights the four priority areas that the Council is focussed on. The Capital Strategy will help to enable delivery of projects to reinforce these priority areas. Some examples of projects in the current Capital Programme that contribute to meeting these priorities are given below.

Growing the Potential of our Town Centres

- 4.3 Pocket Park, Town Mill Access and Environmental Enhancement – this project has grown as part of a larger plan to regenerate the town centre into a more enjoyable experience for visitors.
- 4.4 Chantry Centre purchase – the purchase of retail units which will enable the Council to develop a larger area of the town centre.

Growing the Potential of our Communities

- 4.5 The Community Asset Fund will continue to issue grants to provide communities with the funds to improve local amenities. Working with agencies to ensure opportunities are transparent to the people living in Test Valley.

Growing the Potential of People

- 4.6 The Council has been working in partnership for the management and development of Walworth Business Park. Substantial investment in developing several sites within the park has been made in the last few years, ensuring that more opportunities for work are available.

Growing the Potential of the Local Environment

- 4.7 The Council's use of S106 monies and Community Infrastructure Levy has enabled projects such as fitness trails, fitness equipment, upgrade of paths and new links which will all contribute to the enjoyment of open spaces in the north and south of the Borough.

5 Capital Expenditure required to maintain Council Assets

- 5.1 In addition to the above, the Council also has the responsibility of maintaining its existing asset base. As at 31 March 2019, this included operational land and buildings worth in excess of £60M and vehicles & plant worth nearly £4M.

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- 5.2 The Asset Management Plan (AMP) for 2020/21 was approved by Council in November 2019. The plan identifies a combination of both revenue repairs and capital replacements for all assets owned by the Council.
- 5.3 Whilst the AMP is a key document in planning future capital expenditure requirements, funding for the identified projects is only approved for 2020/21 projects.
- 5.4 The Council has an earmarked reserve for Asset Management expenditure, which covers both revenue and capital expenditure. The balance on this reserve was £2.954M at 31 March 2019. However, there is inadequate financing in place to enable this to be relied on as a source of finance for expenditure beyond 2021/22.

The Council's strategy is to fund the AMP in three ways:

- Firstly, there is a contribution from the revenue budget. This is currently £1.217M per annum with an additional £1,000,000 in 2020/21.
- Secondly, where the Council has a revenue surplus at the end of the year an element of this can be used to top-up the reserve.
- Finally, there may be earmarked reserves or sources of income to finance specific projects. For example, new car park machines installed in 2019 were funded by New Homes' Bonus receipts in the year.

6 The Council's Capital Expenditure and Financing 2019/20 to 2024/25

Current Asset Portfolio as at 31/3/19

- 6.1 The Council holds an investment portfolio that supports both its operational activities and non-operational activities from which it receives an element of rental income. For 2018/19 the value was £8.88M which represents a gross yield of 9%

Asset Category	Valuation 31/03/19	Rental Income
	£'000	£'000
Investment Properties - Existing	68,682	6,956
Investment Properties – Project Enterprise	27,449	1,924
Total Investment Properties	96,131	8,880
Land & Buildings	82,895	
Vehicles, Plant & Equipment	2,716	
Community Assets	9,311	
Infrastructure Assets	735	
Surplus Assets	433	
Assets under Construction	0	
Total Assets	192,221	8,880

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The rental income the Council receives is used to support General Fund services and represents 9.8% of the total income it receives.

Investment Property (Non-Operational)

- 6.2 These assets include Business Parks, Project Enterprise investments and land held solely for capital appreciation and rental income.

Land and Buildings

- 6.3 These are operational properties, land, infrastructure and community assets that are used to deliver council services and include Council offices.

Vehicles, Plant & Equipment

- 6.4 These assets are used in the delivery of Council services and include all council owned vehicles, IT equipment, play equipment and green spaces equipment.

Community Assets

- 6.5 These assets include parks and open spaces.

Infrastructure Assets

- 6.6 These assets include footpaths and cycle ways.

Surplus Assets

- 6.7 These are assets that are not being used to deliver services, but which do not meet the criteria to be classified as either investment properties or assets for sale.

Capital Expenditure Forecast

- 6.8 Details of capital expenditure form one of the prudential indicators. The table below shows the approved capital expenditure for 2019/20 to 2021/22, as presented in the Updated Capital report to Council in February 2020, and how it will be financed. For the years 2022-2025 a forecast has been made based on previous years' average expenditure excluding large one-off projects.

	2018/19 Actuals £'000	2019/20 Revised Estimate Approved £'000	2020/21 Estimate £'000	2021/22 Estimate £'000	2022/23 Estimate £'000	2023/24 Estimate £'000	2024/25 Estimate £'000
Capital Expenditure							
Asset Management Plan	1,783.7	1,962.8	2,788.0	1,800.0	1,800.0	1,800.0	1,800.0
Community & Leisure							

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Land & Buildings	11,911.4	2,866.9	607.7				
Vehicles, Plant & Equipment	509.2	310.9	148.1				
Community Assets	348.1	981.7	2,005.8	1,000.0	1,000.0	1,000.0	1,000.0
Infrastructure Assets		2.0	100.4				
Property & Asset Management							
Land & Buildings	8,433.4	1,793.5		1,200.0	1,200.0	1,200.0	1,200.0
Vehicles, Plant & Equipment		355.5					
Community Assets		1,625.0	125.0				
Infrastructure Assets		487.2	454.0				
Project Enterprise							
Investment Properties	989.7	2,150.3	3196.5	3,000.0	3,000.0	3,000.0	3,000.0
Land & Buildings	3,958.3	2,412.4					
Vehicles, Plant & Equipment		60.0					
Housing & Env'tl Health							
Community Assets *(DFG)	557.4	800.0	950.0	950.0	950.0	950.0	950.0
Information Technology							
Vehicles, Plant & Equipment	49.6	9.3					
Affordable Housing							
Community Assets		810.0	1,110.0	300.0	300.0	300.0	300.0
Total Capital Expenditure	28,540.8	16,627.5	11,485.5	8,250.0	8,250.0	8,250.0	8,250.0
Resourced by:							
Capital Receipts	5,052.3	6,453.2	50.0	50.0	50.0	50.0	50.0
Government Grants	566.3	750.0	850.0	850.0	850.0	850.0	850.0
Internal Contributions	1,500.8	1,710.7	1,502.9	601.9			
External Cont'ns (S106 etc.)	621.1	2,427.4	1,948.1	300.0			
Reserves (NHB & specific)	9,948.3	3,863.6	3,908.4	250.0			
Capital Receipts Reserve	4,952.0	(127.4)	3,226.1	2,348.1	575.1		
Borrowing	5,900.0	1,550.0					
Total Financing	28,540.8	16,627.5	11,485.5	4,400.0	1,475.1	900.0	900.0
Funding Gap				3,850.0	6,774.9	7,350.0	7,350.0

*(DFG) Disabled Facilities Grants

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- 6.9 The table above shows a funding gap for the years following the approved programme. For funding options – see para 10.3

7 Managing the Capital Programme

- 7.1 A Capital Working Group (CWG) meets every year. The group includes a Corporate Director together with representatives from Finance and other Services. The CWG is responsible for assessing new capital bids against a range of criteria, and considering the available capital financing options.
- 7.2 The Capital Programme is updated and reported to Cabinet each year in February, May and November. Bids for new expenditure are generally included in the November report (see para 8.1). Each update contains details of approved projects together with the budget profile of each project.
- 7.3 The process for adding new projects to the Capital Programme is detailed below.

8 Adding new projects to the Capital Programme

- 8.1 There is a timetable for new bids to be prepared and assessed before being presented for approval.

July/August – CWG reviews bids together with draft business cases and options appraisals. All bids are subject to an objective scoring exercise. Bids are prioritised according to the score attained.

October – Officers' Management Team reviews the scored bids and proposes a Capital Programme for approval.

November – The proposed Capital Programme is considered by Cabinet.

January – The Capital Programme is recommended to Council for approval.

- 8.2 In order to ensure the most efficient use of capital resources an objective scoring methodology is used. The scoring system aims to give priority to bids that meet the Council's key priority areas or improve efficiency in service delivery whilst considering other key factors.

9 Monitoring Progress against the Capital Programme

- 9.1 The Capital Programme contains details of approved projects together with the budget profile of each project. Where budget variances or potential slippage are identified they are reported to Cabinet as part of the Capital Programme reporting process.
- 9.2 Cabinet receives three updates per year on the progress of the Capital Programme. On each occasion, the progress of each project is assessed and if any change is required to the budget or timing of the project the reasons are explained and the necessary approvals sought.

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10 Financing the Capital Programme

- 10.1 Consideration of the financing of capital projects is integral to the governance procedures outlined above.
- 10.2 In general the Council finances capital expenditure from existing resources including reserves and capital receipts or from specific grant funding sources. This ensures that capital expenditure is both affordable and prudent.
- 10.3 As at February 2020 the surplus in the financing of the Capital Programme to 2021/22 was £575K. The options for dealing with any expenditure above the surplus are:
- Honour existing capital projects, but consider new capital spending (with the exception of projects that are legislative, externally funded or generate revenue savings) to ensure suitable capital receipts have been identified for expenditure above the remaining balance in the Capital Receipts Reserve.
 - Use borrowing (either external loans or using existing reserve balances) until an ongoing sustainable funding solution for the Capital Programme can be identified.
 - Use contributions from revenue budgets or transfers from existing earmarked reserves.

Resource Streams to fund the Capital Programme

- 10.4 The Council has five main sources of income generation to fund future capital expenditure:
- Proceeds from the sale of assets
 - Grants and contributions for specific projects including New Homes Bonus and developers' contributions
 - Contributions from the Revenue Budget
 - Use of existing balances
 - Borrowing
- 10.5 This strategy recommends a sustainable approach to capital investment by placing maximum emphasis on utilising the first two options. Use of existing balances will only be used for the reasons discussed in paragraph 10.19-23. Borrowing will be used for funding where there is a good business case for doing so.

Sale of redundant / obsolete assets

- 10.6 The Property and Asset Management Service monitors the useful economic life of the Council's land and buildings assets. Where it is determined that an asset is surplus to Council requirements or is not economically advantageous to retain it will be considered for disposal.

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- 10.7 In the case of land this will be at market value unless there are exceptional circumstances (e.g. discounted disposal for affordable housing). Given the current situation in the market value of land and buildings it is expected that few sites will be suitable for disposal in the near future.
- 10.8 In considering whether an asset is surplus to requirements the following will all be considered; the Council's ability to control future uses of the property, the net income foregone by disposal and the costs of making good or creating a suitable replacement of the asset sold.
- 10.9 The Head of Property and Asset Management will periodically produce a list of properties considered appropriate for potential disposal and report to Cabinet accordingly.

Grants and Contributions

- 10.10 Certain projects will attract grants from the Government or other bodies. Where these grants are available, the Council will seek to fully utilise them having due consideration to ongoing revenue costs that will have to be borne following the removal of the grant. The level of external funding available is considered when approving bids to be added to the Capital Programme.
- 10.11 The Council also uses income received under the New Homes' Bonus scheme to contribute to new capital expenditure. Receipts from this source are used to fund capital community projects.
- 10.12 Part funding is available on some projects from partners (e.g. Hampshire County Council). Where such contributions are available they will be applied against approved capital expenditure.
- 10.13 As part of the terms of certain planning consents, developers are required to make contributions to local infrastructure in areas such as affordable housing, open space, green travel, highways improvements etc. (often referred to as section 106 agreements). Where these contributions are available they will be applied against the total cost of relevant projects.
- 10.14 The S106 regime is supplemented by the Community Infrastructure Levy (CIL).

Revenue Contributions

- 10.15 The annual revenue budget includes contributions to capital reserves for specific projects and does currently include a general contribution towards future capital spending. There is considerable strain on the revenue budget in the medium term and this source of financing will only be used where savings in the revenue budget are achieved.
- 10.16 Revenue contributions may be made in the event of underspends on the revenue budget each year. However, the allocation of any underspend will be decided by Cabinet and cannot be relied upon as a sustainable source of financing for the capital programme.

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- 10.17 Where the Council has existing reserves, these balances could be considered for transfer to the Capital Programme. However, reserve balances are one-off in nature and do not provide an ongoing funding option.
- 10.18 It may be possible to provide a degree of financing to the Capital Programme from investment income receipts. The revenue budget currently forecasts very low receipts due to the prevailing Bank of England base-rate. If the level of investment income increases it may be possible to transfer some of this income to capital resources.

Use of Existing Balances

- 10.19 At 1st April 2019 the Council had £6.022M of useable capital receipts.
- 10.20 The Capital Strategy promotes a sustainable approach to capital investment by restricting the level of capital expenditure to the amount of receipts generated.
- 10.21 The main reason that it is not appropriate to spend available reserves is due to the link between the Revenue and Capital budgets. Capital expenditure financed from reserves will have a direct impact on the revenue budget through lost interest.
- 10.22 The use of balances will be considered appropriate for projects that will produce ongoing revenue savings. Where this method is applied, the savings generated in the revenue budget will be used to replenish capital reserves until such time as the project is 'capital-neutral' after which time ongoing savings will form part of the Council's annual revenue budget.
- 10.23 Use of balances will also be considered appropriate as a short term measure where expenditure is made before expected capital receipts are generated. There is some risk with this approach as expenditure will be incurred before assets are sold and income is realised.

Borrowing

- 10.24 The Council is permitted to borrow under the Prudential Framework introduced with effect from 1 April 2004.
- 10.25 The Council borrowed £5.9M in 2018/19 to fund the redevelopment of Andover Leisure Centre. In April 2019 a further £1.55M was borrowed to fund the purchase of premises in Andover High Street. The Council, as an eligible local authority, has accessed funds at the PWLB Certainty Rate.

Minimum Revenue Provision (MRP) Policy Statement

- 10.26 Minimum Revenue Provision (MRP) is the revenue charge that the Council is required to make for the repayment of debt, as measured by the underlying need to borrow, rather than actual debt. The underlying debt is needed to finance capital expenditure which has not been fully financed by revenue or capital resources. As capital expenditure is generally expenditure on assets which have a life expectancy of over one year it is prudent to charge an amount for the repayment of debt over the life of the asset or some similar proxy figure.

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- 10.27 The Local Authorities (Capital Financing and Accounting) regulations require local authorities to calculate for the financial year an amount of MRP which is considered to be 'prudent'. There are two methods available for calculating debt incurred after April 2018.
- 10.28 Asset Life method - where capital expenditure on an asset is financed wholly or partly by borrowing or credit arrangements, MRP is to be determined by reference to the useful life of the asset.
- 10.29 Depreciation method – MRP is deemed to be equal to the provision required in accordance with depreciation accounting in respect of the asset on which expenditure has been financed by borrowing or credit arrangements. This should include any amount for impairment charged to the income and expenditure accounts.
- 10.30 For this purpose standard depreciation accounting procedures should be followed, except in the following respects:
- MRP should continue to be made annually until the cumulative amount of provision made is equal to the expenditure originally financed by borrowing or credit arrangements. Thereafter the Council will cease to make MRP.
 - On disposal of the asset, the charge should continue in accordance with the depreciation schedule as if the disposal had not taken place. This does not affect the ability to apply capital receipts or other funding sources at any time to repay all or part of the outstanding debt.
- 10.31 Where the percentage of the expenditure on the asset financed by borrowing or credit arrangements is less than 100%, MRP should be equal to the same percentage of the provision required under depreciation accounting.
- 10.32 There is no requirement to charge MRP where the Capital Financing Requirement (CFR) is nil or negative at the end of the preceding year.
- 10.33 There is no requirement to make a MRP charge on an asset until the financial year after that asset becomes operational.
- 10.34 The Council's MRP Policy is approved in February each year as part of the Treasury Management Strategy Statement and Annual Investment Strategy. (*Council 26 February 2020*)

11 Commercial Property Investment and Resource Strategy

- 11.1 On the 16 December 2015 Cabinet approved the Medium Term Financial Strategy (MTFS) for 2016-19. This strategy sets out that the Council will work toward a position where it is not dependant on Government Revenue Support Grant.

It will do this by taking a more entrepreneurial approach and looking at the feasibility of creating arm's-length companies to facilitate property investment and acquisition, development of housing, and green energy.

Extract from para 4.6.12 of Medium Term Financial Strategy 2016-19.

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- 11.2 Following this decision the Council established a work stream known as Project Enterprise (PE) to progress this. In recognition of the fast pace of the local property market, Council approved a delegated authority to the Head of Property and Asset Management, in consultation with a cross-party Member panel, to purchase property investments from a pre-approved capital budget where the timing of the Council's usual approval process may impede the ability to complete an acquisition. A sum of £3M was approved for this purpose and all purchases under this delegation are reported to Council for noting.
- 11.3 The sourcing and acquisition of new investment property is managed by the Project Enterprise Board, which consists of six senior officers of the Council including the Chief Executive, Head of Property and Asset Management, Head of Finance and a senior legal representative. These officers are supported by three additional officers including the Head of Housing and the Head of Planning.
- 11.4 The Board is responsible for considering all proposals that contribute to the delivery of the investment strategy and meet the investment criteria. The Board reports to Cabinet any feasible projects which fall outside the Head of Property and Asset Management's delegation, as mentioned in paragraph 11.2 above. Cabinet will then consider the investment opportunities put forward and make recommendations to Council. Cabinet, in effect, is the Investment Advisory body that ensures that each proposal coming forward has a robust business case detailing how each proposal can be taken forward, including a consideration of the risks, how it is structured in terms of appropriate delivery mechanisms and how it is to be financed. Exceptionally, a report may be presented directly to Council. This could be, for example, to meet a deadline for approval to secure an investment opportunity.
- 11.5 External agents may be appointed to advise on and negotiate the terms of acquisition, recognising that others are closer to the investment market on a day to day basis than the Council's in house team, in some cases. As well as advising prior to acquisition, the agents undertake due diligence in order to ensure that those charged with governance can make informed decisions.

Assessment Process

- 11.6 Each investment opportunity will be assessed through a two stage (or gateway) process. Gateway One comprises a number of criteria to determine whether there is an opportunity to consider and take forward. It establishes whether the opportunity can be recommended to Cabinet for in-principle agreement, or that the opportunity does not meet the decision criteria and therefore proceeds no further. Gateway Two involves the development of a much more detailed business case to be considered by Cabinet, and for approval by Council as appropriate.

Investment Threshold

- 11.7 The Council's Investment Strategy gateway process stipulates a minimum of £250,000 for commercial property investments and £100,000 for housing investments.

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Return on Investment

- 11.8 The Investment Strategy gateway process requires a minimum level of return of 4% for a low-risk project or 10% for a high-risk project. This reflects the level of risk in the commercial property market, which for a number of reasons is more volatile than the housing market.
- 11.9 On 21 December 2016 Cabinet approved that a minimum level of return of 3% be added to the Strategy for residential property purchases.
- 11.10 This reflects the greater influence of expected long-term capital appreciation in house values that is not so prevalent in the commercial property market.

Risk Management

- 11.11 The adoption of the Investment Strategy and its implementation has had an impact on the council's finances and improved its financial standing. Decisions made under this strategy and by Cabinet have taken into account the unique fiduciary duty that the council holds towards residents. Due consideration has been given to the risks involved to ensure that the faith placed by the public in the council's ability to manage and protect their financial interests is secured, and that investments made are judged to be reasonable.
- 11.12 The implementation of the Investment Strategy means the council is managing different financial risks. Investments are subject to inherent economic and market risks, and therefore a balanced portfolio of investment is maintained.
- 11.13 The governance process is designed to mitigate these risks. All investment opportunities are built upon a robust business case, developed using appropriate technical advisors and take into account due and proper consideration of the balance between risk and reward and an assessment of the underlying security of the investment to ensure compliance with the fiduciary duty the council holds.
- 11.14 The Council engaged external consultants in March 2018, to review the investment property portfolio. The report considered the strengths and weaknesses of the major investment properties held and made recommendations as to where the future investment should be targeted to provide the best balance to the portfolio.

Resource Implications

- 11.15 The objective of this strategy is to invest in income generating assets and trading opportunity proposals to partially offset the impact in the reduction of government grants over the long term.

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- 11.16 The Council may fund investments through using its reserves, capital receipts and prudential borrowing, where the council has the powers to do so. The Council can use its internal cash reserves for investment. Any external borrowing required needs to be made in accordance with the Prudential Code, which includes the council approving any changes required to the prudential indicators. The code requires borrowing to be affordable, sustainable and provide value for money. The return on investment would therefore need to be in excess of the capital financing costs of the borrowing, which consist of the interest payable and the statutory minimum revenue provision (MRP) that sets aside funds for the repayment of the borrowing.
- 11.17 Some investments will generate a return in the medium to long term but make a loss in the earlier years. It will be important to set aside a proportion of any returns made on investments to repay capital, which in turn will enable further future investments to be made.
- 11.18 Assets created through these investments, and the associated liabilities will be consolidated in the Council's balance sheet and treated in accordance with the code of Practice on Local Authority Accounting in the United Kingdom, which is supported by the International Financial Reporting Standards.

12 Knowledge and Skills

Financial Assets

- 12.1 Treasury Management Activity is undertaken by the Principal Accountant and the Technical Accountant. They are managed by the Head of Finance who is CIPFA qualified.
- 12.2 The team has many years of treasury management experience and has demonstrated that it has the skills to opt-up to Professional status under the MiFID II (EU law - Markets in Financial Instruments Directive) reforms.
- 12.3 The CIPFA Code requires the Chief Financial Officer to ensure that Members and Officers are adequately trained in treasury management. Training is arranged as required and is regularly reviewed.

Non-Financial Assets

- 12.4 The Council's investment property portfolio is managed by the Property and Asset Management Service, an experienced team of four property professionals. The team includes qualified chartered surveyors and a building surveyor all of whom have extensive experience of property dealings within both the public and private sectors. This experience includes dealing with a mix of property types and professional work including professional services, landlord and tenant statutory valuations, acquisitions and disposals, commercial and residential property management.

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- 12.5 The team also work with external agents where specialist expertise is required to deal with particular properties or if resource is not available to deal with matters in a timely way. Examples of where external advice is used include agency, valuation, building surveying and planning work. The Council also has internal building surveying resource in Property and Asset Management to advise on construction, repair and maintenance and statutory compliance matters across its investment properties.
- 12.6 The Council's asset valuations for its financial statement are prepared by internal and external valuers with an agreed rolling programme of valuations for the whole Council property portfolio. All investment properties are valued on an annual basis.
- 12.7 The Capital programme update for the period 2019/20 to 2021/22 was presented to Cabinet for approval on the 12 February 2020. This included details both of expenditure and financing requirements.

13 Summary of the Capital Strategy

- 13.1 The Capital Strategy highlights in para. 6.8, the need to consider funding options for future expenditure as currently the forecasted expenditure creates a funding gap.
- 13.2 The main drive of the strategy is to ensure that future capital expenditure is prudent, sustainable and affordable.
- 13.3 Regular reviews will be carried out to identify potential assets for disposal in order to generate capital receipts.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	0	File Ref:	N/A
(Portfolio: Finance) Councillor M Flood			
Officer:	Laura Berntsen	Ext:	8204
Report to:	Cabinet	Date:	11 March 2020

ITEM 11

Climate Emergency Action Plan

Report of the Environmental Portfolio Holder

Recommended:

1. That the Climate Emergency Action Plan (Annex 1 to the report) be approved.
2. That the Head of Planning Policy and Economic Development, in consultation with the Environment Portfolio Holder, be authorised to make changes of a minor nature to improve the presentation of the Climate Emergency Action Plan and correct typographical errors prior to publication.

SUMMARY:

- The purpose of this report is to seek approval of the Climate Emergency Action Plan.
- The Action Plan has been prepared and endorsed by the Overview and Scrutiny Committee in line with the resolution of the Council on 4 September 2019.
- It is proposed that the Action Plan is considered as a living document, with the Overview and Scrutiny Committee being the forum for formally monitoring progress.

1 Introduction

- 1.1 This report presents the draft Climate Emergency Action Plan. This is the culmination of work undertaken by the cross party member and officer groups since September 2019.

2 Background

- 2.1 In October 2018, the Intergovernmental Panel on Climate Change (IPCC)¹ issued a special report in relation to global warming. This highlighted the latest understanding on global warming and a need for urgent action. Following this, a number of local authorities started declaring climate emergencies, reflecting the need for action at all scales. The Climate Change Act 2008 was also amended in June 2019, seeking a reduction in the United Kingdom's carbon emissions by 100% by 2050.
- 2.2 The Council declared a climate emergency on 4 September 2019. The Council also committed to '*investigating clear and effective options to become a carbon-neutral organisation*'. It addition, it was resolved that '*the Council work with our communities and partners to identify opportunities for making the Borough carbon neutral*'.

¹ UN body for assessing science in relation to climate change.

- 2.3 In order to deliver on these matters, the Council invited the Overview and Scrutiny Committee to '*establish a cross party working group comprising Council Officers and Members (including the Environmental Portfolio Holder), with a remit to draw together the existing work of the Council in reducing the impacts of climate change and develop an action plan that identifies the steps the Council can take to achieve carbon neutrality as quickly as possible*'. It was required that the working group provide their draft recommendations within six months. This report presents the outputs of that process.
- 2.4 The Overview and Scrutiny Committee (OSCOM) established seven cross party member / officer work streams to help develop the draft action plan. These were:
- Digital and smart working
 - Premises and Asset Management
 - Transport, Fleet and Plant
 - Reducing, reusing, recycling
 - Enhancing the natural environment
 - Working with communities and businesses
 - Infrastructure & built environment
- 2.5 All members, not just those on OSCOM, had the opportunity to be part of the work streams. They, along with officers, provided their own experiences and knowledge and explored existing practices and future possibilities. The officer involvement was multi-disciplinary and helped to identify processes and projects already implemented by the Council to reduce emissions. This confirmed that the Council was not 'starting from scratch'.
- 2.6 An OSCOM round table discussion was held on 19 February to collate and share insights of the activities of the work streams. Following on from this, OSCOM endorsed the draft Climate Emergency Action Plan on 18 March, Annex 2 reflect the Minutes.

3 Corporate Objectives and Priorities

- 3.1 The thread of tackling climate change runs implicitly through many of the priorities of the Council's Corporate Plan 2019-2023 'Growing Our Potential'. At its centre is our commitment to place-based working and enabling our communities to tackle the issues that are most important to them. This sets the context for working with our communities and partners to learn and share their ideas for tackling climate change.
- 3.2 The Action Plan also aligns with the objectives set out within the Council's Sustainability Framework (2017), including in relation to continuing to look at ways to reduce our greenhouse gas emissions.

4 Consultations/Communications

- 4.1 A specific element of the Council motion highlighted engaging with others to share experiences and learning. As part of drafting the Action Plan the 'working with communities and businesses' work stream has spoken to and shared ideas with parish councils and other organisations. These conversations will continue both through the climate emergency and other forums, such as Romsey Future and Andover Vision. Comments submitted to the Council have also been taken into account.

- 4.2 As indicated in section 2 of this report, the actions were identified through seven cross party member / officer work streams that were established by OSCOM. All members had the opportunity to be part of the work streams. Some of those involved in this process were not aware of some of the activities already undertaken by the Council. In order to ensure greater awareness of delivery of actions and progress in the future, advice will need to be sought from the Council's communications team.

5 Climate Emergency Action Plan

- 5.1 In the relatively short window, OSCOM has been able to co-ordinate the preparation of a draft Action Plan which will move the Council towards being a carbon neutral organisation. The proposed actions are grouped into seven themes, including those for both implementation and further investigation. The actions listed goes beyond 'business as usual'. Certain actions are already in train but some will rely on behavioural change as well as a shift in national policy or improvements in technology to enable the action to be achieved.
- 5.2 The actions have been put into short, medium and long term tranches, based on when work on the actions will commence. What is meant by the time frames will differ depending on the theme and action. In some circumstances the actions do not fall within a particular timeframe but have commenced and will continue throughout the life of Action Plan.
- 5.3 Priority actions have also been identified within the Action Plan. This is not to indicate the importance of actions but reflects where current resources are to be focussed.
- 5.4 In identifying the action, the work streams have understood the challenge that the Council faces. Opinion nationally remains divided on the pace required to meet this emergency, the impact certain measures will have, and the reliance on technologies some of which are in their infancy. This has led to variations in the approaches of different organisations on the best ways to reach carbon neutrality and over what timescale. There does not appear to be a common definition or approach at present.
- 5.5 As the actions have emerged from the work streams, it has been identified that baseline information is available for some elements but not all. A greater understanding of the current picture is required. At this stage, the work of OSCOM has identified the challenges and the way forward without a specific target being established but still demonstrating their ambition.
- 5.6 The ability of organisations to meet targets, especially those with a short timescales, depend on a number of variables e.g. the scope of their responsibilities and function; the geography of the area they cover; and their assets. This serves to highlight the lack of common definition or approach and that direct comparison should not be undertaken. Each organisation is different.
- 5.7 There is a recognition that there will be a need for offsetting (e.g. increasing tree planting) to achieve carbon neutrality. This will be particularly relevant for a rural Council and given the services the Council provides. This is contained in the Action Plan.

- 5.8 To really achieve carbon neutrality there does need to be a system change at all levels of government and within all sectors of the community. This Action Plan begins to do that. There has been a rapid change in technology, behaviour and government policy over the last 18-24 months to the extent that the time frames and priorities for actions will change. As such, the Action Plan will need to be considered a 'living' document. This evolving picture will only make achieving carbon neutrality more likely and give the Council the opportunity to establish targets with the potential to exceed those set by Government and Hampshire County Council of carbon neutrality by 2050.
- 5.9 As a result of the COVID 19 Pandemic the Council has had to adapt how the organisation runs and how it continues to serve the community. Some of the measures put in place align with the actions within the Action Plan (e.g. home working, virtual meetings). As the Council moves to a post COVID 19 recovery phase there will be opportunities to co-ordinate with the Climate Emergency Action Plan particularly with regard to reviewing time frames and priorities or identify new actions.
- 5.10 The Council will need to monitor and report on the Action Plan's progress, as well as having the opportunity to identify new and updated actions. Whilst the preparation of the Action Plan has been undertaken by OSCOM, member involvement has gone beyond the OSCOM membership. It is proposed that OSCOM continues to be the forum for formally monitoring progress with reports produced every 6 months. This will be the opportunity to highlight and propose new actions. An annual OSCOM sponsored workshop to discuss progress and the proposed new ideas that have been put forward will be held prior to reporting any changes to the Action Plan to Council. There would also be opportunity for the operational delivery of the actions to be monitored as part of the Council's established performance management arrangements as well as linking to the Corporate Action Plan monitoring process.

6 Risk Management

- 6.1 An evaluation of the risks has been undertaken. Whilst risks of a medium priority were identified, controls have been put in place resulting in no significant risks being outstanding.

7 Resource Implications

- 7.1 Where the actions require a change in work practices they may also require additional resources to implement. It is too premature to estimate the level of resources required (both financial and officer time). This can only be properly gauged once the individual action is considered in more detail.

8 Legal Implications

- 8.1 There is no legal obligation to prepare a Climate Emergency Action Plan. The Council will act in accordance with legal obligations in relation to climate change matters, whilst having regard to other legislative requirements when implementing the actions.

9 Equality Issues

- 9.1 The EQIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken. Equalities issues will be taken into account through any more detailed consideration of the implementation of actions.

10 Other Issues

- 10.1 Community Safety – None directly relating to the Action Plan.
- 10.2 Environmental Health Issues – None directly relating to the Action Plan.
- 10.3 Sustainability and Addressing a Changing Climate – The Action Plan is intended to be a living document that sets out the steps the Council will be taking to become a carbon-neutral organisation and support our communities and partners in identifying opportunities for making the Borough carbon neutral. In delivering the actions, the Council will have regard to wider sustainability considerations.
- 10.4 Property Issues – A number of the actions relate to the way we manage our land and property, so as to reduce our energy consumption. The Premise and Asset Management team have been involved in the preparation of the Action Plan. Assessment of the implication for property will be given when each action is considered in more detail.
- 10.5 Wards/Communities Affected - All

11 Conclusion and reasons for recommendation

- 11.1 Following the declaration of a climate emergency in September 2019, a Climate Emergency Action Plan has been prepared for consideration by the Council. This will be a living document that needs to be updated to ensure it helps move us towards being a carbon-neutral organisation.

<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:	2	File Ref:	N/A
(Portfolio: Environmental) Councillor A Johnston			
Officer:	Graham Smith & Karen Eastley	Ext:	8141
Report to:	Council	Date:	10 June 2020

Climate Emergency Action Plan

Test Valley Borough Council

April 2020



Test Valley Borough Council - Council - 10 June 2020

Foreword

Climate change is one of the greatest challenges we face, locally, nationally and globally. It is a challenge that will continue to grow over the coming years, becoming ever more critical for future generations. That is why we must take action now.

In declaring a Climate Emergency, Test Valley Borough Council has committed to identifying steps we can take to achieve carbon neutrality as soon as possible, certainly before the Government target of 2050. Although we recognise the challenges of achieving this, we will move forward with application and ambition.

This action plan concentrates on what the council can do to make a difference. However, we cannot face this challenge in isolation. It requires the joint effort of all our communities and businesses to take steps to make Test Valley a greener borough for us all and to help sustain and improve the quality of life for our residents, now and into the future.

CLlr Zilliah Brooks,
Chair of OSCOM

CLlr Alison Johnston,
Environmental Portfolio Holder



Introduction

Climate change will affect all of us. Reducing the scale of the impact will be a significant challenge given the size of the task involved. It means that the current ways which we all do things will need to be reviewed and adapted as necessary.

This action plan sets out how the Council intends to respond to the climate emergency. The actions focus on how the Council functions and its role as an employer. It identifies ways in which beneficial projects can be delivered and what we can learn from existing partnerships including with our businesses and communities.

The Council has already made progress with initiatives to reduce our greenhouse gas emissions, ranging from the purchase of electric vans for its fleet, installing solar panel on the depot roof at Portway and soon to be completed Ganger Farm pavilion, and the introduction of LED lighting at its Beech Hurst offices.

On some occasions the role of the Council, and the decisions that it needs to make, will appear to conflict with the larger task of tackling climate change. However, the Council will need to weigh up all the different evidence and requirements in making those difficult decisions.

Wider Context

Across the world, a number of organisations and authorities have been pressing for action on climate change based on significant scientific evidence of the magnitude of the crisis. In October 2018, the Intergovernmental Panel on Climate Change (IPCC)¹ issued a special report in relation to global warming. The report describes the enormous harm that a 2°C rise is likely to cause compared to a 1.5°C rise and a need for urgent action. The report went on to say that limiting global warming to 1.5°C between 2030 and 2052 may still be possible with ambitious action from national and local authorities, the private sector and local communities.

Opinion is divided on the pace required to meet this emergency; Extinction Rebellion state that we should aim for net zero emissions by 2025, the UK Committee on Climate Change references 2050 for carbon neutrality for the UK. The Climate Change Act 2008 set a target to reduce carbon emissions by 80% by 2050, compared to 1990 levels. In June 2019, this target was updated to a 100% reduction by 2050.

¹ UN body for assessing science in relation to climate change.

The Committee on Climate Change² (May 2019) highlighted that 'a net-zero Green House Gas target is not credible unless policy is ramped up significantly' and that 'delivery must progress with far greater urgency'.³

Across the country, councils and organisations are setting targets for carbon neutrality. It cannot be stated strongly enough that to meet such an ambition will be incredibly challenging. The Council is prepared to move forward with reducing its carbon emissions and play its part. The scale of the challenge is daunting and one where the Council cannot provide all the solutions. Nor can it, or should it, work in isolation. To really achieve carbon neutrality there needs to be a system change at all levels of government and within all sectors of the community. Close co-operation already exists with Hampshire County Council and this is echoed in their Vision for Hampshire 2050.

² *Independent statutory body whose purpose it is to advise the UK Government on emissions targets and progress made in reducing emissions and preparing for climate change.*

³ *Net Zero: The UK's contribution to stopping global warming, Committee on Climate Change, May 2019, executive summary.*



Test Valley Context

Test Valley has not been immune to the impacts of climate change. Those most visible and familiar to everyone are the increased flooding, wind, rain and storm intensities and the resultant damage to property, the environment and the disruption it causes.

There are also less obvious impacts such as increased risk to the health of vulnerable people, such as the elderly, as a result of hotter summers. In addition, there is the increased risk of invasive species on the Borough's precious habitats.

In response to the increased focus on the climate, the Council declared a climate emergency on 4 September 2019. The Council agreed:-

- i. That the Council declare a 'Climate Emergency' and commit to investigating clear and effective options to become a carbon-neutral organisation.*
- ii. That the Council invite the Overview & Scrutiny Committee to establish a cross party working group comprising Council Officers and Members (including the Environmental Portfolio Holder), with a remit to draw together the existing work of the Council in reducing the impacts of climate change and develop an action plan that identifies the steps the Council can take to achieve carbon neutrality as quickly as possible.*
- iii. That the working group be requested to provide their draft recommendations within six months.*
- iv. That the Council work with our communities and partners to identify opportunities for making the Borough carbon neutral.*

The thread of tackling climate change runs implicitly through many of the priorities of the Council's [Corporate Plan 2019-2023 'Growing Our Potential'](#). At its centre is our commitment to place-based working and enabling our communities to tackle the issues that are most important to them. This sets the context for working with our communities and partners to learn and share their ideas for tackling climate change.

In addition, the Council's [Sustainability Framework \(2017\)](#) set out a series of objectives the Council works towards in promoting sustainability. This includes using resources more efficiently and trying to encourage those living and working in the Borough to do the same; continuing to look at ways to reduce carbon dioxide and other greenhouse gas emissions; and ensuring we plan appropriately for the long term.

The Council is not starting from scratch on its journey towards becoming carbon neutral or on adapting to climate change impacts. At the Council's depot in Andover we have installed a solar photovoltaic panel array on the roof and some internal LED lighting. The electricity usage from the national grid has been reduced due to these steps. Last year, the solar panels provided approximately 20% of the electricity used at this site. Also, air source heat pump technology has been installed at the sports pavilion at Hunts Farm in Timsbury reducing the site's carbon footprint.



There are currently seven electric vehicles within the Council's fleet, being used by a number of teams. We have worked with partners to provide 18 electric vehicle charging points in public car parks in Romsey and Andover.

The Council has grants and loans available for home improvements including enhancing energy efficiency and promote County-wide schemes providing advice and assistance on energy efficiency. We have been working with partners to bring forward flood resilience measures in Romsey, and support wider resilience forums with the communities within the Borough. We have also helped fund improvements to community facilities to enhance their energy efficiency.

A number of organisations, including the Council, are working to conserve and enhance biodiversity within the Borough. The Council manages a number of green spaces, including Nature Reserves. As part of the management of green spaces we have a tree planting programme to ensure we have a robust and sustainable tree stock.

In order to understand our progress in reducing emissions, we have calculated our current greenhouse gas (GHG) emissions. In reporting such emissions, one of the widely recognised independent standards divides emissions into 3 different scopes, namely:

Scope 1 - direct GHG emissions from activities owned or controlled by your organisation that release into the atmosphere e.g. combustion from boilers and vehicles owned by the organisation.

Scope 2 - indirect energy GHG emissions, related to the use of purchased electricity, heat, steam and cooling that are a consequence of your activities but which occur at sources you do not control.

Scope 3 - indirect other emissions, relating to emissions as a consequence of your actions which occur at sources you do not control / own and fall outside Scope 2 (e.g. combustion from vehicles not owned by the organisation and the emissions associated with products purchased).

For calculating the Council's greenhouse gas emission, we have concentrated on scope 1 and 2, this includes the energy (gas and electricity) used by the buildings we own and operate, as well as the fuel used in running the fleet. We recognise that this does not cover emissions from all activities, however the Council will endeavour to bring forward ways of reducing the impact of actions within scope 3.

For 2018/19, the Council's emissions based on the above approach totalled just under 1,550 tonnes of carbon dioxide equivalent (CO₂e)⁴. This is broken down by source as set out below.

Source	Total tonnes CO ₂ e
Fleet fuel use	870
Gas use	251
Electricity use	436
Total	1,557

Total allowing for offsetting electricity back to the grid	1,549
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The Government publishes figures on carbon dioxide (CO₂) emissions for local authority areas⁵. These do not cover all emissions but are readily available and published every year. The emission per person (2017)⁶ for Test Valley is 6.6 tonnes of carbon dioxide. In comparison, for Hampshire the equivalent is 5.0 tonnes, the South East region is 4.8 tonnes, and England is 5.1 tonnes.

Over the period 2005-2017, emissions have fallen from 1,067.7 kilotonnes CO₂ to 819.0 kilotonnes CO₂ in Test Valley. The emissions per person figures for Test Valley fell from 9.5 tonnes per person to 6.6 tonnes per person over the same period.

	Industry and Commercial	Domestic	Transport	Land Use, Land Use Change and Forestry	Total
Test Valley (kilotonnes CO ₂)	195.2	193.4	485.4	-55.0	819.0
Percentage	22%	22%	56%		

⁴ CO₂e is the measurement advocated for use by the Government to report on greenhouse gas emissions, which looks beyond carbon dioxide, for example covering methane and nitrous oxide. It records the global warming potential of greenhouse gas, expressed in terms of the global warming potential of one unit of carbon dioxide.

⁵ Available: www.gov.uk/government/collections/uk-local-authority-and-regional-carbon-dioxide-emissions-national-statistics

⁶ This uses the full dataset, rather than the subset within the influence of local authorities.

Moving Forward

We all have a role to play in achieving the necessary reductions in carbon emissions. We have therefore focussed the action plan on moving the Council towards being a carbon neutral authority. We want to make sure our communities and businesses have the support to do the same. The action plan therefore also looks to help to facilitate their transition.

Developing the action plan for how the Council can work towards becoming carbon neutral depends on a sound understanding of where we have come from, where we are now and crucially how we can forecast the benefits of our actions.

Establishing baseline information, the varying approaches for what is included within the scope of studies, and the many variables to take into account makes the task of establishing a target a complex one. However, the Council does not intend to wait until these issues are resolved and



baseline information is gathered and established. We know there is a challenge and we must move forward to meet it, even if at this stage the size of the challenge is unclear.

For some of the initiatives proposed it will be possible to estimate the current and post implementation carbon savings. It will be more difficult to do this where the actions are linked to behavioural change in working practices.

In some circumstances it may not be practical, at this time, to undertake its statutory and operational duties without causing some emissions. In these situations the Council may look at offsetting the carbon emissions, including through tree planting and habitat creation.

Establishing the Actions

The Council's Overview and Scrutiny Committee co-ordinated the preparation of this action plan. A number of work streams were established including officers and members. The outputs of the work streams have been collated in this action plan, based on a number of themes.

As well as indicating whether the actions are likely to be commenced in the short, medium or longer term, the action plan has identified those projects which have a higher priority than others. This is not to indicate the importance of actions but reflects where current resources are to be focussed.



Some of the actions have already commenced and will continue throughout the timeline of the project. An example of this is with the Council's acquisition of land and future tree planting regimes. This approach has the multiple benefits of not only reducing carbon emissions via offsetting but also providing ecological mitigation and public recreation to help improve our residents' health and wellbeing.

Fleet fuel use is the Council's largest source of Council emissions. This has been identified as one of the main focuses for reducing carbon emissions. The Council already has some electric vehicles but the challenge lies predominantly with the larger refuse vehicles. In order to achieve a reduction the Council will assess the introduction of electric or alternative fuel vehicles before 2025. From then it is proposed that there will be a phased programme of replacing the current fleet with electric or alternative fuel vehicles with the intention that this will be completed by 2035. As with many of the possible actions, technology may improve to enable such changes to happen quicker.



Resource

In some circumstances the upfront cost may be high, but in the longer term the cost of adaption may be higher. In these circumstances it could be more effective to spend money in the shorter term to achieve a long term benefit.

Monitoring

The picture surrounding climate change is ever evolving. Change in technology, government policy and people's behaviour mean that this action plan should be seen as a living document to allow for it to be amended as issues or opportunities change. To allow for this review to be undertaken the Council's Overview and Scrutiny Committee will act as the main monitoring board, receiving 6-monthly reports. It is also intended to hold annual OSCOM-sponsored workshops for all members to distil new ideas and actions that have been identified.

Action Plan

(priority actions in bold text)

Theme	Action	Impact / Outcomes
Corporate Action	Throughout the timeline	
	Ensure the implications of the climate emergency are taken into account in all Council strategic and policy documents, as well as in service planning and decision making processes	Ensuring climate change considerations are factored into our thinking throughout planning and delivering services.
	Take opportunities to lobby the government to encourage action on the transition towards carbon neutrality	To promote action on a national scale to support local delivery in emission reduction.
	Work closely with partners to share best practice and work jointly on initiatives	To make best use of resources to facilitate action.
	Identify and learn from leading carbon neutral employers	To understand the most effective ways to move towards carbon neutrality
	Facilitate behaviour change of staff and members to put reducing carbon emissions at the centre of our approach, reducing our carbon footprint both at work and in wider life.	Ensuring climate change considerations are factored into our thinking in the way we work and in sharing knowledge with others. It will emphasise that we all have a role to play. It will include using energy more efficiently, reducing overall waste generation and increasing recycling as much as possible.
Update the Procurement Strategy in the context of the Climate Emergency and build ethical, sustainable criteria into the procurement process	To ensure opportunities are taken to minimise carbon emissions associated with our purchasing of goods and services.	

Theme	Action	Impact / Outcomes
Property & Energy	Throughout the timeline	
	Review and reduce energy loss associated with windows, including through draft proofing and, where relevant, assessing the feasibility of the installation of new double glazed windows or secondary glazing	To enhance the energy performance of Council buildings, resulting in more efficient use of energy.
	Short Term	
	Review and improve energy data collection and monitoring	To ensure we have robust data to understand our carbon emissions.
	Carry out an audit of the office waste produced in Council owned and occupied buildings	To ensure robust data is available to inform future waste management arrangements.
	Review energy purchasing and procurement	To help the move towards renewable and low carbon energy sources, thus reducing emissions.
	Deliver measures to improve energy efficiency and reduce our energy consumption, including: <ul style="list-style-type: none"> • Review lighting within and external to the Council’s buildings • Replace boilers at Beech Hurst • Investigate heating controls and optimum start controls to the heating system at Beech Hurst • Review and install pipework insulation • Assess the feasibility of installing more energy efficient water heaters 	To reduce emissions associated with the running of Council buildings and assets.
	Undertake a general review of buildings and removal of redundant equipment	To reduce unnecessary energy consumption and resultant emissions.
To consider an integrated waste collection contract across all sites that maximises the range of materials that can be separated and recycled	To ensure a consistent approach to management of waste that increases the scope for reusing and recycling materials.	

Theme	Action	Impact / Outcomes
	To develop an office based system that ‘dovetails’ with the range of materials that can be collected	To maximise the uptake of reuse and recycling based on opportunities available.
	Establish a network of staff champions, looking at energy and recycling	To provide a pool of staff that are able to advise others on opportunities to reduce energy consumption and maximise reuse and recycling of materials.
Medium Term		
	Review the estate energy strategy	To provide a strategic and long term approach to the use of energy across the Council’s estate.
	Assess the feasibility of the use of voltage optimisation in all buildings	Consider options to reduce unnecessary energy use.
	Investigate opportunities to reduce the unnecessary use of disposable / single use materials	To promote the more efficient use of resources and limit waste generation.
	Assess the feasibility of the collection of rainwater from our buildings for reuse	To make more efficient use of water resources in management of the Council’s estate
	Assess the feasibility of installing living walls and green roofs	Living or green walls and green roofs can help to remove air pollutants, regulate temperature and support biodiversity.
Long Term		
	Review the need for and install new boilers or suitable alternatives, and assess the feasibility of heating control, anti-dry cycling and optimum start control to the heating system in our buildings	To reduce emissions associated with the running of Council buildings and assets.
	Re-assess the feasibility of installing solar panels at Beech Hurst, Bourne House, the FMC and the Chantry Centre car park. Include a review of battery storage options.	We have previously looked at opportunities for solar panels at certain sites. However, the technologies have evolved, so it will be appropriate to review this work to seek opportunities to increasing the use of local renewable energy sources.

Theme	Action	Impact / Outcomes
Smarter working and use of technology	Short Term	
	Install video conferencing facilities at Beech Hurst and other Council offices to facilitate meetings and appointments, where there is a business need	To reduce the need to travel for meetings, thus reducing associated emissions.
	Investigate the digital casting of meetings	To reduce the need to travel for meetings, thus reducing associated emissions.
	Seek to minimise travel except where there is a specific business or training need	To reduce fuel consumption and the associated emissions.
	Reduce the unnecessary use of paper including through: Reducing internal printing of documents and agenda papers Reducing internal forms and roll out payroll / HR self-service to all employees and members Challenging the Government around any statutory requirements for hard copy papers Analysing and reduce paper coming into the Council Enabling digital signing	To reduce the unnecessary use of paper and associated distribution of such material.
	Review of future IT equipment and what is available in the market to enable the Council to equip people with the right tools and kit to enable flexible and sustainable working. Evaluate further roll out of mobile devices/tablets within the wider business.	To ensure the effective use of technology and opportunities for digital working.
	Medium Term	
	Expedite the focus on channel shift, moving residents to digital communication channels, reducing printing and postage and increasing self-service.	Reducing the need to travel to access services whilst minimising the unnecessary use of paper and associated distribution of such material.
	Long Term	
No actions identified at this time		

Theme	Action	Impact / Outcomes
Housing, Development & Infrastructure	Short Term	
	Promote and raise awareness of grants available to residents to improve their homes, including in terms of energy performance	To aid residents to reduce their energy consumption at home, where they might not otherwise be able to afford to implement such measures. May also help reduce fuel poverty.
	Complete the review of the potential for renewable and low carbon energy sources in the Borough and use to inform the next Local Plan	Enhance our understanding of the potential for renewable and low carbon energy opportunities within the Borough.
	Continue to support Government's proposals to increase energy performance requirements for new development through national Building Regulations	To facilitate the roll out of more ambitious energy efficiency standards for new development in a consistent way across the county.
	Medium Term	
	Target action on enhancing energy performance of existing private rented homes in the Borough	To encourage the delivery of measures to improve energy efficiency, thus reducing emissions, of homes within the Borough.
	In relation to historic buildings, share available advice on how to reduce energy consumption whilst conserving the heritage assets	To provide access to more targeted advice where standard ways of improving energy performance may not be practical.
	Through the preparation of the next Local Plan, ensure policies are written to facilitate the move towards carbon neutrality, in the context of national legislation and policy	New development will be planned in a way to reduce emissions and facilitate more sustainable living.
	Raise awareness of best practice examples within the Borough to share insight	To help those living and working in the Borough understand the most effective ways to move towards carbon neutrality.
	Long Term	
Develop promotion scheme to provide advice to owners on energy efficiency improvements and trusted installers	To aid residents to reduce their energy consumption at home.	

Theme	Action	Impact / Outcomes
Transport, Travel and Plant	Throughout the timeline	
	For refuse vehicles, before 2025 undertake an assessment and trial of the practicalities of introducing electric or alternative fuel vehicles. This assessment would ensure that such vehicles would meet the service needs. From 2025 there will be a phased programme of replacing current fleet with electric or alternative fuel vehicles with the intention that this will be completed by 2035.	To facilitate the move to alternative fuels and power sources when they are available.
	Short Term	
	In conjunction with relevant partners, continue to support the delivery of infrastructure to support the use of sustainable modes of travel. This will include the preparation of a Walking and Cycling Strategy and promoting the availability of sustainable modes of travel.	To reduce fuel consumption and facilitate the move towards more sustainable travel options.
	In conjunction with relevant partners, continue to support the delivery of infrastructure to support the use of Electric Vehicles including the installation of EV charging points at public car parks and council offices.	To reduce fuel emissions and facilitate the move towards green travel options
	Consider viability of electrically operated bin lifts for refuse collection vehicles by the end of 2020	To facilitate the move to alternative fuels and power sources when they are available.
	Medium Term	
	To investigate the infrastructure required for a fleet that may become increasingly reliant on electricity as its source of power by the end of 2022	Ensuring the Council is prepared for changes to the way vehicles are run, facilitating a reduction in emissions.
	To transition to electrically operated hand plant by the end of 2023	To reduce emissions and the release of other pollutants.
	To ensure that end of life vehicles and plant are disposed of in an environmentally friendly way	To ensure the appropriate use of resources through whole lifecycles.
Long Term		
No actions identified at this time		

Theme	Action	Impact / Outcomes
Supporting Communities and Businesses	Short Term	
	Identify and support climate change initiatives that emerge through communities undertaking local action planning, for example through Andover Vision and Romsey Future, or through rural action planning in the Parishes.	To facilitate reductions in emissions by individuals and communities within the Borough.
	Contribute to the Andover Vision-led Day of Action including high profile involvement on the day.	To facilitate community action to raise awareness on ways to reduce emissions.
	Work with partners to deliver a business event to offer best practice, networking and promote access to Hampshire and Isle of Wight Sustainable Business Partnership support for businesses.	Lowering emissions from the business sector within the Borough.
	Specialist learning event for Parish and Town Councils and community organisations who have well developed local climate activities (what worked and what didn't, how could we share to all)	To facilitate community action to raise awareness on ways to reduce emissions.
	Business event at University of Southampton Science Park to highlight innovative carbon reduction techniques in business and industry	Lowering emissions from the business sector within the Borough.
	All Parish / Town Council event, following on from learning event, to celebrate and share best practice, inspiring other Councils and groups to follow suit. Also highlighting resources available (officer support and grants).	To facilitate community action to raise awareness on ways to reduce emissions.
	Recycling Behaviour Change Project – working in two specific areas to explore best ways to improve recycling behaviour	To raise awareness and understanding of recycling opportunities within the Borough, and to reduce contamination of waste streams.
	Medium Term	
	No actions identified at this time	
Long Term		
No actions identified at this time		

Theme	Action	Impact / Outcomes
<p>Natural Environment</p>	<p>Throughout the timeline</p>	
	<p>Continue to explore opportunities for land acquisition for small scale woodland creation.</p>	<p>This will support the offsetting of carbon emissions, with the potential to enhancing biodiversity. In some cases, additional planting can also help with managing the movement of water as part of a catchment based approach.</p>
	<p>Short Term</p>	
	<p>Work with Hampshire County Council to review the management of roadside verges which will positively contribute to carbon capture and/or reduce cutting frequency, operational carbon emissions and increase wildlife value. A network of connected verges will be prioritised</p>	<p>This will reduce emissions with the management of the verges, whilst also enhancing biodiversity.</p>
	<p>Through management of green spaces, continue to develop ways to reduce operational carbon emissions across our green spaces whilst improving value of wildlife. A network of linked wild meadow / pollinator corridors will be prioritised.</p>	<p>This will reduce emissions with the management of the spaces, whilst also enhancing biodiversity. (Pilot sites to be confirmed.)</p>
	<p>Develop a Tree Management Strategy which will detail overarching management principles and replacement planting across Council property</p>	<p>This will ensure our approach takes account of all considerations, including supporting habitats and offsetting opportunities.</p>
<p>Develop a Tree Planting Strategy to provide a basis for planting in appropriate places across the borough</p>	<p>This strategy would provide a basis for maximising appropriate tree planting on our own land whilst ensuring the approach of the right trees in the right places. It would include prioritising local provenance stock, biosecurity and options for contract growing of seed collected in Test Valley. It would also support our approach to supporting local habitats and offsetting opportunities.</p>	

Theme	Action	Impact / Outcomes
	Medium Term	
	Work with partners to secure appropriate large scale opportunities for wilding and nutrient mitigation which will contributed to carbon sequestration	This will support the offsetting of carbon emissions, with the potential to enhancing biodiversity.
	Long Term	
	Explore the inclusion of policies for woodland creation to increase urban canopy cover within the next Local Plan	This will have benefits in offsetting carbon emissions, enhancing biodiversity, supporting management of water, and supporting wider public health objectives.

Minutes of the **Overview and Scrutiny Committee**
of the **Test Valley Borough Council**
held in The Annexe, Crosfield Hall, Broadwater Road, Romsey
on 18 March 2020 at 5.30 pm

Attendance:

Councillor Z Brooks (Chairman)

Councillor N Lodge (Vice-Chairman)

Councillor G Bailey

Councillor K Hamilton

Councillor D Baverstock

Councillor R Meyer

Councillor C Borg-Neal

Councillor K North

Councillor T Burley

Councillor R Rowles

Councillor D Coole

Councillor A Warnes

Councillor C Donnelly

Councillor N Gwynne

Also in attendance

Councillor N Adams-King

Councillor A Dowden

Councillor N Daas

Councillor P North

Apologies for absence were received from Councillor C Dowden, A Finlay, N Matthews and J Parker

368

Public Participation

There was no public participation.

369

Declarations of Interest

There were no declarations of interest.

370

Urgent Items

There were no urgent items.

371

Minutes of the meeting held on 19 February 2020

Resolved:

That the minutes of the meeting held on 19 February 2020 be confirmed and signed as a correct record.

372 **Call in Items**

There were no call in items.

373 **Urgent decisions taken since last meeting**

No urgent decisions have been taken since the last meeting.

374 **Appointment of Vice Chairman****Resolved:**

That Councillor Lodge be appointed as Vice-Chairman until the first meeting after Annual Council in 2020.

375 **Updates on Panels**

The Chairman drew Members' attention to Annex 2 of the Work Programme report which detailed updates on ongoing panels.

Councillor Baverstock requested that the report back on the 'Future of Health provision in Andover and Romsey' Panel be deferred. This was in light of the recent announcement that Adelaide Surgery in Andover is to shut on 31 October and also no response has been received from Southern Health on future plans for Romsey Hospital.

Councillor Borg Neal reported that the first meeting of the Armed Forces Covenant Panel will be held on Monday 23 March in Conference Room 2, Beech Hurst at 6pm.

376 **Climate Emergency Draft Action Plan**

Consideration was given to a report of the Head of Planning Policy and Economic Development to consider the draft Climate Emergency Action Plan.

In October 2018, the Intergovernmental Panel on Climate Change issued a special report in relation to global warming. Following this a number of UK local authorities started declaring climate emergencies. In response to the increased focus on the climate, the Council declared a climate emergency on 4 September 2019. The Council invited the Overview and Scrutiny Committee to establish a cross party work group comprising Council Officers and Members (including the Environmental Portfolio Holder), with a remit to draw together the existing work of the Council in reducing the impacts of climate change and develop an action plan that identifies the steps the Council can take to achieve carbon neutrality as quickly as possible.

In order to produce a Climate Emergency Action Plan, Overview and Scrutiny were tasked with establishing a cross party working group that would develop the plan. At the Overview and Scrutiny meeting of 16 October the draft scoping document was presented and agreed. This proposed seven cross party member/officer work streams which were;

- Digital and smart working
- Premises and Asset Management
- Transport, Fleet and Plant
- Reducing, reusing, recycling
- Enhancing the natural environment
- Working with communities and businesses
- Infrastructure and built environment.

All Members, not just those on OSCOM, had the opportunity to be part of the work streams. As part of drafting the action plan the 'working with communities and businesses' work stream spoke and shared ideas with Parish Councils and other organisations.

The draft action plan set out how the Council intended to respond to the climate emergency. The actions focused on how the Council functions and its role as an employer and how it can move towards being carbon neutral.

Members commented and agreed on each of the work streams and made comments on the draft plan. Main changes discussed:

- Monitoring – reviewed timescales for update reports and an approach for discussing new actions / ideas
- Actions: Corporate Actions – amended so all actions are throughout the timeline, rather than short term
- Actions: Property & Energy – moved the action in relation to windows to throughout the timeline; moved the rainwater harvesting and living wall actions to medium term
- Actions: Property & Energy - amended living wall action to also include green roofs

The Committee were advised that monitoring would be carried out through the Overview and Scrutiny Committee and performance management. There would also be an opportunity to update and add further actions to the plan.

Recommended to Council:

That the draft Climate Emergency Action Plan annexed to the report be agreed.

377 Programme of Work for the Overview and Scrutiny Committee

The Committee considered and agreed the Work Programme.

Resolved:

That the work programme be approved.

(The meeting terminated at 6.50 pm)

ITEM 12 Appointment of Member Panel for Project Enterprise

Report of the Corporate Portfolio Holder

Recommended:

That Councillors Cross, A Dowden, Flood, P North and Ward be appointed to the Member Panel to be consulted by the Head of Estates and Economic Development in respect of proposed property investments.

SUMMARY:

- In November 2015, Council approved a delegated authority to the Head of Estates, in consultation with a Member Panel, to undertake certain property investments.
- The Member Panel currently comprises five Members; Councillors A Dowden, Flood, P North, Rowles and Ward.
- It is recommended that the panel be re-appointed to in order to reflect the political balance of the Council.
- Accordingly, appointments are requested for the Member Panel for property investments.

1 Introduction

- 1.1 Since 2015, the Council has operated a work stream known as Project Enterprise, to consider and enter into property investment opportunities from a pre-approved capital budget.
- 1.2 The Scheme of Delegation includes a delegation to the Head of Property and Asset Management , in consultation with a panel of Members (appointed by Council, consisting of five Members, with a quorum of three for each decision) to consider property investments and authorise expenditure from a pre-approved capital budget allocation.
- 1.3 This report invites Council to appoint five Members to the Member Panel reflecting the political proportionality of the Council for this purpose.

2 Background

- 2.1 Since the delegation was introduced in 2015, several properties have been purchased under this authority. Reports are submitted to Council following each acquisition.
- 2.2 It is considered that a Panel of five Members is appropriate (given the provision that a quorum of three is needed for decision-making).

- 2.3 Council is kept aware of the investments being made, as each is reported to full Council after the approval decision has been taken.

3 Corporate Objectives and Priorities

- 3.1 Project Enterprise has been established to support the objectives of the Medium Term Financial Strategy, by increasing the Council's income in order to reduce its reliance on government support.

- 3.2 Investments under Project Enterprise generate income, thereby contributing to this objective.

4 Options and Option Appraisal

Option 1 – to not appoint to the Member Panel

- 4.1 If the Member Panel was not re-appointed to then the current Membership of the Panel would continue which would not reflect political proportionality.

Option 2 –to appoint to the Member Panel.

- 4.2 This is the recommended option.

- 4.3 Appointing Members to the Member Panel to reflect political proportionality of the Council, replicates the historic position of the Member Panel and follows the principles applied when making appointments to ordinary committees at Annual Council.

5 Resource Implications

- 5.1 Investments considered by the Member Panel are limited to a pre-approved budget.

6 Legal Implications

- 6.1 Property investment decisions should be taken in accordance with appropriate authority. Appointing a Member Panel would allow decisions made by the Head of Estates and Economic Development (in consultation with the Panel) to be properly made.

- 6.2 The Member Panel is not an ordinary committee for the purposes of the Local Government and Housing Act 1989, and therefore appointments do not have to comply with the rules on proportionality contained in that Act. It is therefore a matter for full Council to determine who should be appointed to the Panel, and in so doing it could appoint on similar principles which were applied when appointments were made to the Council's ordinary committees at Annual Council, but it would not be obliged to do so.

7 Equality Issues

- 7.1 None.

8 Other Issues

- 8.1 Community Safety – no specific issues.
- 8.2 Environmental Health Issues – none.
- 8.3 Sustainability and Addressing a Changing Climate – no specific issues.
- 8.4 Property Issues – this report facilitates the Council’s investment in suitable property opportunities.
- 8.5 Wards/Communities Affected – property investment opportunities may arise in any Ward.

9 Conclusion

- 9.1 Appointing five Members to the Member Panel to reflect political proportionality replicates the principles which were applied when appointments are made to the Council’s ordinary committees at Annual Council.
- 9.2 The Member Panel will facilitate property investment when suitable opportunities arise. The appointed Members will be able to consider relevant issues surrounding particular proposed purchases, and all Members will be kept informed of decisions taken by reports back to full Council following such decisions.
- 9.3 Property investments using the pre-approved budget provide income which assists in achieving the Council’s agreed Medium Term Financial Strategy.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Report to full Council 11 November 2015.			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	0	File Ref	N/A
(Portfolio: Corporate) Councillor T Tasker			
Officer	Karen Dunn	Ext	8401
Report to	Council	Date	10 June 2020

ITEM 13 Amendments to the Council's Constitution

Report of the Corporate Portfolio Holder

Recommended:

- 1. That the Council's Constitution be amended as shown in Annex 1 to the report.**
- 2. That amendments to the Council's Constitution as set out in Annexes 2 and 3 be noted.**

SUMMARY:

- A number of amendments have been proposed to the Council's Constitution to reflect updates to legislation. .
- This report seeks approval for the proposed changes to be made to the Constitution.
- The Council's Constitution (Article 14.3) permits the Monitoring Officer to make changes to the Constitution in certain circumstances subject to reporting those changes to Full Council.
- A number of such amendments have been made to by the Monitoring Officer who now reports these changes to Council.

1 Introduction

- 1.1 The Council's Constitution underpins all of the Council's areas of activity and therefore ensuring it reflects current legislation and working practices is important.

2 Background

- 2.1 Since the Constitution's adoption, it has remained under review in accordance with Section 37 of the Local Government Act 2000.
- 2.2 This report sets out proposed amendments to the Constitution to reflect required changes and updates Council on changes made by the Monitoring Officer under delegated authority.

3 Details of amendments

- 3.1 Where relevant, comments are included in the margins of the Annexes to the report. An Overview of changes are detailed below.

3.2 **"Proper Officer" Appointments**

3.3 A number of changes have been made to the Proper Officer Appointments.

3.4 The data protection officer has been changed from Corporate Director to Head of Legal and Democratic Services. This change reflects the introduction of GDPR legislation.

3.5 Changes have been made to incorporate the Council's responsibilities under the following Acts as shown in Annex 2:

- Local Government Act 1972, Section 270 (3) as amended Public Health (Control of Disease) Act 1984, Section 74 as amended and regulations made thereunder,
- Health Protection (Local Authority Powers) Regulations 2010,
- Health Protection (Notification) Regulations 2010.

3.6 The removal of the Public Health (Control of Disease) 1984 and the Public Health (Infections Diseases) Regulations 1988 which have been repealed.

3.7 **Council Procedure Rules and Overview and Scrutiny Procedure Rules**

3.8 Article 14.3 permits the Council's Monitoring Officer to make certain changes to the Council's Constitution without prior reference to Council subject to reporting those changes to full Council.

3.9 The Monitoring Officer has made certain amendments of the type described above and requests that Council notes those changes.

3.10 Both sets of procedure rules have been updated to correct the numbering of provisions which can be seen in Annexes 2 and 3.

4 **Corporate Objectives and Priorities**

4.1 Maintaining and improving the Constitution to reflect current legislation and the broader agenda of local government is essential in order to deliver effective and lawful decisions in the day to day implementation of the Corporate Plan.

5 **Options**

5.1 There are two options:

5.2 Option 1. Do not update the Constitution. In which case it will not reflect current practice and the latest legislation.

5.3 Option 2. To update the Constitution as set out in Annexes 1-3 of the report to reflect updated legislation and current practice.

6 Option Appraisal

- 6.1 Option 1 is not recommended. Failure to update the Constitution to reflect current legislation or to ensure clarity in the authority and execution of decision-making could mean that the Council may be subject to legal challenge or that any legal action taken under these regulations would be invalid.
- 6.2 Option 2 is recommended and allows the Constitution to be updated to ensure it remains effective.

7 Risk Management

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

8 Resource Implications

- 8.1 None

9 Legal Implications

- 9.1 Section 37 of the Local Government Act 2000 requires the Council to keep its Constitution under review. The lack of an up to date and effective Constitution could increase the risk of governance failures.

10 Equality Issues

- 10.1 An Equality Impact Assessment of the matters in this report is not required as no potential for unlawful discrimination and/or low level or minor negative impact have been identified.

11 Other Issues

- 11.1 None are identified

12 Conclusion and reasons for recommendation

- 12.1 This report seeks approval for those changes which are required in order that the Constitution reflects accurately operational changes within the organisation, established practice and current law.
- 12.2 The proposed changes to the Constitution will ensure that the Council is able to continue to operate in an effective an efficient manner.

<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:	3	File Ref:	N/A
(Portfolio: Corporate) Councillor T Tasker			
Officer:	Karen Dunn	Ext:	8401
Report to:	Council	Date:	10 June 2020

"Proper Officer" Appointments

Local Government Act 1972

Section	Responsibility	Proper Officer
83	To receive declarations of acceptance of office.	Head of Legal and Democratic
13(3)	To act as Parish Trustee with Chairman of Parish Meetings where no Parish Council exists.	Head of Legal and Democratic
100(B)(2)	To exclude from agenda papers made available to public, reports (or parts) likely to be taken in absence of public.	Head of Legal and Democratic
100(B)(7)(c)	To supply copies of other documents.	Head of Legal and Democratic
100(C)(2)	To make a written summary in lieu of confidential minutes.	Head of Legal and Democratic
100(F)(2)	To identify documents not available to Members under that section.	Head of Legal and Democratic
191	To receive notices of Ordnance Survey in relation to ascertaining or locating local authority boundaries.	Head of Legal and Democratic
210(6)&(7)	To exercise any charity functions by officers of the "old" local authority where there is no holding of a corresponding office in the "new" local authority.	Head of Legal and Democratic
212(1)&(2)	To act as local registrar for Land Charges Act, 1925.	Head of Legal and Democratic
225(1)	To receive and give receipt for any document required to be formally deposited with the Council.	Head of Legal and Democratic
229(5)	To certify a photographic copy of a document in the custody of the Council.	Head of Legal and Democratic
236(9)&(10)	To send copies of all bye laws made by the Council to the Council of every Parish or Community to which they apply and to the County Council.	Head of Legal and Democratic
238	To sign the certificate on any printed copy of the bye laws authenticating such prints as a true and correct copy.	Head of Legal and Democratic
248	To keep the Roll of Freemen.	Head of Legal and Democratic
Schedule 6 para.1	To be deputy to Electoral Registration Officer.	Head of Legal and Democratic
Schedule 14 para.25(7)	To certify copy resolutions.	Head of Legal and Democratic
Schedule 16 para.28	To receive on deposit lists of buildings of special architectural or historic interest.	Head of Legal and Democratic

115(2)	To whom all officers shall pay monies received by them and due to the local authority.	Head of Revenues
146	To keep declarations and issue certificates in connection with the holding or transfer of securities or the payment of dividend or interest.	Head of Finance
151	To be responsible for the administration of the financial affairs of the Council.	Head of Finance
100(D)(1)(a)	To compile a list of background papers to a report.	Head of Service originating the report
100(D)(5)(a)	To identify the background papers on which a report is based.	Chief Executive, Director or Head of Service originating the report
270	Appointment as Proper Officer in relation to all matters where no other officer is specifically designated.	Chief Executive
88	To convene a meeting of the Council to fill vacancy in office of Mayor (where such a casual vacancy exists).	Head of Legal and Democratic
81	To receive declarations of financial and other interests by Councillors and the keeping of the register of declarations of financial and other interests.	Head of Legal and Democratic
81	To receive declarations of gifts and hospitality by Councillors and the keeping of the register of gifts and hospitality.	Head of Legal and Democratic
234	Power to sign formal notices, orders or other documents made or issued by the Council.	Head of Legal and Democratic
Schedule 12	To issue and service of summons to meetings of Council and Committees thereof: receipt of formal notification from Councillors of address to which it is desired such summons to be sent.	Head of Legal and Democratic

Public Health (Control of Disease) 1984

Section	Responsibility	Proper Officer
S14	To receive certificates of notifiable disease and to send copies to authorities as required.	Communicable Disease Control Consultant & Senior Clinical Medical Officer of PHE (Wessex)

Commented [HE1]: Update to reflect repealed legislation

S18	To require information to be provided by occupiers of premises regarding notifiable diseases or food poisoning.	- ditto -
S20	With a view to preventing the spread of disease, to request subject to compensation by the local authority that a person discontinue his work.	- ditto -
S21	To prohibit children attending school if suffering from a notifiable disease.	- ditto -
S22	To require information regarding school roll, where a pupil is suffering from a notifiable disease.	- ditto -
S24	To satisfy himself that infected laundry has been satisfactorily disinfected so that it can be sent to any laundry or public wash house.	- ditto -
S29	To satisfy himself that infected houses and articles within houses have been properly disinfected.	- ditto -
S31	To provide a certificate that he/she is satisfied that the cleansing and disinfection of any premises, and the destruction of any articles there likely to retain infection, would tend to prevent the spread of any infectious disease.	- ditto -
S36	To issue a written certificate stating that a suspected carrier of notifiable disease should be medically examined.	- ditto -
S40	To make complaint to a JP for a warrant to medically examine a person in a common lodging house suffering, or who has recently suffered from a notifiable disease.	- ditto -
S42	To certify that a common lodging house is free from infection.	- ditto -
S43	To certify that the body of a person who died in hospital whilst suffering from a notifiable disease should not be removed from hospital other than being taken directly for burial or cremation.	- ditto -
S48	To certify that retention of a dead body in any building would endanger public health.	- ditto -

Local Government Act 1972, Section 270 (3) as amended
Public Health (Control of Disease) Act 1984, Section 74 as amended and
regulations made thereunder

Commented [HE2]: Update to reflect current legislative position

<u>Section</u>	<u>Responsibility</u>	<u>Proper Officer</u>
Part II A	To act for such of the functions relating to notification, investigations, prevention and	CCDCs/Consultant in Health

	<u>control of notifiable diseases and food poisoning</u>	<u>Protection of PHE (Wessex)</u>
<u>S48</u>	<u>To certify that retention of a dead body in any building would endanger public health.</u>	<u>- ditto -</u>

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Public Health (Infections Diseases) Regulations 1988

Section	Responsibility	Proper Officer
R6	To make special reports to the authorities regarding certain cases of infectious disease.	Communicable Disease Control Consultant & Senior Clinical Medical Officer of PHE (Wessex)
R8	To make weekly and quarterly returns to the authorities of notified diseases.	- ditto -
R9(1) Sch 3	To report any case of typhus or relapsing fever to the local authority.	- ditto -
R9(1) Sch 3 Para 3	To issue any notice under the provisions of Sch 3 for the purpose of preventing the spread of infection if it is immediately and urgently necessary.	- ditto -
R9(2) Sch 4	To make reports to the local authority of food poisoning and food borne infections.	- ditto -
R9(2) Sch 4 Para 3	To issue any notice under the provisions of Sch 4 for the purpose of preventing the spread of infection if it is immediately and urgently necessary.	- ditto -
R10	To arrange for immunisation or vaccination of any person who has or may come into contact with a case of any notifiable disease or any disease mentioned in Schedule 1 (other than tuberculosis).	- ditto -

Commented [HE3]: Update to reflect repealed legislation

Health Protection (Notification) Regulations 2010

Section	Responsibility	Proper Officer
<u>2</u>	<u>To receive notifications about patients with suspected notifiable disease or infection</u>	<u>CCDCs/Consultant in Health Protection of PHE (Wessex)</u>
<u>3</u>	<u>To receive notifications about patients who have died with suspected notifiable disease or infection</u>	<u>- ditto -</u>

Commented [HE4]: Update to reflect current legislative position

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6	Duty to disclose notification to others	- ditto -
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Health Protection (Local Authority Powers) Regulations 2010

Commented [HE5]: Update to reflect current legislative position

Section	Responsibility	Proper Officer
		CCDCs/Consultant in Health Protection of PHE (Wessex)

Public Health Act 1984

Section	Responsibility	Proper Officer
13	To control notifiable diseases and food poisoning.	Head of Housing and Environmental Health

Public Health Act 1936

Section	Responsibility	Proper Officer
ss84 & 85	Power to issue certificate to the Council regarding the cleansing or destruction of filthy or verminous articles.	Head of Housing and Environmental Health

Data Protection Act 1998

Section	Responsibility	Proper Officer
	To be the Data Protection Officer.	Head of Legal and Democratic Services Corporate Director (Carol Moore)

Commented [HE6]: To reflect current position following the introduction of GDPR

National Assistance Act 1948 as amended by the National Assistance (amendment) Act 1951

Section	Responsibility	Proper Officer
S47(2)	Where a person residing in the area of the local authority who is suffering from grave chronic disease or being aged and living in insanitary conditions or infirm and living in insanitary conditions or physically incapacitated and living in insanitary conditions and unable to devote to themselves, and are not	Communicable Disease Control Consultant & Senior Clinical Medical Officer of PHE Wessex

	receiving from others, proper care and attention: To provide a certificate to the local authority that he is satisfied that it is in the interests of any such person aforesaid, or for preventing injury to the health of or, serious nuisance to, other persons, it is necessary to remove any such person from the premises in which he is residing.	
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Local Government (Miscellaneous Provisions) Act 1976

Section	Responsibility	Proper Officer
	To sign licences for hackney carriage and private hire vehicles and drivers	Head of Legal and Democratic

Representation of the People Act 1983

Section	Responsibility	Proper Officer
36	To receive the report of the Returning Officer of District Council Elections.	Head of Legal and Democratic

Dairy Products (Hygiene) Regulations 1995

Section	Responsibility	Proper Officer
R19(1)	To give notice to the occupier of any registered dairy premises that he considers it necessary to make an examination of persons at the premises who come into contact with milk or milk receptacles.	

Local Government Finance Act 1988

Section	Responsibility	Proper Officer
116	Officer designated to notify auditor of date, time and place of meeting to consider S.114 report and decision of such meeting.	Head of Finance

Local Government Housing Act 1989

Section	Responsibility	Proper Officer
	To retain a list of politically restricted posts.	Head of Legal and Democratic
15-17	Voting Rights and Political Balance. Officer designated for the purpose of these sections.	Head of Legal and Democratic

Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012

Section	Responsibility	Proper Officer
	To act as "Proper Officer"	Head of Legal and Democratic

Local Authority (Standing Orders) (England) Regulations 2002

Section	Responsibility	Proper Officer
	To notify the Executive of proposed appointments to and dismissals from senior posts for the purposes of Schedule 1 to the Local Authorities (Standing Orders) (England) Regulations 2001	Human Resources Manager

Highways Act 1980

Section	Responsibility	Proper Officer
Part VII A	Provision of amenities on certain highways.	Head of Property and Asset Management Service

Building Act 1984

Section	Responsibility	Proper Officer
78	To enforce Section 78 of the Building Act, 1984 in relation to Dangerous Buildings.	Head of Legal and Democratic

Council Procedure Rules

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1. ANNUAL MEETING OF THE COUNCIL (* see Rule 24)

1.1 Timing and business

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (a) elect a member to preside if the Mayor and Deputy Mayor is not present;
- (b) elect the Mayor;
- (c) elect the Deputy Mayor;
- (d) receive any announcements from the Mayor;
- (e) elect the Leader;
- (f) appoint:
 - (i) the Overview and Scrutiny Committee - Article 7;
 - (ii) such other Committees as the Council considers appropriate; and
 - (iii) the membership of each Committee in accordance with any requirements of the rules of political proportionality as required by the Local Government Act 2000;

~~(g)~~ appoint a Chairman and Vice-Chairman in respect of each Committee in accordance with Rule 4;

~~(h)~~ approve the Scheme of Officer Delegations in Part 3 of the Constitution;

~~(i)~~ approve a programme of ordinary meetings of the Council;

~~(j)~~ consider any business set out in the notice convening the meeting;

~~(k)~~ appoint Councillors or representatives to outside committees or bodies.

2. ORDINARY MEETINGS (* see Rule 24)

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:

- (a) elect a member to preside if the Mayor and Deputy Mayor are not present;
- (b) approve the minutes of the last meeting;
- (c) receive any declarations of interest from Members;
- (d) receive any announcements from the Mayor;
- (e) receive questions or statements from, and provide answers to, the public in relation to matters which in the opinion of the Mayor are relevant to the

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business of the meeting and which accord with the Council's Public Participation Scheme;

- (f) deal with any business from the last Council meeting;
- (g) receive reports from the Cabinet and the Council's Committees and receive questions and answers on any of those reports;
- (h) receive and answer questions - Rule 11;
- (i) consider motions - Rule 12; and
- (j) consider any other business specified in the summons to the meeting.

3. **EXTRAORDINARY MEETINGS** (* see Rule 24)

3.1 **Calling extraordinary meetings**

An extraordinary meeting of the Council may be called at any time by the Mayor, the Monitoring Officer, or on the requisition of five members of the Council delivered in writing to the Head of Legal and Democratic Services.

3.2 **Business**

The business to be transacted at an extraordinary meeting shall normally be restricted to the purpose for which it was called.

3.3 **Timing and logistics of Extraordinary Meetings**

The Head of Legal and Democratic Services shall determine the time and day of any extraordinary meeting, in accordance with the Constitution and following consultations with the Mayor and leaders of the political parties, provided that any such extraordinary meeting shall take place as soon as reasonably practicable but no later than twenty clear working days from the date of receipt by the Head of Legal and Democratic Services of a valid request for an extraordinary meeting.

4. **ELECTION OF CHAIRMAN, VICE-CHAIRMAN OR DEPUTY VICE CHAIRMAN OF COMMITTEE** (* see Rule 24)

- (a) The Council shall at the Annual Meeting appoint a Chairman and Vice-Chairman and where applicable a deputy Vice-Chairman for the year in respect of Committees, except for the Vice-Chairman of an Overview and Scrutiny Committee who will be appointed at the Committee's first meeting following the Annual Meeting.
- (b) A Chairman, Vice-Chairman and where applicable a deputy Vice-Chairman for the year in each Sub-Committee shall be appointed by its parent Committee at the first meeting of the Committee following the Annual Meeting;
- (c) If the Chairman, Vice-Chairman and deputy Vice-Chairman are absent from any meeting, the meeting shall elect one of their number to preside for that meeting.

5. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Head of Legal and Democratic Services and notified in the summons.

6. NOTICE OF AND SUMMONS TO MEETINGS

The Head of Legal and Democratic Services will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules in this Part. At least five clear working days before a meeting, the Head of Legal and Democratic Services will send a signed summons to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

7. CHAIRMAN OF MEETING

The Mayor will normally preside at meetings of the Council and may exercise any power or duty of chairmanship. Where these rules apply to Committee and Sub-Committee meetings, references to the Chairman also include the Chairman of Committees and Sub-Committees.

8. QUORUM (* see Rule 24)

The quorum of a meeting will be one quarter of the whole number of Members. During any meeting, if the Mayor counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. DURATION OF MEETING**9.1 Interruption of the meeting**

- (a) If the business of the meeting has not been concluded within four hours or by 10.00 p.m., whichever the sooner, the Chairman must interrupt the meeting and if he/she is satisfied that the matter under discussion has been sufficiently debated call for the vote immediately, otherwise Rule 9.2 (b) will apply.
- (b) Any remaining business shall stand referred to the next ordinary meeting or until a special meeting on a date to be fixed.

9.2 Motions and recommendations not dealt with

- (a) Prior to 10.00 p.m. or the expiration of four hours, whichever is the sooner, a majority of members present may vote for the meeting to continue by one half-hour.
- (b) Debate on a motion that has been proposed and seconded before the time limit, as defined in 9.1(a) or 9.2(a), shall continue, beyond the time limit, until a vote on that motion is taken, unless the meeting is adjourned.

- (c) Any remaining business shall stand referred to the next ordinary meeting or until a special meeting on a date to be fixed.

9.3 Recorded vote (* see Rule 24)

If a recorded vote is called for during this process, it will be taken immediately.

9.4 Motions which may be moved

During the process set out in Rules 9.1–9.3 above, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated, deferred or referred to an appropriate body or individual for decision or report.

10. PUBLIC QUESTIONS

Members of the public may ask questions or make statements at meetings of the Council in accordance with the Council's Public Participation Scheme.

11. QUESTIONS BY MEMBERS (* see Rule 24)

(Note: Rule 11 is subject to Rule 14 - persons employed by the Council)

11.1 On reports of the Cabinet or Committees

A member of the Council may ask the Leader or the Chairman of a Committee any question without notice upon an item of the report of the Council, the Cabinet or a Committee when that item is in the Council agenda or any minutes annexed thereto.

11.2 Questions on notice at Council

Subject to Rule 11.3, a Member of the Council may ask:

- (a) the Mayor;
- (b) the Leader or appropriate Portfolio Holder; or
- (c) the Chairman of any Committee or Sub-Committee

a question on any matter in relation to which the Council has powers or duties or which affects the Borough.

11.3 Notice of questions

A Member may only ask a question under Rule 11.2 if either:

- (a) they have given at least 2 working days notice in writing of the question to the Head of Legal and Democratic Services; or
- (b) where the question relates to urgent matters, they have the consent of the Mayor and have given notice in writing of the question to the Head of Legal and Democratic Services prior to 10.00am on the day of the meeting.

11.4 Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

11.5 **Supplementary question**

A member asking a question under Rule 11.2 may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

12. **MOTIONS ON NOTICE** (* see Rule 24)

(Note: Rule 12 is subject to Rule 14 - persons employed by the Council)

12.1 **Notice**

Except for motions which can be moved without notice under Rule 13, written notice of every motion must be delivered to the Head of Legal and Democratic Services at Beech Hurst, Andover not later than ten clear working days before the date of the meeting. This written notice must be signed by at least two members, or in the case of a motion of no confidence, the written notice must be signed by at least one quarter of the Members of the Council.

Motions under this rule will be logged and available for public inspection.

12.2 **Motion set out in agenda**

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

12.3 **Scope**

Motions must be about matters for which the Council has a responsibility or which affect the Borough.

12.4

If the subject matter of any motion comes within the province of the Cabinet or any Committee, it shall, upon being moved and seconded, stand referred to the Cabinet or such Committee for consideration and report without discussion (save for the mover of the motion reading it out should he/she wish to do so). However should the Mayor consider it convenient and conducive to the despatch of business, the motion may be dealt with at the meeting.

12.5

A Member of the Council who has moved a motion which has been referred to the Cabinet or any Committee or Sub-Committee shall have notice of the meeting of the Cabinet, Committee or Sub-Committee at which it is proposed to consider the motion. He/she shall have the right to attend the meeting and, if attending, shall have an opportunity of explaining the motion.

13. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer a recommended item to the Cabinet or a Committee;
- (e) to appoint a Committee or Member arising from an item on the summons for the meeting;
- (f) to receive reports or adopt recommendations of Committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn the debate;
- (l) to adjourn the meeting;
- (m) that the meeting continue beyond 4 hours in duration;
- (n) to suspend a particular Council Procedure Rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) under Rule 21.4 a Member be not heard further or be excluded from the meeting; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

14. MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

If any questions arise at a meeting of the Council as to the appointment, promotion, dismissal, salary, superannuation or conditions of service or as to the conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council has decided whether or not the power of exclusion of the public under Section 100(A)(4) of the Local Government Act 1972 shall be exercised.

15. RULES OF DEBATE

15.1 No speeches until motion seconded

No speeches may be made until the mover has moved a proposal, if necessary explained the purpose of it, and the motion has been seconded.

15.2 Right to require motion in writing

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.

15.3 Secunder's speech

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

15.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech, except the annual budget speech, may exceed 5 minutes.

15.5 When a member may speak again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order;
- (f) by way of personal explanation.

15.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and must:
 - (i) refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) leave out words;
 - (iii) leave out words and insert or add others; or
 - (iv) insert or add words.

but must not negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

15.7 Alteration of motion

- (a) A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

15.8 Withdrawal of motion

A Member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

15.9 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment shall have a right of reply for a period not exceeding two minutes to be exercised immediately before the reply of the mover of the original motion.

15.10 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue beyond 4 hours in duration;
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a member named under Rule 21.4 or to exclude them from the meeting under Rule 21.5.

15.11 Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another Member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

15.12 Point of order

A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

15.13 Personal explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

16. PREVIOUS DECISIONS AND MOTIONS (* see Rule 24)

16.1 Motion to rescind a previous decision

Unless recommended by the Cabinet or a Committee, a motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 10 members.

16.2 Motion similar to one previously rejected

Unless recommended by the Cabinet or a Committee, a motion or amendment in similar terms to one that has been rejected at a meeting of Council within the past six months cannot be moved unless the notice of motion or amendment is signed by at least one third of Members.

17. VOTING

17.1 Majority

Any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

17.2 Chairman's casting vote

If there are equal numbers of votes for and against, the Chairman will have a casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.

17.3 Show of hands

Unless a recorded vote is demanded under Rule 17.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

17.4 Recorded vote (* see Rule 24)

If 10 members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

17.5 Right to require individual vote to be recorded

In accordance with Schedule 2 of the Local Authorities (Standing Orders) Regulations 1993, where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

17.6 Voting on appointments

If there are more than two people nominated for any position to be filled votes shall be taken for each person and if there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

18. MINUTES

18.1 Signing the minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record and any debate will be restricted to their accuracy.

18.2 No requirement to sign minutes of previous meeting at extraordinary meeting

(This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993. The language is constrained by that permitted in the regulations.)

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under Paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

19. RECORD OF ATTENDANCE

All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

20. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 or Rule 22 (Disturbance by Public).

21. MEMBERS' CONDUCT

21.1 Members' standing for the Mayor

When the Mayor enters or leaves a meeting in his/her capacity as Mayor all Members present in the room and physically able to do so shall stand.

21.2 Standing to speak (* see Rule 24)

When a Member speaks at Council they must, if physically able to do so, stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

21.3 Mayor standing

When the Mayor stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

21.4 Member not to be heard further

If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

21.5 Member to leave the meeting

If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

21.6 General disturbance

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

22. DISTURBANCE BY PUBLIC**22.1 Removal of a member of the public**

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

22.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

23. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**23.1 Suspension**

All of these Council Procedure Rules, except Rule 17.6 and 18.2, may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council/Committee are present and shall not be carried unless supported by two-thirds of the Members present at the meeting. Suspension can only be for the duration of the meeting.

23.2 Amendment (* see Rule 24)

Any motion to add to, vary or revoke these Council Procedure Rules will, unless moved pursuant to and in accordance with a recommendation of the Cabinet, stand referred without discussion to the Cabinet for consideration and report immediately upon being formally moved and seconded.

24. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Procedure Rules apply to meetings of the Council.

These Rules, subject to the exceptions set out below, also apply to meetings of Committees and Sub-Committees, except the Licensing Committee and the Licensing Sub-Committee when hearing licensing applications and other matters to which the appropriate Licensing Procedure Rules in Part 4 apply.

Rules 1, 2, 3, 4, 8, 9.3, 11, 12, 16, 17.4, 21.2, and 23.2 which are denoted by an asterisk * do not apply to Committees and Sub-Committees.

In addition Rules 9, 15 and 27 do not apply to, the General Purposes Employment Appeals and Ethics Sub-Committee, and the General Purposes Redundancy Appeals Sub-Committee when hearing appeals relating to dismissals, discipline, grievance and redundancy. For the purposes of these appeals the procedure relevant to the appeal set out in the relevant Policy will apply.

Rules 9, 15 and 27 do not apply to the General Purposes Employment Appeals & Ethics Sub-Committee when assessing and/or reviewing allegations of failure to comply with the Members' Code of Conduct or when hearing local determinations.

Any reference in these rules to the Mayor shall be construed as referring to the Chairman of the Committee or Sub-Committee.

25. AUDIO RECORDING, FILMING, PHOTOGRAPHY ETC

The taking of photographs, films, video or sound recording at any meeting shall be permitted, providing it does not disturb the conduct of the meeting. Where equipment is to be used or special arrangements are required, those wishing to record the proceedings of a Council meeting are asked to contact the Democratic Services Manager in advance to make any necessary arrangements. Further details are set out in the Audio and Video Recording, Filming, Photography and Use of Social Media Protocol and Guidance, available upon request from Democratic Services.

26. URGENT MATTERS

Where a Head of Service considers, in consultation with the Chief Executive (or in his/her absence a Director), that a question is so urgent that a decision cannot await the next meeting of the Committee or Sub-Committee, he/she shall have authority, after due consultation with the Chairman (or in the Chairman's absence, the Vice-Chairman) of the appropriate Committee or Sub-Committee and the Chairman (or in the Chairman's absence, the Vice-Chairman) of the Overview and Scrutiny Committee, to determine the matter on behalf of the Council provided that:

- (a) a record of the three consultations shall be kept and the decision shall be reported to the next meeting of the Committee or Sub-Committee; and
- (b) if any one of the three consultees so requires the question shall instead be referred for decision to a special meeting of the appropriate Committee or Sub-Committee.

27. **QUORUM OF COMMITTEES AND SUB-COMMITTEES**

In the absence of any decision of the Council to the contrary, no business shall be transacted at a meeting of any Committee or Sub-Committee unless at least one third of the Members of the Committee or Sub-Committee are present.

Overview and Scrutiny Procedure Rules

1. The arrangements for Overview and Scrutiny Committee

The Council will appoint an Overview and Scrutiny Committee to discharge the functions conferred by Section 21 of the Local Government Act 2000 and regulations under Section 32 of the Act. The size and composition of the Committee will be determined by Council.

The terms of reference of the Overview and Scrutiny Committee will be:

- (a) the performance of the Overview and Scrutiny functions on behalf of the Council;
- (b) the appointment of such Sub-Committees as it considers appropriate to fulfil those Overview and Scrutiny functions; (these Procedure Rules apply to any such appointed Sub-Committees);
- (c) to approve an annual Overview and Scrutiny work programme, including the programme of any Sub-Committees it appoints, so as to ensure that the Committee's and Sub-Committees' time is effectively and efficiently utilised; and
- (d) to consider any items called in by Members and to make recommendations to the Cabinet on these.

2. Members of the Overview and Scrutiny Committee

All Members, except members of the Cabinet, may be members of the Overview and Scrutiny Committee and Sub-Committees. However, no Member may be involved in scrutinising a decision which he/she has been directly involved in.

3. Co-optees

The Overview and Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

4. Meetings of the Overview and Scrutiny Committee

At least 6 ordinary meetings of the Overview and Scrutiny Committee shall be programmed for each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. The Overview and Scrutiny Committee meeting may be called by the Chairman of the Committee, by any 6 members of the Committee in writing to the Democratic Services Manager, or by the Democratic Services Manager if he/she considers it necessary or appropriate.

5. Quorum

The quorum for the Overview and Scrutiny Committee shall be as set out for Committees in Rule 27 of the Council Procedure Rules in Part 4.

6. Who chairs meetings of the Overview and Scrutiny Committee

- (a) Meetings of the Overview and Scrutiny Committee will be chaired by the

Chairman or in his/her absence the Vice-Chairman.

- (b) The Chairman will be appointed by Council at its Annual Meeting.
- (cb) The Vice-Chairman will be appointed at its first meeting following Annual Council.

7. **Work programme**

The Overview and Scrutiny Committee will be responsible for setting its own work programme.

8. **Agenda items**

- (a) Any member of the Overview and Scrutiny Committee shall be entitled to give notice that he/she wishes an item relevant to the functions of the Committee to be included on the agenda by returning the request form to the Democratic Services Manager. On receipt of the request, the Democratic Services Manager will ensure that the item is discussed at the next Overview and Scrutiny pre-meeting and put forward for agreement at the next Committee meeting.
- (b) Any Members of the Council who are not members of the Overview and Scrutiny Committee may give written notice to the Democratic Services Manager that they wish an item to be included on the agenda of a relevant Overview and Scrutiny Committee. If the Democratic Services Manager receives such a notification, then he/she will include the item on the next available agenda of the Overview and Scrutiny Committee for consideration by the Committee.
- (c) The Overview and Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council and the Cabinet to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or Council.
- (d) The Overview and Scrutiny Committee will have access to the Cabinet's work programme and timetable for decisions and intentions for consultation.
- (e) Suggestion from members of the public will be handled in accordance with the procedure set out in Section 19.

9. **Policy review and development**

- (a) The role of the Overview and Scrutiny Committee in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules in Part 4.
- (b) In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, the Overview and Scrutiny Committee may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.

- (c) The Overview and Scrutiny Committee may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations.

10. Reports from the Overview and Scrutiny Committee

Recommendations from the Overview and Scrutiny Committee will be reported to the next available meeting of the Cabinet, or to the Council in the case of a matter referred to it directly by Council.

11. Rights of Overview and Scrutiny Committee members to documents

- (a) In addition to their rights as Members, members of Overview and Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4.
- (b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and Overview and Scrutiny Committee as appropriate, depending on the particular matter under consideration.

12. Procedure at Meetings of the Overview and Scrutiny Committee

- (a) Meetings of the Overview and Scrutiny Committee shall consider the following business:
 - (i) minutes of the last meeting;
 - (ii) declarations of interest (including whipping declarations);
 - (iii) consideration of any matter referred to the Committee for a decision in relation to call-in of a decision; and
 - (iv) the business otherwise set out on the agenda for the meeting.
- (b) Where the Overview and Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:
 - (i) that the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

13. **Members and Officers giving account**

- (a) The Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the Scrutiny role, it may require any member of the Cabinet, other Member, the Head of Paid Service and/or a Head of Service to attend before it to explain in relation to matters within their remit:
- (i) any particular decision or series of decisions;
 - (ii) the extent to which the actions taken implement Council policy; and/or
 - (iii) their performance;

and it is the duty of those persons to attend if so required.

- (b) Where any Member or officer is required to attend Overview and Scrutiny Committee under this provision, the Chairman will inform the Democratic Services Manager, who shall then inform the Member or officer in writing giving at least 5 working days notice of the meeting at which he/she is required to attend and may incur reasonable expenditure in so doing.

The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

- (c) Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, the Democratic Services Manager shall arrange an alternative date for attendance in consultation with the Chairman of the Overview and Scrutiny Committee and the Member or officer .
- (d) Where someone requested to attend is genuinely unable to attend, he/she may nominate another Member or officer who is able to speak on the topic to attend.
- (e) Speakers shall be entitled to a copy of any draft minute or other record taken of their contribution for comment. Should they feel that such record is not accurate, they shall be given the opportunity to make a written representation asking for the correction to be submitted to the next meeting of the Overview and Scrutiny Committee.
- (f) Overview and Scrutiny Committee meetings shall be open to the press and public, except where they are considering matters which would give rise to the disclosure of confidential or exempt information as defined in Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

14. **Attendance by others**

The Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern, and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and may invite such people to attend and may incur reasonable expenditure in so doing.

15. **Call-in**

(a) **'Call-in' by whom**

At least 3 Members acting together may call-in a decision not specifically ward-related or an individual Member may call-in a decision if it directly concerns his/her ward, provided the call-in request meets the criteria under (c) below.

(b) **'Call-in' to whom**

A request for a Cabinet decision to be "called-in" will be made in the first instance to the Democratic Services Manager who will notify the Monitoring Officer who will decide whether a request falls within the criteria. No judgement on the merits, or otherwise, of the request will be made.

Where a call-in request is to be rejected, the Chairman of Overview and Scrutiny Committee shall be consulted before a final decision is reached.

(c) **'Call-in' Criteria**

A Cabinet decision will be called-in if the Monitoring Officer is satisfied that one or more of the following conditions apply:

- (i) the decision has been made without compliance to Standing Orders;
- (ii) the decision is outside the terms of reference of the Cabinet or the delegated authority of the decision maker;
- (iii) the decision is in conflict with existing policy or the Corporate Plan;
- (iv) there is no budget, or insufficient budget provision, to implement the decision;
- (v) that information contained within the report leading to the decision was incomplete or inaccurate or that the process leading to the decision did not comply with the relevant legal requirements.

In all cases the Member(s) must provide reasons to support the belief which has given rise to the call-in request, or, if the belief is that the information was inaccurate or incomplete, must provide details of the alleged inaccuracies or missing information.

It will not be possible normally to call-in a decision simply because a Member

or Members do not agree with it. However, a decision may be called-in for this reason, or any other reason, if the request for call-in is made by one half of all Members of the Council collectively. Decisions called in on this basis will be referred to full Council and not to the Overview and Scrutiny Committee.

(d) **'Call-in' Procedure**

All Members will have access to the reports to be considered by the Cabinet at least 5 clear days before the appropriate meeting.

A list of the Cabinet decisions will then be distributed to all Members by the second working day after each meeting.

Members who wish to 'call-in' a decision must do so, in writing, to the Democratic Services Manager by noon on the 6th working day after the meeting of the Cabinet. A standard form is available for this purpose.

The Democratic Services Manager will receive the request and notify the Monitoring Officer who will either:

- (i) accept the request as being in accordance with the criteria; or
- (ii) following consultation with the Chairman of the Overview and Scrutiny Committee, reject the request on the grounds that it is not in accordance with the criteria.

Notes:

- (i) In both cases the Member(s) who made the request, the Chairman of the Cabinet, the Chairman of the Overview and Scrutiny Committee, Management Team, the author of the report and the appropriate Committee Officer will be advised accordingly.
- (ii) To assist Members, the list of decisions will contain the date for call-in.

(e) **Effect of Call-in**

Cabinet decisions will not become effective until the call-in period, set out in sub paragraph (d) above, has expired (unless the urgency procedure applies). Further, in the event that a matter is properly called-in, the decision will not become effective until considered by the Overview and Scrutiny Committee or dealt with under the call-back arrangements.

(f) **'Call-Back'**

At the discretion of the Chairman of the Cabinet it will be possible for the Cabinet to "call-back" a decision without it first going to the Overview and Scrutiny Committee. This may occur:

- (i) at the request of the Cabinet because further information has come to light; or
- (ii) when the Chairman of the Cabinet, having heard the reason for the

call-in request, considers that it would be appropriate to look again at its decision.

(g) **Other Procedural Matters**

- (i) In the event of a "called-in" matter remaining unresolved between the Cabinet and the Overview and Scrutiny Committee, the matter shall be the subject of a report to full Council, and Council will determine the issue.
- (ii) Members who have "called-in" a matter shall have the right to attend and address the Overview and Scrutiny Committee but not to vote.

16. **Call-In and Urgency**

The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would, for example, seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in.

The Chairman of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of full Council, together with the reasons for urgency.

- 16.1 The operation of the provisions relating to call-in and urgency shall be monitored by the General Purposes Employment Appeals and Ethics Sub-Committee, and a report submitted to Council with proposals for review if necessary.

17. **The Party Whip**

When considering any matter in respect of which a member of the Overview and Scrutiny Committee is subject to a Party Whip, the member must declare the existence of the Whip, and the nature of it, before the commencement of the Committee's deliberations on the matter. The declaration, and the detail of the Whipping arrangements, shall be recorded in the minutes of the meeting.

18. **Matters within the remit of the Overview and Scrutiny Committee and its Sub-Committees**

Where an Overview and Scrutiny Committee conducts a review or scrutinises a matter which also falls in part within the remit of an Overview and Scrutiny Sub-Committee, the Chairman of the Sub-Committee (or his/her nominee) will be invited to attend its meetings when the matter is being reviewed.

19. Procedure for Handling Overview and Scrutiny Suggestions from the Public

- (a) Suggestion is submitted by either e-mail or by completion of the leaflet from a member of the public.
- (b) Democratic Services will acknowledge the suggestion and advise that it will be considered and a further notification regarding whether or not it will be taken up by the Committee will be sent. There is no guarantee that the suggestion will be taken forward, it is up to the Members.
- (c) The suggestion is logged on a spreadsheet by Democratic Services. In this way the number of suggestions taken up can be monitored and reported to Committee on an annual basis.
- (d) The suggestion is then sent to the Chairman and Vice-Chairman of the Overview and Scrutiny Committee for information.
- (e) A meeting to discuss all suggestions received will be held monthly, if required. The panel will consist of the Chairman, Vice-Chairman and Democratic Services.
- (f) The panel will decide which of the suggestions is referred to the Committee and how it will be taken forward under the work programme report.
- (g) If the suggestion is not taken forward by the Committee, there may still be an expectation by the originator that the Council will take action. The suggestion could be referred to the ward Member under the Councillor Call for Action procedure or to a Head of Service, if appropriate.
- (h) If the suggestion is successful, the originator will be invited by Democratic Services to address the panel or Committee to which it has been referred.
- (i) A letter or e-mail to advise them of the outcome or report to Committee will be sent to the originator.

ITEM 14

Reporting of Urgent Decisions

Report of the Corporate Portfolio Holder

Recommended:

That Council notes the urgent decisions set out in the annexes to this report which were taken by the Chief Executive in consultation with the Leader during the period of national emergency presented by the Coronavirus pandemic.

SUMMARY:

- The Council's constitution delegates power to the Chief Executive in consultation with the Leader to take decisions in urgent or emergency situations.
- This power is subject to reporting those decisions back to Council, Cabinet or the Committee concerned.
- This report contains details of urgent decisions made by the Chief Executive and the Leader since 23 March 2020 to date, which Council is asked to note.

1 Introduction

- 1.1 The emergency presented by the Coronavirus pandemic required the Chief Executive in consultation with the Leader to take certain urgent decisions.
- 1.2 These decisions must be reported back to Council, Cabinet or the Committee concerned and this report fulfils that requirement.

2 Background

- 2.1 Under the constitution the Chief Executive in consultation with the Leader is delegated power to take urgent decisions.
- 2.2 Delegation (2) of the "Delegations to Chief Executive" reads:

"To do anything, in consultation with the Leader, which is calculated to facilitate, or is conducive or incidental to the discharge of the Council's functions subject to:

 - (i) the matter being regarded as an emergency or urgent situation; and
 - (ii) a report back to the Council, Cabinet or Committee concerned.
- 2.3 The Coronavirus pandemic can properly be considered an "emergency or urgent situation" for the purposes of the above delegation.

- 2.4 As the Coronavirus pandemic developed and legislation and Government guidance emerged, decisions needed to be taken. Some of these decisions were by their very nature urgent and others had no Council, Cabinet or Committee meeting to which they could be brought as legislation had yet to be passed enabling Council meetings to take place remotely. The Chief Executive therefore took the required decisions in consultation with the Leader.
- 2.5 Some decisions were needed to implement urgently enacted legislation or to delegate power to Officers to act; others to deal with the various peculiarities and demands of the emerging situation.
- 2.6 The following decisions were made under the power delegated to the Chief Executive:
1. 18th March 2020 Indemnity for Returning Officer (1)
 2. 23rd March 2020 Appointment of officers to enforce the Health Protection (Coronavirus, Business Closure) (England) Regulations 2020
 3. 24th March 2020 Parking Charges.
 4. 25th March 2020 Increase of Treasury Group Limits
 5. 26th March 2020 Emergency Response Community Grant (1)
 6. 26th March 2020 Delegation to Head of Revenues to administer small business grant fund and retail, hospitality and Leisure grant funds.
 7. 30th March 2020 Delegation to Head of Communities and Leisure and Property and Asset Management Services to make refunds etc. and to deal with use of Council buildings.
 8. 30th March 2020 Taxi compliance testing.
 9. 30th March 2020 Appointment of Officers to enforce the Health Protection (Coronavirus, Business Closure) (England) Regulations 2020.
 10. 31st March 2020 Indemnity for Returning Officer (2).
 11. 3rd April 2020 Emergency Response Community Grant (2) increase to £25,000.
 12. 4th May 2020 Delegation to Head of Communities and Leisure Service to provide assistance to community associations.
 13. 4th May 2020 Amendment to the Council, Cabinet and Licensing Procedure Rules and the Public Participation Scheme.

- 2.7 Copies of the Written Statements of Decision are attached as Annexes to this report, numbered as per the list above. Each Statement sets out the full details the decision made and the reasons for that decision.

3 Corporate Objectives and Priorities

- 3.1 The appended decisions were made in the early days of the Coronavirus (Covid 19) pandemic and were necessary to enable the Council to continue to fulfil its functions, cutting across all of the Council's corporate objectives and priorities at a time of national emergency.

4 Consultations/Communications

- 4.1 No consultation has taken place on this report. Any consultation undertaken will be recorded in each individual Statement of Decision.

5 Options and Option Appraisal

- 5.1 This report is for noting only. The decisions have been made and implemented. The decisions made pursuant to the urgency delegation are required to be reported to Council.

6 Risk Management

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

7 Resource Implications

- 7.1 There are no resource implications of this report. The resource implications of each particular decision are, where appropriate, considered in each Written Statement of Decision.

8 Legal Implications

- 8.1 Similarly, there are no legal implications of this report. Any legal issues which were taken account in the decision making are recorded in the individual Written Statements of Decision. The Council's Constitution requires those decisions to be reported back to Council, Cabinet or other Committee.

9 Equality Issues

- 9.1 No equality issues arise as a result of this report. Any equality issues arising as a result of the individual decisions appended are addressed within each Statement of Decision.

10 Other Issues

- 10.1 No other issues are apparent.

11 Conclusion and reasons for recommendation

- 11.1 This document reports to Council the urgent decisions taken by the Chief Executive in consultation with the Leader during the period of emergency presented by the Coronavirus (Covid 19) pandemic. Council is asked to formally note this report.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Written Statements of Decision as Annexed to this report.			
<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:	13	File Ref:	N/A
Portfolio: Corporate Councillor T Tasker			
Officer:	Karen Dunn	Ext:	8401
Report to:	Council	Date:	10 June 2020

WRITTEN STATEMENT OF DECISION BY CHIEF EXECUTIVE

SECTION A

DATE OF DECISION:

18th March 2020

PORTFOLIO AREA:

Leader's Portfolio

SUBJECT TITLE:

Indemnity for Returning Officer

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.

SECTION B – IDENTITY OF THE “DECISION-MAKER”

Name of Officer:

Roger Tetstall

Title:

Chief Executive

Pursuant to Delegated Powers as set out in paragraph (2) of “Delegations to Chief Executive” in Part 3 of the Constitution, namely

“To do anything, in consultation with the Leader, which is calculated to facilitate, or is conducive or incidental to the discharge of the Council’s functions subject to:

- (i) the matter being regarded as an emergency or urgent situation; and
- (ii) a report back to the Council, Cabinet or Committee concerned. “

SECTION C – SUMMARY

Background

Polls in a Borough Council by election in the ward of Chilworth, Nursling and Rownhams and a Parish Council by election in Nursling and Rownhams were due to be held on 19th March 2020.

It was at the time of the rapid escalation of the coronavirus pandemic. Concerns were raised by many people that holding the election at that time was inappropriate for various reasons including those relating to public health and democratic legitimacy.

The Government had been silent on the matter until the evening of 18th March 2020 when the Cabinet Office issued the following statement (explicitly referencing “those [polls] due to take place tomorrow, Thursday 19th March”):

- *The Government will give its full support to Returning Officers who make the decision to suspend their polls. The Crown Prosecution Service (CPS) have provided assurance that criminal prosecution in these circumstances is highly unlikely.*
- *We will shortly be bringing forward measures within the Covid-19 Bill to postpone the scheduled local and mayoral elections due to take place in England and the scheduled Police and Crime Commissioner elections*

due to take place in England and Wales on 7 May this year until the next ordinary day of election on 6 May 2021.

- However, we recognise that there will be a small number of polls between now and the date of Royal Assent which will not be covered by these provisions.
- The delivery of polls rightly sits with Returning Officers who are statutorily independent and responsible to the Courts.
- Running a poll in present times is likely to come with significant concerns about the wellbeing of those involved, which may be thought to be unfair to both staff and the public.
- It would be both reasonable and consistent with the national position for a Returning Officer to suspend any poll scheduled within this period, including those due to take place tomorrow, Thursday 19th March.
- The hard work of Returning Officers is appreciated during these difficult and challenging circumstances.

Against this background, the Returning Officer took the view that there were, in the exceptional circumstances pertaining during a pandemic, grounds (including ones relating to public health and democratic legitimacy) which justified suspending the polls.

The liability of the Returning Officer is a personal one and so he discussed the matter with the Council's Section 151 Officer who advised that it would be appropriate in the circumstances for the Council to indemnify the Returning Officer in respect of any financial losses that he incurred as a consequence of his decision to suspend the polls.

Thereafter, the Returning Officer consulted with the Leader of the Council who agreed that the Council should grant such an indemnity.

SECTION D – THE DECISION

"That the Council will indemnify the Returning Officer in respect of any financial losses that he incurs as a consequence of his decision to suspend the polls in the Borough Council by election in the ward of Chilworth, Nursling and Rownhams and in the Parish Council by election in Nursling and Rownhams due to be held on 19th March 2020 (including any losses incurred as a result of any insurance cover being invalidated or otherwise not available)."

SECTION E – REASONS FOR THE DECISION

The decision-maker's reasons for making the decision recorded in Section D:

The decision maker believed that the public interest was best served by suspending the polls in question but that, given the uncertainty surrounding such a decision made in truly exceptional circumstances, it was appropriate and reasonable to seek personal indemnity in respect of the consequences thereof. The urgency of the situation was self-evident given the timescales noted in section C above.

SECTION F – DETAILS OF ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The decision was binary – either the indemnity was granted or not.

SECTION G – OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

SECTION H – BACKGROUND PAPERS

The following background papers were taken into consideration when making the decision:

Statement from the Cabinet Office dated 18th March 2020

SECTION I – Any Conflict of Interest Declared and Dispensation Granted

There was a potential conflict of interest arising from the same person holding the offices of Chief Executive and Returning Officer. The Section 151 Officer was satisfied that any such conflict was resolved by the application of his own independent judgement and by the requirement to consult with the Leader of the Council.

We certify that the decision this document records was made Pursuant to Delegated Powers as set out in paragraph (2) of "Delegations to Chief Executive" in Part 3 of the Constitution and is a true and accurate record or minute of that decision.

Chief Executive: 

Dated: 18.3.20

The Leader of the Council 

Dated: 18.3.20

WRITTEN STATEMENT OF DECISION BY CHIEF EXECUTIVE

SECTION A

DATE OF DECISION: 23rd March 2020

PORTFOLIO AREA: Corporate Portfolio

SUBJECT TITLE: Appointment of officers to enforce The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020

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.

SECTION B – IDENTITY OF THE “DECISION-MAKER”

Name of Officer: Roger Tetstall

Title: Chief Executive

Pursuant to Delegated Powers as set out in paragraph (2) of “Delegations to Chief Executive” in Part 3 of the Constitution, namely

“To do anything, in consultation with the Leader, which is calculated to facilitate, or is conducive or incidental to the discharge of the Council’s functions subject to:

- (i) the matter being regarded as an emergency or urgent situation; and
- (ii) a report back to the Council, Cabinet or Committee concerned. “

SECTION C – SUMMARY

Background

In response to the serious and imminent threat to public health posed by Coronavirus, The Health Protection (Coronavirus, Business Closure) Regulations 2020 (“the Regulations”) were made and came into effect at 2pm on Saturday 21st March 2020.

The Regulations list the categories of business which must close or otherwise restrict their operations during the Coronavirus emergency.

The Regulations prescribe penalties and offences for contravention of the Regulations.

The Regulations also provide that a person designated by the Secretary of State may take such action as necessary to enforce a closure or restriction.

Under the power conferred on him by the Regulations, on Sunday 22nd March the Secretary of State for Health and Social Care designated “an officer appointed by a local authority to enforce the Business Closure Regulations is designated by the Secretary of State, to take such action as is necessary to enforce a closure or restriction imposed by those Regulations”. All police constables are similarly designated.

Accordingly, if the Council wishes to enforce the Regulations as contemplated by Government, officers must be appointed. There is no convenient meeting of the Council at which this decision could be considered and in any event legislation is awaited prescribing how such meetings are to be dealt with during this time of emergency and social distancing.

This is therefore an emergency or urgent situation as contemplated by the Delegated Powers referred to above. In order that the Council may enforce the Regulations should the need arise, officers must be urgently appointed.

It is considered that officers comprising the following post-holders should be appointed:

Environmental Health Manager – 50360920
 Licensing Manager - 50361447
 Principal Environmental Health Officer - 50360919
 Senior Environmental Health Officer - 50360931
 Senior Environmental Health Officer - 50360927
 Senior Health Protection Officer - 50360928
 Senior Environmental Health Officer - 50360930
 Principal Environmental Health Officer - 50360918
 Senior Environmental Health Officer - 50360922
 Environmental Protection Officer - 50360925

SECTION D – THE DECISION

“That the following post-holders are appointed to enforce The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020:

Environmental Health Manager – 50360920
 Licensing Manager - 50361447
 Principal Environmental Health Officer - 50360919
 Senior Environmental Health Officer - 50360931
 Senior Environmental Health Officer - 50360927
 Senior Health Protection Officer - 50360928
 Senior Environmental Health Officer - 50360930
 Principal Environmental Health Officer - 50360918
 Senior Environmental Health Officer - 50360922
 Environmental Protection Officer – 50360925”

SECTION E – REASONS FOR THE DECISION

The decision-maker’s reasons for making the decision recorded in Section D:

Urgent Regulations were made over the weekend of 21st and 22nd March 2020 requiring closure or restriction of certain business in response to the Coronavirus emergency. The Regulations also gave the Secretary of State power to designate persons to enforce the closures/restrictions. The Secretary of State has designated ‘officers appointed by local authorities’ as persons who may enforce the Regulations.

It is therefore necessary to urgently appoint officers. If officers are not appointed then they cannot lawfully enforce the Regulations should the need arise.

SECTION F – DETAILS OF ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The options are:

1. to appoint officers to enforce the Regulations; or
2. not to appoint officers.

If enforcement officers were not appointed, the Regulations would be undermined, the ability to enforce breaches would be limited and public safety jeopardised.

SECTION G – OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

SECTION H – BACKGROUND PAPERS

The following background papers were taken into consideration when making the decision:

1. The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020.
2. Designation by the Secretary of State for Health and Social Care sated 22nd March 2020.

SECTION I – Any Conflict of Interest Declared and Dispensation Granted

None applicable.

We certify that the decision this document records was made Pursuant to Delegated Powers as set out in paragraph (2) of "Delegations to Chief Executive" in Part 3 of the Constitution and is a true and accurate record or minute of that decision.

Chief Executive: 

Dated: 23.3.20

The Leader of the Council 

Dated: 23.3.20

WRITTEN STATEMENT OF DECISION BY CHIEF EXECUTIVE

SECTION A

DATE OF DECISION: 24th March 2020 (to take effect from 25th March 2020)
 PORTFOLIO AREA: Property and Asset Management
 SUBJECT TITLE: Parking Charges in Test Valley Borough Council Car Parks

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.

SECTION B – IDENTITY OF THE “DECISION-MAKER”

Name of Officer: Roger Tetstall
 Title: Chief Executive

This decision is made pursuant to Delegated Powers as set out in paragraph (2) of the “Delegations to Chief Executive” in Part 3 of the Constitution, namely:

“To do anything, in consultation with the Leader, which is calculated to facilitate, or is conducive or incidental to the discharge of the Council’s functions subject to:

- (i) the matter being regarded as an emergency or urgent situation; and
- (ii) a report back to the Council, Cabinet or Committee concerned. “

SECTION C – SUMMARY

This decision is made in the circumstances of the Coronavirus (COVID-19) pandemic in the UK. This is an emergency or urgent situation as contemplated by the Delegated Powers referred to above.

On the 23rd March 2020 Government directed the public to stay at home and only to go outside for food, health reasons or work (but only where that work cannot be done from home) and to stay 2 metres away from other people at all times in the event that they do leave their homes.

On 10th of October 2018 Cabinet approved the Council’s Schedule of Fees and Charges for 2019/2020, including parking charges. On 15th January 2020 Cabinet approved a schedule of parking tariffs to take effect from 1st April 2020.

The decision will be kept under review in tandem with central government’s review of the ‘lockdown restrictions’.

SECTION D – THE DECISION

To suspend parking charges in the Council's pay and display Car Parks until further notice.

SECTION E – REASONS FOR THE DECISION

The decision-maker's reasons for making the decision recorded in Section D:

Given Government's directive, the public should only be using the Council's car parks in the essential circumstances defined in Government Guidance.

Suspending parking charges will ensure that those parking in order to carry out essential tasks can do so as speedily and safely as possible, minimising opportunities for interaction with others and enabling social distancing. It will also ensure that there is adequate parking for those living in and around the town centres who have been directed to stay at home and for those undertaking essential work in the towns. This decision will also relieve the Council's parking staff from the requirement to interact with the public, thereby protecting both parties from potential contamination.

There is no convenient meeting of the Council at which this decision could be considered. Meetings are not taking place currently and legislation is awaited prescribing how meetings are to be dealt with during this time of emergency and social distancing.

SECTION F – DETAILS OF ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The principal options considered were either to continue to apply the Council's parking charges, or, for a period, in the light of the national emergency presented by Coronavirus (COVID-19) to suspend those charges.

Consideration was also given to whether the Council should simply not enforce its parking regulations but this was deemed to be undesirable because such an approach risks penalising those law abiding members of our communities who are unwilling to flout regulations despite receiving assurances that they will not be prosecuted.

In the circumstances, the decision to suspend parking charges until further notice was taken.

SECTION G – OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

SECTION H – BACKGROUND PAPERS

The following background papers were taken into consideration when making the decision:

1. Test Valley Borough Council's Schedule of Fees and Charges 2019/2020:

<https://www.testvalley.gov.uk/business/licensingandregulation/licensing/adviceinformation/schedule-fees-charges>

2. Minute of decision of Cabinet 15th January 2020 approving a schedule of parking tariffs to take effect from 1st April 2020:

<http://modgov1-tvbc/ieListDocuments.aspx?CId=137&MId=2661&Ver=4>

3. Government Guidance 23rd March 2020:

<https://www.gov.uk/government/publications/full-guidance-on-staying-at-home-and-away-from-others>

SECTION I – Any Conflict of Interest Declared and Dispensation Granted

None.

We certify that the decision this document records was made Pursuant to Delegated Powers as set out in paragraph (2) of "Delegations to Chief Executive" in Part 3 of the Constitution and is a true and accurate record or minute of that decision.

Chief Executive:



Dated:

24.3.20

The Leader of the Council



Dated:

24.3.20

WRITTEN STATEMENT OF DECISION BY CHIEF EXECUTIVE

SECTION A

DATE OF DECISION: 25th March 2020
 PORTFOLIO AREA: Finance Portfolio
 SUBJECT TITLE: Increase of Treasury Group Limits

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.

SECTION B – IDENTITY OF THE “DECISION-MAKER”

Name of Officer: Roger Tetstall

Title: Chief Executive

This decision is made pursuant to Delegated Powers as set out in paragraph (2) of the “Delegations to Chief Executive” in Part 3 of the Constitution, namely:

“To do anything, in consultation with the Leader, which is calculated to facilitate, or is conducive or incidental to the discharge of the Council’s functions subject to:

- (i) the matter being regarded as an emergency or urgent situation; and
- (ii) a report back to the Council, Cabinet or Committee concerned. “

SECTION C – SUMMARY

This decision is made against the backdrop of the Coronavirus (COVID-19) pandemic in the UK. This is an emergency or urgent situation as contemplated by the Delegated Powers referred to above

In response to hardship resulting from this urgent and unprecedented situation, Central Government has urgently introduced financial support initiatives for businesses and individuals including various grants and reliefs. Several of these initiatives are to be administered by local councils. Funding will shortly be received by this Council to fund the grants and reliefs. The Council will therefore shortly receive large and unanticipated payments.

On 26th February 2020, the Council approved its Treasury Management and Investment Strategy for 2020/2021.

The Report of the Financial Portfolio Holder dated 12th February 2020 at paragraphs 6.5.1 and 6.5.2 set out the financial limits for Council investments, which were set at £15 million per counterparty. In order to cater for the anticipated payments it is necessary to increase the authorised level of holding with each counterparty from £15 million to £30 million for such period as is necessary to enable the Council to deliver the initiatives.

If the levels are not increased, the Council will be in breach of its Treasury Management Strategy.

SECTION D – THE DECISION

“ That the Treasury limit for all counterparties is increased from £15 million to £30 million for such period as is necessary to enable the Council to process the Government initiatives introduced to mitigate the financial effects of the Coronavirus (COVID-19) pandemic, whereafter the limits shall revert to £15 million”

SECTION E – REASONS FOR THE DECISION

The decision-maker’s reasons for making the decision recorded in Section D:

The decision was necessary as significant funds will be received imminently from Central Government for onward payment by this Council of grants and reliefs. The level of funds are such that if the Treasury group limits are not raised, the Council will be in breach of its Treasury Management Strategy.

WRITTEN STATEMENT OF DECISION BY CHIEF EXECUTIVE

SECTION A

DATE OF DECISION:

26th March 2020

PORTFOLIO AREA:

Communities and Leisure

SUBJECT TITLE:

Emergency Response Community Grant

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.

SECTION B – IDENTITY OF THE “DECISION-MAKER”

Name of Officer:

Roger Tetstall

Title:

Chief Executive

This decision is made pursuant to Delegated Powers as set out in paragraph (2) of the “Delegations to Chief Executive” in Part 3 of the Constitution, namely:

“To do anything, in consultation with the Leader, which is calculated to facilitate, or is conducive or incidental to the discharge of the Council’s functions subject to:

- (i) the matter being regarded as an emergency or urgent situation; and
- (ii) a report back to the Council, Cabinet or Committee concerned. “

SECTION C – SUMMARY

The Council operates a comprehensive scheme of Community Grants, some grants are for specified purposes and all have certain eligibility criteria and defined processes for application.

Given the unprecedented situation presented by the Coronavirus (CORVID-19) pandemic, the Council wishes to respond to community need by making grants to organisations or individuals where it is demonstrated that funding will alleviate a Coronavirus –related need.

The Coronavirus (COVID-19) pandemic is an ‘emergency or urgent’ situation as contemplated by the Delegated Powers quoted above at Section B

There is no convenient meeting of the Council at which this decision could be considered and notwithstanding this, secondary legislation is currently awaited prescribing how Council meetings are to be dealt with during this time of emergency and enforced social distancing.

The Finance Acting Accountancy Manager confirms that cost of the Grant Fund can be met from 2019/2020 contingencies.

SECTION D – THE DECISION

1. That an 'Emergency Response Community Grant' fund is established in the sum of £10,000 for the purpose of mitigating hardship in the community resulting from the Coronavirus pandemic.
2. Authority is delegated to the Head of Communities and Leisure Services to award grants of from this fund of up to £500 per application.
3. Authority is delegated to the Head of Communities and Leisure to determine the criteria against which applications for Emergency Response Community Grant funding will be assessed and awarded.

SECTION E – REASONS FOR THE DECISION

The decision-maker's reasons for making the decision recorded in Section D:

The decision was necessary to enable the Council to contribute to alleviation of community hardship by offering grant-funding in the most efficient and agile way.

SECTION F – DETAILS OF ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The option of requiring those seeking assistance to rely on existing grants was considered and dismissed (which is not to say that those wishing to may not apply for those existing grants)

Certain community needs resulting from the Coronavirus pandemic may not fall within the scope of existing grants or the process for applying for those grants might not be swift enough to deal with urgent need.

SECTION G – OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

SECTION H – BACKGROUND PAPERS

The following background papers were taken into consideration when making the decision:

The current Test Valley Community Grant Schemes:

<https://www.testvalley.gov.uk/communityandleisure/workingwithcommunities/communitygrants>

SECTION I – Any Conflict of Interest Declared and Dispensation Granted

None applicable.

We certify that the decision this document records was made Pursuant to Delegated Powers as set out in paragraph (2) of "Delegations to Chief Executive" in Part 3 of the Constitution and is a true and accurate record or minute of that decision.

Chief Executive:



Dated:

26-3-20

The Leader of the Council



Dated:

26.3.20

WRITTEN STATEMENT OF DECISION BY CHIEF EXECUTIVE

SECTION A**DATE OF DECISION:***26 March 2020***PORTFOLIO AREA:***Corporate Portfolio***SUBJECT TITLE:** *Delegation of Authority to Head of Revenues to administer the Small Business Grant Fund and Retail, Hospitality and Leisure Grant Funds*

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.

SECTION B – IDENTITY OF THE “DECISION-MAKER”**Name of Officer:***Roger Tetstall***Title:***Chief Executive*

Pursuant to Delegated Powers as set out in paragraph (2) of “Delegations to Chief Executive” in Part 3 of the Constitution, namely

“To do anything, in consultation with the Leader, which is calculated to facilitate, or is conducive or incidental to the discharge of the Council’s functions subject to:

- (i) the matter being regarded as an emergency or urgent situation; and
- (ii) a report back to the Council, Cabinet or Committee concerned. “

SECTION C – SUMMARYBackground

The Chancellor has announced a package of measures to assist business affected by the Coronavirus. These include

- a 12-month business rates holiday for all retail, hospitality, leisure and nursery businesses in England
- small business grant funding of £10,000 for all business in receipt of small business rate relief or rural rate relief
- grant funding for retail, hospitality and leisure businesses with property with a rateable value of up to £51,000 (£10,000 for rateable values up to £15,000, £25,000 for rateable values up to £51,000)

The two grant schemes announced will be administered by billing authorities including the Borough Council, and will be fully funded by the Government.

The 12 month business rates holiday will be administered by the Head of Revenues, in accordance with existing authority under the Council’s Scheme of Delegation to Officers. This decision notice proposes extending the existing authority to include administering the new grant schemes.

The Government has set out in guidance the eligibility of businesses for these grants. Properties occupied for personal use, businesses with rateable values over £51,000, and businesses in liquidation will not be eligible.

It is understood that funding will be provided by the Government in early April, and eligible businesses will be expecting to receive their grants with the minimum of delay thereafter.

Officers administering the two grant funds will need to verify eligibility, and collect relevant data for submission to Government at a later stage.

As the schemes are being fully funded by the Government, there is no direct impact on the Council’s budgets. The Government has also indicated it is committed to meeting the delivery costs incurred by local authorities, which will be dealt with by a New Burdens Assessment.

Given that the grant schemes will entail a technical check of eligibility rather than the exercise of discretion, it is considered that a delegation to the Head of Revenues alone is appropriate.

SECTION D – THE DECISION

“That authority is given to the Head of Revenues to administer grants to eligible businesses under the Small Business Grant Fund and Retail, Hospitality and Leisure Grant Fund.”

SECTION E – REASONS FOR THE DECISION

The decision-maker’s reasons for making the decision recorded in Section D:

The two grant funds are not within the scope of existing delegated authority to officers. Both Government and businesses will expect grants to be paid out as soon as funds are provided by the Government, and therefore appropriate authority is required to meet these expectations and pay the grants to eligible businesses.

SECTION F – DETAILS OF ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The options are:

1. to give delegated authority to the Head of Revenues; or
2. to refer applications (or the issue of giving delegated authority) to Cabinet.

Given the difficulties with arranging Council meetings due to current restrictions, option 2 would result in delays and economic harm to businesses, as well as damage to the Council's reputation.

SECTION G – OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

SECTION H – BACKGROUND PAPERS

The following background papers were taken into consideration when making the decision:

1. Small Business Grant Fund and Retail, Hospitality and Leisure Grant Fund Guidance issued March 2020 by the Department for Business Energy and Industry Strategy.

SECTION I – Any Conflict of Interest Declared and Dispensation Granted

None applicable.

We certify that the decision this document records was made Pursuant to Delegated Powers as set out in paragraph (2) of "Delegations to Chief Executive" in Part 3 of the Constitution and is a true and accurate record or minute of that decision.

Chief Executive:



Dated:

26.3.20

The Leader of the Council



Dated:

26.3.20

WRITTEN STATEMENT OF DECISION BY CHIEF EXECUTIVE

SECTION A

DATE OF DECISION: 30th March 2020

PORTFOLIO AREA: Corporate Portfolio

SUBJECT TITLE: Delegations to the Head of Communities and Leisure and Head of Property and Asset Management

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.

SECTION B – IDENTITY OF THE “DECISION-MAKER”

Name of Officer: Roger Tetstall

Title: Chief Executive

This decision is made pursuant to Delegated Powers as set out in paragraph (2) of the “Delegations to Chief Executive” in Part 3 of the Constitution, namely:

“To do anything, in consultation with the Leader, which is calculated to facilitate, or is conducive or incidental to the discharge of the Council’s functions subject to:

- (i) the matter being regarded as an emergency or urgent situation; and
- (ii) a report back to the Council, Cabinet or Committee concerned.”

SECTION C – SUMMARY

This decision is made in the circumstances of Coronavirus (COVID-19) pandemic in the UK. This is an emergency or urgent situation as contemplated by the Delegated Powers referred to above.

The Community and Leisure and Property and Asset Management Services each deal with numerous and various arrangements whereby fees and charges are made to third parties. This includes (but is not limited to) booking fees, rent, service charges and season tickets.

During the period of national emergency presented by the Coronavirus, it may become necessary or desirable to depart from usual charging regimes. This may include waiving payment in its entirety, deferring payment, making refunds, varying payment terms or making other arrangements in respect of payment to the Council. This may involve formally varying the terms of contracts or arrangements with third parties.

The Heads of Communities and Leisure and Property and Asset Management are delegated authority to enter into agreements but are delegated very limited power to vary those arrangements.

In order that the Council may respond to the current quickly-changing circumstances, it is desirable that the Heads of Service, subject to specified consultation, are able to provide flexibility in the payments due to the Council where appropriate.

It may become necessary that some or all of the Council's premises may be required for use during the pandemic. For that reason, authority is delegated to the Head of Property and Asset management to allow use of the Council's premises outside usual lettings policy or usage arrangements.

SECTION D – THE DECISION

1. That authority is delegated to each of the Head of Communities and Leisure Service and the Head of Property and Asset Management Service, until further notice and in consultation with the Head of Finance, relevant Portfolio Holder, Chief Executive and Leader to waive, defer, refund, extend, vary or otherwise deal with charges (including rent) made to third parties by the Council.
2. That authority is delegated to the Head of Property and Asset Management, until further notice and in consultation with the Head of Finance, relevant Portfolio Holder, Chief Executive and Leader to let or otherwise permit the use of the Crosfield Hall in Romsey, the Rendezvous in Andover, the Upper Guildhall in Andover, meeting rooms at Beech Hurst in Andover and any other Council-owned facilities other than in accordance with the Council's booking policy or usual usage provisions.

SECTION E – REASONS FOR THE DECISION

The decision-maker's reasons for making the decision recorded in Section D:

Circumstances are changing daily as a result of the impact of the Coronavirus pandemic both in practical terms and as Government gives guidance or legislates for measures to mitigate the effects of Coronavirus. The effects of this are broad and varied both on a macro and micro scale with individuals, organisations and communities across the Borough impacted.

The Council wishes to be in a position to make variations to existing arrangements as circumstances demand where deemed necessary or desirable. This decision will enable arrangements and decisions to be made without delay.

There is no convenient meeting of the Council at which this decision (and indeed any decisions to vary payments) could be considered. Meetings are not taking place currently due to social distancing requirements and legislation is awaited prescribing how Council meetings are to be dealt with during this time of emergency.

SECTION F – DETAILS OF ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The options considered are either to make the decision to delegate authority to the Head of Communities and Leisure and Head of Property and Asset Management or not.

If authority was *not* delegated as set out above, the Council would have very limited ability to make variations or concessions to existing payment arrangements. As described above, no Council meetings are currently taking place due to social distancing requirements imposed by Government and legislation has yet to be introduced defining how Council meetings are to be dealt with during the period of Coronavirus emergency.

If the decision was not made, the Council would be unable to respond in an agile and timely way to circumstances as they present themselves.

SECTION G – OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

SECTION H – BACKGROUND PAPERS

The Scheme of Delegation to Officers contained in the Council's constitution:

<https://www.testvalley.gov.uk/aboutyourcouncil/localdemocracy/constitution>

SECTION I – Any Conflict of Interest Declared and Dispensation Granted

None.

We certify that the decision this document records was made Pursuant to Delegated Powers as set out in paragraph (2) of "Delegations to Chief Executive" in Part 3 of the Constitution and is a true and accurate record or minute of that decision.

Chief Executive: _____ Dated: _____

The Leader of the Council  _____ Dated: 30.3.20

WRITTEN STATEMENT OF DECISION BY CHIEF EXECUTIVE

SECTION A

DATE OF DECISION: 30th March 2020
 PORTFOLIO AREA: Corporate Portfolio
 SUBJECT TITLE: Taxi Compliance Testing

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.

SECTION B – IDENTITY OF THE “DECISION-MAKER”

Name of Officer: Roger Tetstall
 Title: Chief Executive

This decision is made pursuant to Delegated Powers as set out in paragraph (2) of the “Delegations to Chief Executive” in Part 3 of the Constitution, namely:

“To do anything, in consultation with the Leader, which is calculated to facilitate, or is conducive or incidental to the discharge of the Council’s functions subject to:

- (i) the matter being regarded as an emergency or urgent situation; and
- (ii) a report back to the Council, Cabinet or Committee concerned.”

SECTION C – SUMMARY

This decision is made in the circumstances of Coronavirus (COVID-19) pandemic in the UK. This is an emergency or urgent situation as contemplated by the Delegated Powers referred to above.

In the light of the pandemic Government has directed the public to stay at home and only to go outside for food, health reasons or work (but only where that work cannot be done from home) and to stay 2 metres away from other people at all times in the event that they did go out. A large tranche of business has been ordered to close and enforcement powers given to local government and the police in an attempt to control the spread of the disease. The Council has closed its public access points.

The question of how taxi ‘compliance tests’ should be dealt with in the light of the pandemic has arisen.

The Council’s current Hackney Carriage and Private Hire Vehicle Licencing Guidelines, which constitute the Council’s taxi licensing policy are dated March 2017.

Vehicle licences are issued subject to standard licencing conditions. On 15th November 2011 the Council’s Licencing Committee adopted the Council’s current set of Hackney Carriage and Private Hire Vehicles licence conditions.

Legislation provides that Council’s may only grant licences where (amongst other things) vehicles are in a suitable mechanical condition and are safe and comfortable. Individual Councils may decide how they

determine these criteria. At Test Valley, the criteria are contained in the two documents listed above. Vehicles are inspected, or undergo 'compliance tests' on first application and at either six or twelve monthly intervals (depending on vehicle age) thereafter. Compliance tests are carried out by technicians at the Council's Portway Depot. The Depot also carries out MOT tests for the general public. In the light of the pandemic, MOT tests have ceased.

The question has arisen (as it has for other authorities) of how to deal with compliance tests. Some authorities have stopped carrying out tests or issuing/renewing licences meaning drivers cannot work. Others have taken a permissive approach, allowing continued use of vehicles on expiry of their certified period without further tests carried out or assurances sought.

During this unprecedented period of emergency, Government has extended the terms of MOT certificates across the board and has made concessions for testing of public-carrying public service vehicles (PSVs).

Existing authority is delegated to the Head of Legal and Democratic Services to issue, suspend, revoke, or refuse hackney carriage and private hire licences under the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

The decision has been made to authorise the Head of Legal and Democratic Services, in consultation with the Corporate Portfolio Holder, until further notice, to issue vehicle licences other than in accordance with the Council's Guidelines and other than subject to standard conditions. It is proposed that applicants will be required (as currently) to produce proof of vehicle ownership, proof of insurance and an MOT certificate (for vehicles over three years old). For the period in which compliance tests are impracticable, the need for a compliance certificate will be replaced by a declaration by the applicant that the vehicle complies and will continue to comply with the criteria that would otherwise be verified by a compliance check. Applicants will be reminded that a false or inaccurate declaration may result in a licence being refused, revoked or suspended.

Licences issued under this regime will be for a limited period of three months after which they will either need to be renewed using the same procedure or be subject to a compliance test, if tests have recommenced.

SECTION D – THE DECISION

Authority is given to the Head of Legal and Democratic Services, in consultation with the Corporate Portfolio Holder, until further notice, to issue hackney carriage and private hire vehicle licences other than in accordance with the Council's Hackney Carriage and Private Hire Licensing Guidelines March 2017 and other than subject to the Council's Hackney Carriage and Private Hire Licensing Conditions.

SECTION E – REASONS FOR THE DECISION

The decision-maker's reasons for making the decision recorded in Section D:

This decision strikes a pragmatic balance in the Council satisfying itself as to the condition of applicant vehicles (in the absence of being able to carry out compliance tests) as best it can without exposing Council technicians and applicants to the risk of contamination whilst not presenting insurmountable obstacles to the vital taxi trade. This reflects Government's approach that authorities should try and find a way to effect business as usual and supports the local taxi trade which has already been hard hit by the virus.

There is no convenient meeting of the Council at which this decision could be considered. Meetings are not taking place currently and legislation is awaited prescribing how Council meetings are to be dealt with during this time of emergency and social distancing.

SECTION F – DETAILS OF ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The available options would be to:

1. refuse to issue or renew vehicle licences on expiry of the certified period;
2. issue a licence or permit continued usage of a vehicle without a compliance test or other method of assurance as to fitness of vehicles; or
3. adopt some other arrangement.

Option 3 as detailed above and for the reasons described above is the preferred option and forms the basis of the decision taken.

SECTION G – OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

SECTION H – BACKGROUND PAPERS

The following background papers were taken into consideration when making the decision:

1. Test Valley Borough Council Hackney Carriage and Private Hire Vehicle Licensing Guidelines March 2017.
2. Test Valley Borough Council Hackney Carriage and Private Hire Licensing Conditions.

Both at:

<https://www.testvalley.gov.uk/business/licensingandregulation/licensing/taxi-licensing>

SECTION I – Any Conflict of Interest Declared and Dispensation Granted

None.

We certify that the decision this document records was made Pursuant to Delegated Powers as set out in paragraph (2) of "Delegations to Chief Executive" in Part 3 of the Constitution and is a true and accurate record or minute of that decision.

Chief Executive:



Dated:

30.3.20

The Leader of the Council



Dated:

30.3.20

WRITTEN STATEMENT OF DECISION BY CHIEF EXECUTIVE

SECTION A

DATE OF DECISION: 30th March 2020

PORTFOLIO AREA: Corporate Portfolio

SUBJECT TITLE: Appointment of officers to enforce The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020...

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.

SECTION B – IDENTITY OF THE “DECISION-MAKER”

Name of Officer: Roger Tetstall

Title: Chief Executive

Pursuant to Delegated Powers as set out in paragraph (2) of “Delegations to Chief Executive” in Part 3 of the Constitution, namely

“To do anything, in consultation with the Leader, which is calculated to facilitate, or is conducive or incidental to the discharge of the Council’s functions subject to:

- (i) the matter being regarded as an emergency or urgent situation; and
- (ii) a report back to the Council, Cabinet or Committee concerned. “

SECTION C – SUMMARY

Background

The Health Protection (Coronavirus, Business Closure) Regulations 2020 (“the first Regulations”) were made and came into effect at 2pm on Saturday 21st March 2020.

The Regulations listed the categories of business which must close or otherwise restrict their operations during the Coronavirus emergency, prescribed penalties and offences for contravention of the Regulations and provided that a person designated by the Secretary of State may take such action as necessary to enforce a closure or restriction.

On Sunday 22nd March 2020 the Secretary of State for Health and Social Care designated “an officer appointed by a local authority to enforce the Business Closure Regulations is designated by the Secretary of State, to take such action as is necessary to enforce a closure or restriction imposed by those Regulations”. This Council appointed officers accordingly by way of decision dated 23rd March 2020.

On 26th March 2020 The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (“the Regulations”) came into force. They *repealed* the first Regulations made only a few days earlier and, amongst other provisions, extended the categories of premises for closure to include a further nineteen categories. The Secretary of State’s designation of officers appointed by a local authority to take enforcement action applies to the new Regulations.

Due to the first Regulations being repealed rather than amended, it is now necessary for the Council to re-appoint officers under the 'new' Regulations.

There continues to be no convenient meeting of the Council at which this decision could be considered and legislation is still awaited prescribing how such meetings are to be dealt with during this time of emergency and social distancing. This remains an emergency or urgent situation as contemplated by the Delegated Powers referred to above. In order that the Council may enforce the Regulations should the need arise, officers must be urgently appointed.

It is considered (as previously) that officers comprising the following post-holders should be appointed:

Environmental Health Manager – 50360920
 Licensing Manager - 50361447
 Principal Environmental Health Officer - 50360919
 Senior Environmental Health Officer - 50360931
 Senior Environmental Health Officer - 50360927
 Senior Health Protection Officer - 50360928
 Senior Environmental Health Officer - 50360930
 Principal Environmental Health Officer - 50360918
 Senior Environmental Health Officer - 50360922
 Environmental Protection Officer - 50360925

SECTION D – THE DECISION

"That the following post-holders are appointed to enforce The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020, any amendments thereto, or replacement Regulations made under the Public Health (Control of Disease) Act 1984:

Environmental Health Manager – 50360920
 Licensing Manager - 50361447
 Principal Environmental Health Officer - 50360919
 Senior Environmental Health Officer - 50360931
 Senior Environmental Health Officer - 50360927
 Senior Health Protection Officer - 50360928
 Senior Environmental Health Officer - 50360930
 Principal Environmental Health Officer - 50360918
 Senior Environmental Health Officer - 50360922
 Environmental Protection Officer – 50360925"

SECTION E – REASONS FOR THE DECISION

The decision-maker's reasons for making the decision recorded in Section D:

Urgent Regulations were made over the weekend of 21st and 22nd March 2020 requiring closure or restriction of certain business in response to the Coronavirus emergency. The Secretary of State has designated 'officers appointed by local authorities' as persons who may enforce the Regulations.

The Regulations made on 26th March 2020 expanding the categories of businesses to close, instead of amending the first Regulations, repealed them in their entirety and replaced them with the new and very similarly, but differently named (the words 'Business Closure' being replaced by 'Restrictions') Regulations.

It is therefore necessary to re-appoint officers to enforce the new Regulations. The decision is worded to as to capture any similar future repeals without the need for reappointment of officers

SECTION F – DETAILS OF ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The options are:

1. to appoint officers to enforce the Regulations; or
2. not to appoint officers.

If enforcement officers were not appointed, the Regulations would be undermined, the ability to enforce breaches would be limited and public safety jeopardised.

SECTION G – OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

SECTION H – BACKGROUND PAPERS

The following background papers were taken into consideration when making the decision:

1. The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020.
2. Designation by the Secretary of State for Health and Social Care sated 22nd March 2020.
3. The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020.

SECTION I – Any Conflict of Interest Declared and Dispensation Granted

None applicable.

We certify that the decision this document records was made Pursuant to Delegated Powers as set out in paragraph (2) of "Delegations to Chief Executive" in Part 3 of the Constitution and is a true and accurate record or minute of that decision.

Chief Executive:



Dated: 30-3-20

The Leader of the Council



Dated: 30.3.20

WRITTEN STATEMENT OF DECISION BY CHIEF EXECUTIVE

SECTION A

DATE OF DECISION:

31st March 2020

PORTFOLIO AREA:

Leader's Portfolio

SUBJECT TITLE:

Indemnity for Returning Officer

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.

SECTION B – IDENTITY OF THE “DECISION-MAKER”

Name of Officer:

Roger Tetstall

Title:

Chief Executive

Pursuant to Delegated Powers as set out in paragraph (2) of “Delegations to Chief Executive” in Part 3 of the Constitution, namely

“To do anything, in consultation with the Leader, which is calculated to facilitate, or is conducive or incidental to the discharge of the Council's functions subject to:

- (i) the matter being regarded as an emergency or urgent situation; and
- (ii) a report back to the Council, Cabinet or Committee concerned.”

SECTION C – SUMMARY

Background

This decision was taken during the rapid escalation of the coronavirus pandemic.

The Office of a Borough Councillor for the Andover St Mary's Ward was declared vacant by the Council on 18th March 2020 with the consequence that the Returning Officer must set a date for election to that Office and publish Notice of that Election no later than midnight on 31st March 2020.

As a result of the public health emergency presented by the pandemic, on the 23rd March 2020 Government directed the public to stay at home and only to go outside for food, health reasons (one period of exercise per day) or work (but only where that work cannot be done from home) and to stay 2 metres away from other people at all times in the event that they did leave their homes. Gatherings of over two people are prohibited (except for funerals).

If Notice of Election was published, a process would be set in train whereby nominations would be sought, requiring candidates and/or agents to have direct contact with the public, one another and elections staff in contravention of government social distancing direction and public health advice and would result in an election being scheduled which could not take place due to Government prohibition on gatherings and imposition of social distancing.

On 18th March 2020 the Cabinet Office issued the following statement relating to polls prior to the 7th May 2020:

- *The Government will give its full support to Returning Officers who make the decision to suspend their polls. The Crown Prosecution Service (CPS) have provided assurance that criminal prosecution in these circumstances is highly unlikely.*
- *We will shortly be bringing forward measures within the Covid-19 Bill to postpone the scheduled local and mayoral elections due to take place in England and the scheduled Police and Crime Commissioner elections due to take place in England and Wales on 7 May this year until the next ordinary day of election on 6 May 2021.*
- *However, we recognise that there will be a small number of polls between now and the date of Royal Assent which will not be covered by these provisions.*
- *The delivery of polls rightly sits with Returning Officers who are statutorily independent and responsible to the Courts.*
- *Running a poll in present times is likely to come with significant concerns about the wellbeing of those involved, which may be thought to be unfair to both staff and the public.*
- *It would be both reasonable and consistent with the national position for a Returning Officer to suspend any poll scheduled within this period, including those due to take place tomorrow, Thursday 19th March.*
- *The hard work of Returning Officers is appreciated during these difficult and challenging circumstances.*

The Coronavirus Act 2020 ("The Act") has subsequently been enacted and makes some provision for polls due to take place in the period 16th March - 24th April (30 days after the date the Act was passed) but didn't (i.e. where the RO postponed them). The poll for the St Mary's Ward vacancy was 'due to take place' in that period as declaration of vacancy triggered the requirement for the Returning Officer to schedule a poll within 35 days.

For polls due to take place during the prescribed timescale, the Act dis-applies s63 of the Representation of the People Act 1983- it is section 63 which renders breach of official duty a criminal offence. However Regulations (which the Act gives the Secretary of State/Minister for the Cabinet officer power to make) giving more detailed provision as to how polls during this period are to be dealt with are yet to be passed.

Against this background, the Returning Officer took the view that there were, in the exceptional circumstances pertaining during a pandemic, grounds (including ones relating to public health and democratic legitimacy) which justified not publishing notice of election.

The liability of the Returning Officer is a personal one and the Council's Monitoring officer consulted with Council's Section 151 Officer who advised that it would be appropriate in the circumstances for the Council to indemnify the Returning Officer in respect of any financial losses that he incurred as a consequence of his decision not to publish Notice of Election.

Thereafter, the Returning Officer consulted with the Leader of the Council who agreed that the Council should grant such an indemnity.

SECTION D – THE DECISION

"That the Council will indemnify the Returning Officer in respect of any financial losses that he incurs as a consequence of his decision not to publish Notice of Election to the Office of Borough Councillor for the Andover St Mary's Ward"

SECTION E – REASONS FOR THE DECISION

The decision-maker's reasons for making the decision recorded in Section D:

The decision maker believed that the public interest was best served by not publishing Notice of Election but that, notwithstanding the provisions of section 59 of the Coronavirus Act 2020, given the lack of absolute certainty surrounding such a decision made in truly exceptional circumstances, it was appropriate and reasonable to seek personal indemnity in respect of the consequences thereof. The urgency of the situation is illustrated by the timescale. The last day on which Notice could be published is today, 31st March 2020. It was hoped that secondary legislation by way of Regulations giving specific provision for polls affected by the Coronavirus pandemic would have been available by today but that legislation is still awaited.

SECTION F – DETAILS OF ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The decision was binary – either the indemnity was granted or not.

SECTION G – OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

SECTION H – BACKGROUND PAPERS

The following background papers were taken into consideration when making the decision:

Statement from the Cabinet Office dated 18th March 2020

Coronavirus Act 2020

SECTION I – Any Conflict of Interest Declared and Dispensation Granted

There was a potential conflict of interest arising from the same person holding the offices of Chief Executive and Returning Officer. The Council's Monitoring Officer has discussed the decision with the Section 151 Officer both of whom are satisfied that any such conflict was resolved by the application of the Returning Officer's own independent judgement and by the requirement to consult with the Leader of the Council.

We certify that the decision this document records was made Pursuant to Delegated Powers as set out in paragraph (2) of "Delegations to Chief Executive" in Part 3 of the Constitution and is a true and accurate record or minute of that decision.

Chief Executive:

Dated:

The Leader of the Council



Dated: 31.3.2020

WRITTEN STATEMENT OF DECISION BY CHIEF EXECUTIVE

SECTION A

DATE OF DECISION:

3rd April 2020

PORTFOLIO AREA:

Communities and Leisure

SUBJECT TITLE:

Emergency Response Community Grant

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.

SECTION B – IDENTITY OF THE “DECISION-MAKER”

Name of Officer:

Roger Tetstall

Title:

Chief Executive

This decision is made pursuant to Delegated Powers as set out in paragraph (2) of the “Delegations to Chief Executive” in Part 3 of the Constitution, namely:

“To do anything, in consultation with the Leader, which is calculated to facilitate, or is conducive or incidental to the discharge of the Council’s functions subject to:

- (i) the matter being regarded as an emergency or urgent situation; and
- (ii) a report back to the Council, Cabinet or Committee concerned. “

SECTION C – SUMMARY

This decision is taken in the circumstances of the on-going public health emergency presented by the Coronavirus pandemic which continues to constitute an ‘emergency or urgent situation’.

In order to respond to community need, on 26th March 2020 the following decision was made under the powers quoted above:

1. That an ‘Emergency Response Community Grant’ fund is established in the sum of £10,000 for the purpose of mitigating hardship in the community resulting from the Coronavirus pandemic.
2. Authority is delegated to the Head of Communities and Leisure Services to award grants of from this fund of up to £500 per application.
3. Authority is delegated to the Head of Communities and Leisure to determine the criteria against which applications for Emergency Response Community Grant funding will be assessed and awarded.

Community demand for assistance under the Grant fund has been great, to the extent that successful applications have all but exhausted the original £10,000. Applications are assessed by the Head of the Communities and Leisure Services. There are still a number of applications to be processed and likely that more will be received. It is therefore desirable to ‘top up’ the original fund to a total of £25,000.

The Head of Finance confirms that the additional £15,000 can be met from the New Homes Bonus.

SECTION D – THE DECISION

That the Emergency Response Community Grant fund established on 26th March 2020 is extended to the sum of £25,000.

SECTION E – REASONS FOR THE DECISION

The decision-maker's reasons for making the decision recorded in Section D:

An Emergency Response Community Grant fund of £10,000 was established on 26th March 2020, making grants available to organisations or individuals who demonstrate that funding will alleviate a Coronavirus-related need. Uptake of this grant has been high to the extent that the fund is almost exhausted. There are a number of outstanding applications to be processed and it is likely that further applications will be received. It is therefore desirable to increase the fund to enable further applicants to avail themselves of it.

SECTION F – DETAILS OF ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The options are (1) not to extend the financial scope of the Emergency Response Community Grant (£10,000) or (2) to extend it. If the fund was not extended, the numerous applicants whose applications have not yet been assessed/processed and those yet to submit applications would not be able to benefit from it.

The decision was therefore made to extend the fund by £15,000.

SECTION G – OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

SECTION H – BACKGROUND PAPERS

The following background papers were taken into consideration when making the decision:

- 1. The current Test Valley Community Grant Schemes:

<https://www.testvalley.gov.uk/communityandleisure/workingwithcommunities/communitygrants>

- 2. Decision Notice 26th March 2020.

SECTION I – Any Conflict of Interest Declared and Dispensation Granted

None applicable.

We certify that the decision this document records was made Pursuant to Delegated Powers as set out in paragraph (2) of "Delegations to Chief Executive" in Part 3 of the Constitution and is a true and accurate record or minute of that decision.

Chief Executive:



Dated:

The Leader of the Council



Dated:

3.4.20

WRITTEN STATEMENT OF DECISION BY CHIEF EXECUTIVE

SECTION A

DATE OF DECISION: 4th May 2020
 PORTFOLIO AREA: Communities and Leisure
 SUBJECT TITLE: Delegation to the Head of Communities and Leisure Service

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.

SECTION B – IDENTITY OF THE “DECISION-MAKER”

Name of Officer: Roger Tetstall
 Title: Chief Executive

This decision is made pursuant to Delegated Powers as set out in paragraph (2) of the “Delegations to Chief Executive” in Part 3 of the Constitution, namely:

“To do anything, in consultation with the Leader, which is calculated to facilitate, or is conducive or incidental to the discharge of the Council’s functions subject to:

- (i) the matter being regarded as an emergency or urgent situation; and
- (ii) a report back to the Council, Cabinet or Committee concerned. “

SECTION C – SUMMARY

This decision is taken in the circumstances of the on-going public health emergency presented by the Coronavirus pandemic which continues to constitute an ‘emergency or urgent situation’.

The Council owns seven community centres which it leases to Community Associations. Community Associations provide a cost-effective means by which the Council owned community buildings can be run by and for the community. The majority of the Community Associations’ income derives from venue hire and events, both of which are now impossible under current legislative restrictions. The Community Associations have therefore immediately and unexpectedly seen their income reduce to zero. This decision enables the Council to respond quickly to any requests for assistance from Community Associations with day to day running costs who without that assistance may not be able to continue to function.

It is proposed that the cumulative total of assistance provided to Community Associations is capped at £10,000. The Head of Finance confirms that this can be met from the New Homes Bonus Reserve.

SECTION D – THE DECISION

That authority is delegated to the Head of Communities and Leisure Service in consultation with the Portfolio Holder for Communities and Leisure to provide financial assistance of up to a cumulative total of £10,000 to Community Associations who are at immediate financial risk for the purpose of meeting their basic running costs. Subject to securing that if an Association subsequently receives retrospective Central Government or other support to cover these costs then the Association will repay the Council the amount of financial assistance provided to the extent of the other funding received.

SECTION E – REASONS FOR THE DECISION**The decision-maker's reasons for making the decision recorded in Section D:**

As described above, Community Associations are an effective means by which Council owned community buildings can be run by and for the community, thereby providing a valuable service to the communities which they serve. The majority of the Community Associates are Charitable Incorporated Organisations or indeed charities with their limited means of raising income (hall rental and events) having been completely curtailed by current Government restrictions. This Council would not want to see any of the Associations fail for want of short term assistance in covering basic running costs either generally or whilst central Government or other funding is awaited.

As a condition of accepting financial assistance, a Community Association would be required to contract to repay the sums received from TVBC in the event that the Association subsequently received Central Government or other funding for the costs to which the Council contributed.

The decision aims to preserve the valuable service provided by Community Associations for the Community at this time of Coronavirus-based financial uncertainty.

SECTION F – DETAILS OF ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The options are:

- (1) to make provision for limited financial assistance for Community Associations as set out above and to delegate authority to administer that assistance or
- (2) not to do so.

SECTION G – OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

SECTION H – BACKGROUND PAPERS

None

SECTION I – Any Conflict of Interest Declared and Dispensation Granted

None applicable.

We certify that the decision this document records was made Pursuant to Delegated Powers as set out in paragraph (2) of "Delegations to Chief Executive" in Part 3 of the Constitution and is a true and accurate record or minute of that decision.

Chief Executive:  Dated: 4.5.20

The Leader of the Council  Dated: 4.5.20

WRITTEN STATEMENT OF DECISION BY CHIEF EXECUTIVE

SECTION A

DATE OF DECISION: 4th May 2020

PORTFOLIO AREA: Corporate

SUBJECT TITLE: Amendment to the Council, Cabinet and Licensing Procedure Rules and the Public Participation Scheme.

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.

SECTION B – IDENTITY OF THE “DECISION-MAKER”

Name of Officer: Roger Tetstall

Title: Chief Executive

This decision is made pursuant to Delegated Powers as set out in paragraph (2) of the “Delegations to Chief Executive” in Part 3 of the Constitution, namely:

“To do anything, in consultation with the Leader, which is calculated to facilitate, or is conducive or incidental to the discharge of the Council’s functions subject to:

- (i) the matter being regarded as an emergency or urgent situation; and
- (ii) a report back to the Council, Cabinet or Committee concerned. “

SECTION C – SUMMARY

This decision is taken in the circumstances of the on-going public health emergency presented by the Coronavirus pandemic which continues to constitute an ‘emergency or urgent situation’ as contemplated by Part 3 of the Constitution quoted above.

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 make provision for council meetings to be held remotely. It is necessary to make certain amendments to the Council’s Rules of Procedure and Public Participation Scheme to align their operation with the Regulations.

SECTION D – THE DECISION

That until the earlier to occur of (1) the 7th May 2021 or (2) the date on which remote conduct of Council and Committee meetings ceases to be necessary, the Council Procedure Rules, Scheme of Public Participation, Cabinet Procedure Rules and Licencing Procedure Rules shall stand amended as set out in the Annex to his decision.

SECTION E – REASONS FOR THE DECISION

The decision-maker's reasons for making the decision recorded in Section D:

In the light of restrictions imposed by the Health Protection (Coronavirus, Restriction) (England) Regulations 2020, it is impossible to conduct Council and Committee meetings in traditional fashion; i.e. with all elected Members, members of the public, press and Council Officers all present in the same physical location.

Nonetheless, Council business must proceed and there is a need to transact business and to take decisions.

By way of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 provision is made for Local Authorities to defer and rearrange meetings and to hold over appointments which would otherwise fall to be made at meetings of annual council. Provision is also made for meetings to be held and participants, press and public to attend 'remotely' by defining the 'place' at which meetings are held to include 'more than one place, including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers'.

Whilst the Regulations make provision for certain provisions to take effect directly, they do not, in all cases, go so far as to define the precise means by which individual Authorities are to specify how meetings will practically work. It is therefore necessary to make certain amendments to the Council, Cabinet and Licensing Committee Rules and the Council's Scheme of Public Participation to enable them to specify how certain requirements of the Regulations will be practically delivered.

The amendments to the Council's Procedure Rules cover the following matters:

Council Procedure Rules (many of which are also expressly applicable to Cabinet and other Committees):

1. Incorporate the provision that Members being 'present' includes remote attendance.
2. Provide for the vote to be taken other than by the traditional show of hands.
3. Remove the requirements for Members to sign an attendance sheet (a record of remote attendance will be compiled by Democratic Services Officers).
4. Remove the requirement to stand for the Mayor.
5. Remove the provision for clearance of a 'room' in the event of disturbance. The ability to remove a person who persists in interruption despite warnings from the Chair remains.

The Public Participation Scheme

1. Provide that members of the public wishing to speak should register in the usual way but will then be advised by Democratic Services Officers of the procedure to be followed to enable them to join the remote meeting (procedure will vary dependent on the technology available to the public speaker.)
2. Provide for Members with a personal interest to leave the meeting rather than the room.
3. Provide that the Committee Clerk will ring a bell thirty seconds before the end of the permitted period of speaking in place of the usual 'traffic light' system.

The Cabinet Procedure Rules

1. Clarify that a member of public in 'attendance' includes remote attendance.

Licensing Procedure Rules.

1. Clarify that 'being in attendance' or 'present' includes remote attendance.

Annex

Council Procedure Rules

1. Annual meeting of the Council
2. Ordinary meetings
3. Extraordinary meetings
4. Election of Chairman, Vice-Chairman or deputy Vice-Chairman of Committee
5. Time and place of meetings
6. Notice of summons to meetings
7. Chairman of meeting
8. Quorum
9. Duration of meeting
10. Public questions
11. Questions by members
12. Motions on notice
13. Motions without notice
14. Motions affecting persons employed by the Council
15. Rules of debate
16. Previous decisions and motions
17. Voting
18. Minutes
19. Record of attendance
20. Exclusion of public
21. Members' conduct
22. Disturbance by public
23. Suspension and amendment of Council Procedure Rules
24. Application to Committees and Sub-Committees
25. Use of recording equipment
26. Urgent matters

27. Quorum of Committees and Sub-Committees

1. **ANNUAL MEETING OF THE COUNCIL** (* see Rule 24)1.1 **Timing and business**

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (a) elect a member to preside if the Mayor and Deputy Mayor is not present;
- (b) elect the Mayor;
- (c) elect the Deputy Mayor;
- (d) receive any announcements from the Mayor;
- (e) elect the Leader;
- (f) appoint:
 - (i) the Overview and Scrutiny Committee - Article 7;
 - (ii) such other Committees as the Council considers appropriate; and
 - (iii) the membership of each Committee in accordance with any requirements of the rules of political proportionality as required by the Local Government Act 2000;
- (i) appoint a Chairman and Vice-Chairman in respect of each Committee in accordance with Rule 4;
- (j) approve the Scheme of Officer Delegations in Part 3 of the Constitution;
- (k) approve a programme of ordinary meetings of the Council;
- (l) consider any business set out in the notice convening the meeting;
- (m) appoint Councillors or representatives to outside committees or bodies.

2. **ORDINARY MEETINGS** (* see Rule 24)

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:

- (a) elect a member to preside if the Mayor and Deputy Mayor are not present;
- (b) approve the minutes of the last meeting;
- (c) receive any declarations of interest from Members;
- (d) receive any announcements from the Mayor;

- (e) receive questions or statements from, and provide answers to, the public in relation to matters which in the opinion of the Mayor are relevant to the business of the meeting and which accord with the Council's Public Participation Scheme;
- (f) deal with any business from the last Council meeting;
- (g) receive reports from the Cabinet and the Council's Committees and receive questions and answers on any of those reports;
- (h) receive and answer questions - Rule 11;
- (i) consider motions - Rule 12; and
- (j) consider any other business specified in the summons to the meeting.

3. **EXTRAORDINARY MEETINGS** (* see Rule 24)

3.1 **Calling extraordinary meetings**

An extraordinary meeting of the Council may be called at any time by the Mayor, the Monitoring Officer, or on the requisition of five members of the Council delivered in writing to the Head of Legal and Democratic Services.

3.2 **Business**

The business to be transacted at an extraordinary meeting shall normally be restricted to the purpose for which it was called.

3.3 **Timing and logistics of Extraordinary Meetings**

The Head of Legal and Democratic Services shall determine the time and day of any extraordinary meeting, in accordance with the Constitution and following consultations with the Mayor and leaders of the political parties, provided that any such extraordinary meeting shall take place as soon as reasonably practicable but no later than twenty clear working days from the date of receipt by the Head of Legal and Democratic Services of a valid request for an extraordinary meeting.

4. **ELECTION OF CHAIRMAN, VICE-CHAIRMAN OR DEPUTY VICE CHAIRMAN OF COMMITTEE** (* see Rule 24)

- (a) The Council shall at the Annual Meeting appoint a Chairman and Vice-Chairman and where applicable a deputy Vice-Chairman for the year in respect of Committees, except for the Vice-Chairman of an Overview and Scrutiny Committee who will be appointed at the Committee's first meeting following the Annual Meeting.
- (b) A Chairman, Vice-Chairman and where applicable a deputy Vice-Chairman for the year in each Sub-Committee shall be appointed by its parent Committee at the first meeting of the Committee following the Annual Meeting;
- (c) If the Chairman, Vice-Chairman and deputy Vice-Chairman are absent from any meeting, the meeting shall elect one of their number to preside for that

meeting.

5. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Head of Legal and Democratic Services and notified in the summons.

6. NOTICE OF AND SUMMONS TO MEETINGS

The Head of Legal and Democratic Services will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules in this Part. At least five clear working days before a meeting, the Head of Legal and Democratic Services will send a signed summons to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

7. CHAIRMAN OF MEETING

The Mayor will normally preside at meetings of the Council and may exercise any power or duty of chairmanship. Where these rules apply to Committee and Sub-Committee meetings, references to the Chairman also include the Chairman of Committees and Sub-Committees.

8. QUORUM (* see Rule 24)

The quorum of a meeting will be one quarter of the whole number of Members. During any meeting, if the Mayor counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. DURATION OF MEETING

9.1 Interruption of the meeting

- (a) If the business of the meeting has not been concluded within four hours or by 10.00 p.m., whichever the sooner, the Chairman must interrupt the meeting and if he/she is satisfied that the matter under discussion has been sufficiently debated call for the vote immediately, otherwise Rule 9.2 (b) will apply.
- (b) Any remaining business shall stand referred to the next ordinary meeting or until a special meeting on a date to be fixed.

9.2 Motions and recommendations not dealt with

- (a) Prior to 10.00 p.m. or the expiration of four hours, whichever is the sooner, a majority of members present may vote for the meeting to continue by one half-hour.
- (b) Debate on a motion that has been proposed and seconded before the time limit, as defined in 9.1(a) or 9.2(a), shall continue, beyond the time limit, until

a vote on that motion is taken, unless the meeting is adjourned.

- (c) Any remaining business shall stand referred to the next ordinary meeting or until a special meeting on a date to be fixed.

9.3 **Recorded vote** (* see Rule 24)

If a recorded vote is called for during this process, it will be taken immediately.

9.4 **Motions which may be moved**

During the process set out in Rules 9.1–9.3 above, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated, deferred or referred to an appropriate body or individual for decision or report.

10. **PUBLIC QUESTIONS**

Members of the public may ask questions or make statements at meetings of the Council in accordance with the Council's Public Participation Scheme.

11. **QUESTIONS BY MEMBERS** (* see Rule 24)

(Note: Rule 11 is subject to Rule 14 - persons employed by the Council)

11.1 **On reports of the Cabinet or Committees**

A member of the Council may ask the Leader or the Chairman of a Committee any question without notice upon an item of the report of the Council, the Cabinet or a Committee when that item is in the Council agenda or any minutes annexed thereto.

11.2 **Questions on notice at Council**

Subject to Rule 11.3, a Member of the Council may ask:

- (a) the Mayor;
- (b) the Leader or appropriate Portfolio Holder; or
- (c) the Chairman of any Committee or Sub-Committee

a question on any matter in relation to which the Council has powers or duties or which affects the Borough.

11.3 **Notice of questions**

A Member may only ask a question under Rule 11.2 if either:

- (a) they have given at least 2 working days notice in writing of the question to the Head of Legal and Democratic Services; or
- (b) where the question relates to urgent matters, they have the consent of the Mayor and have given notice in writing of the question to the Head of Legal and Democratic Services prior to 10.00am on the day of the meeting.

11.4 **Response**

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

11.5 **Supplementary question**

A member asking a question under Rule 11.2 may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

12. **MOTIONS ON NOTICE** (* see Rule 24)

(Note: Rule 12 is subject to Rule 14 - persons employed by the Council)

12.1 **Notice**

Except for motions which can be moved without notice under Rule 13, written notice of every motion must be delivered to the Head of Legal and Democratic Services at Beech Hurst, Andover not later than ten clear working days before the date of the meeting. This written notice must be signed by at least two members, or in the case of a motion of no confidence, the written notice must be signed by at least one quarter of the Members of the Council.

Motions under this rule will be logged and available for public inspection.

12.2 **Motion set out in agenda**

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

12.3 **Scope**

Motions must be about matters for which the Council has a responsibility or which affect the Borough.

12.4 If the subject matter of any motion comes within the province of the Cabinet or any Committee, it shall, upon being moved and seconded, stand referred to the Cabinet or such Committee for consideration and report without discussion (save for the mover of the motion reading it out should he/she wish to do so). However should the Mayor consider it convenient and conducive to the despatch of business, the motion may be dealt with at the meeting.

12.5 A Member of the Council who has moved a motion which has been referred to the Cabinet or any Committee or Sub-Committee shall have notice of the meeting of the Cabinet, Committee or Sub-Committee at which it is proposed to consider the motion. He/she shall have the right to attend the meeting and, if attending, shall have an opportunity of explaining the motion.

13. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer a recommended item to the Cabinet or a Committee;
- (e) to appoint a Committee or Member arising from an item on the summons for the meeting;
- (f) to receive reports or adopt recommendations of Committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn the debate;
- (l) to adjourn the meeting;
- (m) that the meeting continue beyond 4 hours in duration;
- (n) to suspend a particular Council Procedure Rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) under Rule 21.4 a Member be not heard further or be excluded from the meeting; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

14. MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

If any questions arise at a meeting of the Council as to the appointment, promotion, dismissal, salary, superannuation or conditions of service or as to the conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council has decided whether or not the power of exclusion of the public under Section 100(A)(4) of the Local Government Act 1972 shall be exercised.

15. RULES OF DEBATE

15.1 No speeches until motion seconded

No speeches may be made until the mover has moved a proposal, if necessary explained the purpose of it, and the motion has been seconded.

15.2 Right to require motion in writing

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.

15.3 Secunder's speech

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

15.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech, except the annual budget speech, may exceed 5 minutes.

15.5 When a member may speak again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order;
- (f) by way of personal explanation.

15.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and must:
 - (i) refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) leave out words;
 - (iii) leave out words and insert or add others; or

(iv) insert or add words.

but must not negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

15.7 Alteration of motion

- (a) A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

15.8 Withdrawal of motion

A Member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

15.9 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment shall have a right of reply for a period not exceeding two minutes to be exercised immediately before the reply of the mover of the original motion.

15.10 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the

following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue beyond 4 hours in duration;
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a member named under Rule 21.4 or to exclude them from the meeting under Rule 21.5.

15.11 Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another Member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

15.12 Point of order

A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The Member must indicate the rule or law and the way

in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

15.13 Personal explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

16. PREVIOUS DECISIONS AND MOTIONS (* see Rule 24)

16.1 Motion to rescind a previous decision

Unless recommended by the Cabinet or a Committee, a motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 10 members.

16.2 Motion similar to one previously rejected

Unless recommended by the Cabinet or a Committee, a motion or amendment in similar terms to one that has been rejected at a meeting of Council within the past six months cannot be moved unless the notice of motion or amendment is signed by at least one third of Members.

17. VOTING

17.1 Majority

Any matter will be decided by a simple majority of those Members voting and present at the "place" where the meeting is held. "Place" shall have the meaning set out in The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 at the time the question was put.

17.2 Chairman's casting vote

If there are equal numbers of votes for and against, the Chairman will have a casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.

17.3 Show of hands

Unless a recorded vote is demanded under Rule 17.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting or via members indicating their voting intention either verbally, via electronic means, by a recorded vote or by any other means the Chairman may at his or her discretion specify.

17.4 Recorded vote (* see Rule 24)

If 10 members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

17.5 Right to require individual vote to be recorded

In accordance with Schedule 2 of the Local Authorities (Standing Orders) Regulations 1993, where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

17.6 Voting on appointments

If there are more than two people nominated for any position to be filled votes shall be taken for each person and if there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

18. MINUTES

18.1 Signing the minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record and any debate will be restricted to their accuracy.

18.2 No requirement to sign minutes of previous meeting at extraordinary meeting

(This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993. The language is constrained by that permitted in the regulations.)

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under Paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

19. RECORD OF ATTENDANCE

~~All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.~~

20. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 or Rule 22 (Disturbance by Public).

21. MEMBERS' CONDUCT

21.1 Members' standing for the Mayor

~~When the Mayor enters or leaves a meeting in his/her capacity as Mayor all Members present in the room and physically able to do so shall stand.~~

21.2 Standing to speak (* see Rule 24)

~~When a Member speaks at Council they must, if physically able to do so, stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.~~

21.3 Mayor standing

When the Mayor stands speaks during a debate, any Member speaking at the time must stop ~~and sit down~~. The meeting must be silent.

21.4 Member not to be heard further

If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

21.5 Member to leave the meeting

If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

21.6 General disturbance

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

22. DISTURBANCE BY PUBLIC

22.1 Removal of a member of the public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting ~~room~~.

22.2 Clearance of part of meeting room

~~If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.~~

23. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

23.1 Suspension

All of these Council Procedure Rules, except Rule 17.6 and 18.2, may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council/Committee are present and shall not be carried unless supported by two-thirds of the Members present at the meeting. Suspension can only be for the duration of the meeting.

23.2 **Amendment** (* see Rule 24)

Any motion to add to, vary or revoke these Council Procedure Rules will, unless moved pursuant to and in accordance with a recommendation of the Cabinet, stand referred without discussion to the Cabinet for consideration and report immediately upon being formally moved and seconded.

24. **APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

All of the Council Procedure Rules apply to meetings of the Council.

These Rules, subject to the exceptions set out below, also apply to meetings of Committees and Sub-Committees, except the Licensing Committee and the Licensing Sub-Committee when hearing licensing applications and other matters to which the appropriate Licensing Procedure Rules in Part 4 apply.

Rules 1, 2, 3, 4, 8, 9.3, 11, 12, 16, 17.4, 21.2, and 23.2 which are denoted by an asterisk * do not apply to Committees and Sub-Committees.

In addition Rules 9, 15 and 27 do not apply to, the General Purposes Employment Appeals and Ethics Sub-Committee, and the General Purposes Redundancy Appeals Sub-Committee when hearing appeals relating to dismissals, discipline, grievance and redundancy. For the purposes of these appeals the procedure relevant to the appeal set out in the relevant Policy will apply.

Rules 9, 15 and 27 do not apply to the General Purposes Employment Appeals & Ethics Sub-Committee when assessing and/or reviewing allegations of failure to comply with the Members' Code of Conduct or when hearing local determinations.

Any reference in these rules to the Mayor shall be construed as referring to the Chairman of the Committee or Sub-Committee.

25. **AUDIO RECORDING, FILMING, PHOTOGRAPHY ETC**

The taking of photographs, films, video or sound recording at any meeting shall be permitted, providing it does not disturb the conduct of the meeting. Where equipment is to be used or special arrangements are required, those wishing to record the proceedings of a Council meeting are asked to contact the Democratic Services Manager in advance to make any necessary arrangements. Further details are set out in the Audio and Video Recording, Filming, Photography and Use of Social Media Protocol and Guidance, available upon request from Democratic Services.

26. **URGENT MATTERS**

Where a Head of Service considers, in consultation with the Chief Executive (or in his/her absence a Director), that a question is so urgent that a decision cannot await the next meeting of the Committee or Sub-Committee, he/she shall have authority, after due consultation with the Chairman (or in the Chairman's absence, the Vice-Chairman) of the appropriate Committee or Sub-Committee and the Chairman (or in the Chairman's absence, the Vice-Chairman) of the Overview and Scrutiny Committee, to determine the matter on behalf of the Council provided that:

- (a) a record of the three consultations shall be kept and the decision shall be reported to the next meeting of the Committee or Sub-Committee; and
- (b) if any one of the three consultees so requires the question shall instead be referred for decision to a special meeting of the appropriate Committee or Sub-Committee.

27. QUORUM OF COMMITTEES AND SUB-COMMITTEES

In the absence of any decision of the Council to the contrary, no business shall be transacted at a meeting of any Committee or Sub-Committee unless at least one third of the Members of the Committee or Sub-Committee are present at the time and in the place where the meeting is held. The "place" shall have the same meaning as set out in Rule 17.1 above.

Cabinet Procedure Rules

1. How the Cabinet Operates

1.1 Who makes executive decisions?

Article 6 of the Constitution provides for the discharge of executive functions in accordance with these Cabinet Procedure Rules.

The arrangements for the discharge of executive functions may be set out in the executive arrangements adopted by the Council. If they are not set out there, then the Leader may decide how they are to be exercised. In either case, the arrangements or the Leader may provide for executive functions to be discharged by:

- (a) the Cabinet as a whole;
- (b) a Committee or Sub-Committee of the Cabinet;
- (c) an individual member of the Cabinet;
- (d) an officer;
- (e) an area committee;
- (f) joint arrangements; or
- (g) another local authority.

1.2 Delegation by the Leader

As soon as practicable after being elected, the Leader must consider and resolve a scheme of delegation of the executive functions made by him/her. The scheme of delegation presented by the Leader will contain the following information about executive functions:

- (a) the names of the Councillors appointed to the Cabinet by the Leader and their individual portfolios;
- (b) the extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;
- (c) the terms of reference and constitution of such Cabinet Committees as the Leader appoints and the names of Cabinet Members appointed to them;
- (d) the nature and extent of any delegation of executive functions to any area Committee with details of any limitation on that delegation;
- (e) the nature and extent of any delegation of executive functions to any other authority or any joint arrangements and the names of those Cabinet Members appointed to any Joint Committee for the coming year; and
- (f) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

1.3 Sub-delegation of executive functions

- (a) Where the Cabinet, or a Committee or Sub-Committee of the Cabinet, is responsible for an executive function, they may delegate further to an area committee, or an officer, or make joint arrangements.
- (b) Unless the Council directs otherwise, if the Leader delegates functions to the Cabinet, then the Cabinet may delegate further to a Committee or Sub-Committee of the Cabinet or to an officer.
- (c) Unless the Leader directs otherwise, a Committee or Sub-Committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an officer.
- (d) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.4 The Council's Scheme of Delegation and executive functions

- (a) Subject to (b) below, the Council's Scheme of Delegation will be subject to adoption by the Council and may only be amended by the Council.
- (b) With regard to executive functions, the Leader shall determine the Scheme of Delegation and any amendments that may be made thereto.

1.5 Conflicts of Interest

- (a) Any conflict of interest by any member of the Cabinet shall be dealt with as set out in the Council's Members' Code of Conduct in Part 5.
- (b) If every member of the Cabinet has a conflict of interest this shall be dealt with as set out in the Council's Members' Code of Conduct in Part 5.
- (c) If the exercise of an executive function has been delegated to an individual Member or an officer, and a conflict of interest arises, then the function will be exercised in the first instance by the person or body by whom the delegation was made.

1.6 When and where the Cabinet meets

The Cabinet will meet in accordance with a programme approved annually by a meeting of the Council and on such other occasions as may be agreed by the Leader. Notice of all meetings of the Cabinet will be given in accordance with the Access to Information Procedure Rules in Part 4.

1.7 Whether the meetings are public or private

All meetings of the Cabinet, its Committees and Sub-Committees will be open for the public to attend except where exempt or confidential matters are discussed, as defined in the Access to Information Procedure Rules in Part 4.

A member of public "attending" the meeting for these purposes shall include attending the meeting by remote access as provided for by The Local Authorities

and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

1.8 Quorum

The quorum for a meeting of the Cabinet, its Committees or Sub-Committees shall be one third of the members of the Cabinet, including the Leader or the Member appointed by the Cabinet to preside in his/her absence, or its Committee but not less than three.

1.9 How the Cabinet takes decisions

Cabinet decisions will be taken at meetings of the Cabinet, Committee or Sub-Committee of the Cabinet acting under delegated powers, convened in accordance with the Access to Information Procedure Rules in Part 4.

1.10 How the Leader and Portfolio Holders take decisions

Decisions by the Leader or individual Portfolio Holders must be taken in accordance with the Council's Access to Information Procedure Rules in this Part. Such decisions are also subject to the call-in procedure set out in the Overview & Scrutiny Procedure Rules in Part 4.

2. How Cabinet meetings are conducted

2.1 Who chairs Cabinet meetings

If the Leader is present he/she will preside. In his/her absence the Deputy Leader, if present, will preside.

If both the Leader and Deputy Leader are absent, then a member appointed by those members present shall preside.

2.2 The business conducted at Cabinet meetings

At each meeting of the Cabinet the following business will be conducted:

- (a) to approve, as a correct record, the minutes of the last meeting;
- (b) declarations of interest, if any;
- (c) matters referred to the Cabinet (whether by the Overview and Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Procedure Framework Procedure Rules set out in Part 4;
- (d) consideration of reports from the Overview and Scrutiny Committee; and
- (e) matters set out in the agenda for the meeting, in accordance with the Access to Information Procedure Rules set out in Part 4.

~~(e)~~(f)

2.4 Conduct of meetings of the Cabinet, its Committees and Sub-Committees

- (a) Meetings of the Cabinet, its Committees and Sub-Committees shall be conducted in accordance with the principles set out in the Council Procedure Rules which shall apply so far as they apply to meetings of the Council's Committees and Sub-Committees (see Rule 24 of the Council Procedure Rules).
- (b) The Cabinet shall be under a general duty to ensure a legal and financial probity in the exercise of all their functions and responsibilities and to act at all times within:
 - (i) the terms of the Constitution approved by the Council, and
 - (ii) any legislation which has the effect of governing the actions of the Council, the Cabinet, and any Committee of the Council, including Regulatory or Scrutiny Committees.
- (c) In exercising their responsibilities, the Cabinet will be advised on matters of powers and legal and financial probity by the Monitoring Officer and/or the Chief Financial Officer.

2.5 Consultation

All reports to the Cabinet on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with stakeholders and the Overview and Scrutiny Committee, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.6 Who can put items on the Cabinet Agenda?

- (a) The following may request for an item to be placed on the next available meeting of the Cabinet for consideration:
 - (i) the Leader;
 - (ii) a Portfolio Holder in respect of his/her portfolio;
 - (iii) a report by the Monitoring Officer and/or Chief Financial Officer; or
 - (iv) a report by the Head of the Paid Service.
- (b) On receipt of such a request the Democratic Services Manager shall place the item on the agenda for the next available meeting.

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;
 - 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 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. The Scheme also applies to relevant Ward Members who are not Area Planning Committee Members who wish to make a statement to an Area Planning Committee on an item on the agenda.
5. 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, Members with a personal interest and relevant Ward Members who are not Area planning Committee Members) 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) Having given notice of intention to speak in accordance with 1 (d) above, Public speakers ~~should arrive at least 10 minutes before the start of the meeting and register with the Committee Officer~~ will be advised by Democratic Services Committee Officers of the procedure to be followed to enable them to attend and participate in the meeting via remote access as provided for by The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) regulations 2020.
- (b) The Chairman will invite the speakers (public, Members with a personal interests and relevant Ward Members who are not Area Planning Committee Members) when the agenda item is called.
- (c) Public speakers may remain in remote attendance for the debate but may not speak during the debate.
- (d) After making their statement, Members with a personal interest must leave the ~~room~~ meeting 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. Northern and Southern Area Planning Committees

- (a) The Council will allow the following seven 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)
 - Relevant Ward Members who are not Committee Members
- (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 relevant Parish Council is that Parish Council in whose area the application falls. In exceptional circumstances the Chairman (whose decision on the matter will be final) may allow additional Parish Councils to speak, in which case those additional Parishes shall be given a maximum of three minutes to speak which they must share.
- (d) 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;
 - Relevant Ward Members who are not Committee Members;
 - Further comments by officer;
 - Debate and decision.

2. Licensing Committee

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

3. 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, Committees other than Planning Committees and sub-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) The Mayor or Chairman may use his/her discretion to extend the total time in exceptional circumstances. The Mayor's or Chairman'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. Northern and Southern Area Planning Committees

- (a) Each group will have a maximum of three minutes, with the exception of Relevant Ward Members who are not Committee Members who will have a maximum of five minutes. Where there is more than one Relevant Ward Member who is not a Committee Member who wishes to speak they will have a maximum of three minutes each.
- (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) The Chairman may use their discretion to extend the total time for public speaking in exceptional circumstances. The Chairman'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.

- (d) ~~A device of green, amber and red lights to indicate times will be provided~~The Committee Clerk will sound a bell (or indicate by any other appropriate means) to indicate that thirty seconds of speaking-time remains.

Licensing Procedure Rules - Licensing Committee

Application

These Procedure Rules shall apply when the Licensing Committee sits to hear Licensing applications other than those made pursuant to the Licensing Act 2003 and the Gambling Act 2005.

Terms of Reference of the Licensing Committee:

Ward Members will have no involvement in the decision making process either by voting on the matter or otherwise participating in the Committee's deliberations, except that any Ward Member (whether a member of the Committee or not) may make a statement setting out his views or the views of those he/she represents. Such statement may be made immediately after any objector has made his/her case and been questioned thereon.

Procedure for hearing licensing applications:

Following receipt of an application, the Licensing Officer will carry out reasonable consultation with any interested parties, including Ward Members. In the case of Sex Establishment applications this will include a notice to be advertised on the premises and a notice in the local press. Should any objection be received which cannot be resolved, the licensing application will then be referred to the Licensing Committee for consideration and determination. All objectors will be invited to the meeting; the Council's Scheme of Public Participation will not apply.

1. Written objections, representations, petitions, etc will be circulated with the agenda and will be taken into account by members of the Committee. It will not be possible to circulate any such communications received after the agenda has been circulated, as both parties must have the opportunity of studying them prior to the meeting. The agenda and papers for consideration will be circulated at least 5 clear days before the meeting.
2. At the start of the meeting the Chairman will outline the procedure to all those present "being present" or "in attendance" in this and any other Licensing Procedure Rule shall include "in remote attendance" as provided for by The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.
3. The Licensing Manager of the Council will present the facts to the Committee and will explain the Recommendation.
4. The members of the Committee may ask questions of the Licensing Manager.
5. The Applicant or their representative may ask questions of the Licensing Manager.
6. Any Objector or their representative may ask questions of the Licensing Manager.
7. Relevant Council officers, representatives of the Police or Fire Service (if present) may be questioned by:
 - (a) Members of the Committee;

- (b) The Applicant or their representative; or
 - (c) Any Objector or their representative.
8. The Applicant (or their representative) may present their case, including calling any witnesses. The Licensing Manager and/or members of the Committee may ask questions of the Applicant or any witness.
 9. Any Objector may ask questions of the Applicant or any witness.
 10. The Objector (or their representative) may present their case including calling any witness. The Licensing Manager and/or Members of the Committee may ask questions of the Objector.
 11. The Applicant may ask questions of the Objector.
 12. The Applicant may sum up their case.
 13. The Objector may sum up their case.
 14. The Committee will deliberate in private with only its legal adviser and Committee Officer in attendance. The decision on the matter, and the reasons for it, will be communicated to all those present in open session before the meeting is closed.

Licensing Procedure Rules - Licensing Committee

Street Trading Representations

Terms of Reference of the Licensing Committee:

Ward Members will have no involvement in the decision making process either by voting on the matter or otherwise participating in the Committee's deliberations, except that any Ward Member (whether a member of the Committee or not) may make a statement setting out their views or the views of those they represent. Such a statement may be made immediately after any applicant and/or the Head of Service (or their representative) has made their case and been questioned thereon.

Procedure for hearing representations:

The Head of Service (or their representative), acting on delegated powers, can approve, attach specific conditions to, refuse or revoke a Street Trading Consent application. The decision is made upon consideration of the following criteria, and any consultee objections received based on them.

1. **Public Safety:** The location of the proposed street trading activity should not present a substantial risk to the public in terms of road safety, obstruction or fire hazard. The term "public" refers to both customers requesting the street trading activity, and other members of the public using the street. In particular reference will be made to the guidelines set out in section 6 of the Licensing Scheme on site assessment criteria.

2. **Public Order:** The street trading activity should not present a risk to good public order in the locality in which it is situated. Observations from the Hampshire Constabulary will be taken into consideration.
3. **Avoidance of Nuisance:** The street trading activity should not present a substantial risk of nuisance from noise, rubbish, potential for the harbourage of vermin, smells or fumes to households and businesses in the vicinity of the proposed street trading site. Observations from Council officers shall be taken into consideration.
4. **Needs of the Area:** The sufficiency of other trading outlets will be taken into consideration in relation to:
 - (a) The presence of like outlets already existing in the immediate locality of the proposed street trading site.
 - (b) The general needs of a locality, should no comparable outlets exist.

Applicants will have to demonstrate to the Council the need for the proposed street trading activity in relation to either points 1 or 2 above, whichever applies.
5. **Compliance with legal requirements:** The proposed street trading activity should be carried out from a trading unit that complies with the relevant legislation.
6. **Consultees Observations:** In relation to points a) – d) above, consideration will also be given to written observations from consultees. Any objections made to the proposed street trading activity will be considered in terms of relevancy and appropriateness to the application that has been made.
7. **Permitted Trading Hours:** The Council generally will only permit street trading between 6.00 am and Midnight, in Andover town centre, 22.00hrs in Romsey town centre and until 2.00am elsewhere, on any one day. Any trading outside these hours will have to be approved by the Council. Street Trading outside the guideline hours will be assessed in terms of the criteria detailed above. The Council however retains the right to specify permitted hours of trading that are less than those specified above if local circumstances dictate.
8. **Market days:** Those Consent Street licensees who have consent to trade in the town centres will not be able to do so on Market days.

Where, acting under delegated powers, the Head of Service is minded to refuse a consent, or to grant a consent subject to conditions, they will notify the applicant accordingly. If the applicant would be aggrieved by a decision in the terms indicated by the Head of Service, then they may within twenty eight days of such notification being received, make a written request that their application be considered by the Licensing Committee, and the Licensing Committee will then determine the application in accordance with the procedure set out below. If no such request is made within the twenty eight day period, then the Head of Service will forthwith proceed to issue a decision in the terms indicated in the notification referred to above.

1. Written objections, representations, petitions, etc will be circulated with the agenda and will be taken into account by members of the Committee. It will not be possible

- to circulate any such communications received after the agenda has been circulated, as both parties must have the opportunity of studying them prior to the meeting. The agenda and papers for consideration will be circulated 5 days before the meeting.
2. At the start of the meeting the Chairman will outline the procedure to all those present.
 3. The Head of Service (or their representative) will present the facts to the Committee and explain the Recommendation.
 4. The Members of the Committee may ask questions of the Head of Service (or their representative).
 5. The Applicant may ask questions of the Head of Service (or their representative).
 6. Relevant Council officers and other Consultees may be questioned by:
 - (a) Members of the Committee;
 - (b) The Applicant.
 7. The Applicant may present their case, including calling any witnesses. The Head of Service (or their representative), any relevant Council officers, other Consultees and/or members of the Committee may ask questions of the Applicant or any witness.
 8. The Applicant may sum up their case.
 9. The Committee will deliberate in private with only its legal adviser and Committee Officer in attendance. The decision on the matter, and the reasons for it, will be communicated to all those present in open session before the meeting is closed.

Licensing Procedure Rules - Licensing Committee

Licensing of Tables and Chairs on the Highway

Representations

Terms of Reference of the Licensing Committee

Ward Members will have no involvement in the decision making process either by voting on the matter or otherwise participating in the Committee's deliberations, except that any Ward Member (whether a member of the Committee or not) may make a statement setting out their views or the views of those they represent. Such a statement may be made immediately after any applicant and/or the Head of Service (or their representative) has made their case and been questioned thereon.

Procedure for hearing representations:

The Head of Service, acting on delegated powers (or their representative) can approve,

attach specific conditions to, or refuse a Licence application. The decision is made upon consideration of the following criteria, and any consultee objections received based on them.

1. **Public Safety:** The location of the proposed licensed site should not present a substantial risk to the public in terms of road safety, obstruction or fire hazard. The term "public" refers to both customers using the licensed area, and other members of the public using the street. In particular reference will be made to the guidelines set out in Section 5 of the Licensing Scheme on site assessment criteria.
2. **Public Order:** The licensed area should not present a risk to good public order in the locality in which it is situated. Observations from Hampshire constabulary will be taken into consideration in assessing this particular criterion.
3. **Avoidance of Nuisance:** The licensed area should not present a substantial risk of nuisance from noise, rubbish, potential for the harbourage of vermin, smells or fumes to households and businesses in the vicinity of the proposed licensed area. Observations from Council officers shall be taken into consideration in assessing this particular criterion.
4. **Compliance with legal requirements:** The proposed trading activity should comply with the relevant legislation.
5. **Consultees Observations:** In relation to the points above, consideration will also be given to written observations from consultees. Any objections made to the granting of a licence will be considered in terms of relevancy and appropriateness to the application that has been made. Frivolous, vexatious or repetitious observations shall be disregarded by the Council.
6. **Permitted Trading Hours:** The Council generally will only allow tables and chairs to be placed upon the highway between 0800 hours and 2200 hours on any one day. Any application requesting hours outside of the above will have to be approved by the Council and will be assessed in terms of the criteria detailed above. The Council, however, retains the right to specify permitted hours of trading that are less than those specified above if local circumstances dictate.
7. **Market Days:** Those licensees who have consent to trade in the town centres may not be able to do so if the licensed area includes an area upon which a Market is held.

Where, acting under delegated powers, the Head of Service is minded to refuse a consent, or to grant a consent subject to conditions, they will notify the applicant accordingly. If the applicant would be aggrieved by a decision in the terms indicated by the Head of Service, then they may, within twenty eight days of such notification being received, make a written request that their application be considered by the Licensing Committee, and the Licensing Committee will then determine the application in accordance with the procedure set out below. If no such request is made within the twenty eight day period, then the Head of Service will forthwith proceed to issue a decision in the terms indicated in the notification referred to above.

1. Written objections, representations, petitions, etc will be circulated with the agenda and will be taken into account by members of the committee. It will not be possible to circulate any such communications received after the agenda has been circulated, as both parties must have the opportunity of studying them prior to the meeting. The agenda and papers for consideration will be circulated 5 days before the meeting.
2. At the start of the meeting the Chairman will outline the procedure to all those present.
3. The Head of Service (or their representative) will present the facts to the Committee and explain the Recommendation.
4. The members of the Committee may ask questions of the Head of Service (or their representative).
5. The Applicant may ask questions of the Head of Service (or their representative).
6. Relevant Council officers and other Consultees may be questioned by:
 - (a) Members of the Committee
 - (b) The Applicant
7. The Applicant may present their case, including calling any witness. The Head of Service (or their representative), any relevant Council officers, other Consultees and/or members of the Committee may ask questions of the Applicant or any witness.
8. The Applicant may sum up their case.
9. The Committee will deliberate in private with only its legal adviser and Committee Officer in attendance. The decision on the matter, and the reasons for it, will be communicated to all those present in open session before the meeting is closed.

Licensing Procedure Rules - Licensing Sub-Committee

Application

These Procedure Rules shall apply to all hearings of applications and other matters pursuant to the Licensing Act 2003 and subordinate legislation and any amendments thereto, and to the Gambling Act 2005 and subordinate legislation and any amendments thereto.

Terms of Reference of the Licensing Sub-Committee:

Ward Members will have no involvement in the decision making process.

Procedure for hearing licensing applications:

1. The Council's Scheme of Public Participation will not apply.

2. At the start of the hearing the Chairman will explain the procedure to all those present.
3. The Hearing shall take place in public. The Sub-Committee may exclude the public from all or part of the hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.
4. A party to whom notice has been given may attend the hearing and may be assisted or represented by a person whether or not that person is legally qualified.
5. The hearing shall take the form of a discussion led by the Sub-Committee.
6. Cross-examination will not be permitted unless the Sub-Committee considers it is required for it to consider the representations, application or notice as the case may require.
7. The Sub-Committee may impose a maximum period of time for each party to address the Sub-Committee.
8. To facilitate the discussion the following procedure will be followed in all cases except for reviews when 8(b) shall apply and interim steps hearings for expedited summary reviews when 8(c) shall apply:
 - (a)
 - (i) The Licensing Manager of the Council or their representative will present the facts of the application and action taken, to the Sub-Committee.
 - (ii) The Applicant or their representative may address the Sub-Committee.
 - (iii) Other parties may address the Sub-Committee in the following order:
 - Responsible authorities
 - Other parties
 - (b)
 - (i) The Licensing Manager of the Council or their representative will present the facts of the review, and action taken, to the Sub-Committee.
 - (ii) The person requesting the review may address the Sub-Committee.
 - (iii) The licence holder may address the Sub-Committee.
 - (iv) Other parties may address the Sub-Committee in the following order:
 - Responsible authorities
 - Other parties
 - (c)
 - (i) The Licensing Manager of the Council or his representative will present the facts giving rise to the review, and will outline any action taken, to the Sub-Committee.

- (ii) The Police officer requesting the review or his representative may address the Sub-Committee.
 - (iii) The licence holder or their representative may address the Sub-Committee.
9. The Sub-Committee may permit the applicant or any party to question any other party.
 10. The members of the Sub-Committee may ask any questions of the Licensing Manager or their representative, or of any party or other person appearing at the hearing.
 11. Documentary or other evidence may be produced at the hearing with the consent of all the parties.
 12. Where a party fails to attend or be represented and the Sub-Committee considers it necessary in the public interest it may adjourn the hearing to a specified date or hold the hearing in a party's absence.
 13. The Sub-Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and refuse to permit that person to return or permit them to return only on such conditions as the Sub-Committee may specify. Any such person may submit to the Sub-Committee in writing before the end of the hearing any information which they would have been entitled to give orally had they not been required to leave.
 14. The Sub-Committee may ask questions of its legal adviser.
 15. The Sub-Committee will deliberate in private.
 16. The Sub-Committee may request advice in private of its legal adviser regarding the drafting of reasons.
 17. In the case of a hearing under the sections and circumstances set out in Regulation 26(1) of the Licensing Act 2003 (Hearings) Regulations 2005 (or any amending legislation), the Sub-Committee will make its determination at the conclusion of the hearing.

In any other case, the Sub-Committee will make its determination either at the conclusion of the hearing or within the period of five working days beginning with the day or the last day on which the hearing was held.
 18. A record of the hearing will be taken in a permanent and intelligible form.