

Notice of Meeting

Cabinet

Date: Wednesday 26 May 2021

Time: 5.30 pm

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

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Legal and Democratic Service

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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.

Membership of Cabinet

MEMBER

WARD

Councillor P North (Chairman)

Bourne Valley

Councillor N Adams-King (Vice-Chairman)

Blackwater

Councillor P Bundy

Chilworth, Nursling & Rownhams

Councillor D Drew

Harewood

Councillor M Flood

Anna

Councillor I Jeffrey

Mid Test

Councillor A Johnston

Mid Test

Councillor T Tasker

Andover Romans

Cabinet

Wednesday 26 May 2021

AGENDA

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

- 1 Apologies**
- 2 Public Participation**
- 3 Declarations of Interest**
- 4 Urgent Items**
- 5 Minutes of the meeting held on 14 April 2021**
- 6 Recommendations of the Overview and Scrutiny Committee: None**
- 7 Private Sector Housing Renewal Policy 5 - 55**

Housing and Environmental Health
To consider the adoption of the Private Sector Housing Renewal Policy.
- 8 Using the Community Infrastructure Levy towards a Strategic Regeneration Reserve 56 - 63**

Planning
To consider that a Strategic Regeneration Reserve is established to assist with the delivery of the adopted masterplans for both Andover and Romsey using Community Infrastructure Levy funds.
- 9 Independent Retailers Grant 64 - 71**

Planning
To consider the Independent Retailers Grant.

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|-----------|--|------------------|
| 10 | <u>Annual Governance Statement 2020/21</u> | 72 - 90 |
| | Finance
To consider the Annual Governance Statement for 2020/21. | |
| 11 | <u>Eastleigh Borough Council/Test Valley Borough Council Liaison Group</u> | 91 - 92 |
| | Corporate
To appoint the membership of the Eastleigh Borough Council/Test Valley Borough Council Liaison Group. | |
| 12 | <u>Partnership for South Hampshire</u> | 93 - 94 |
| | Corporate
To appoint the Planning Portfolio Holder to the Partnership for South Hampshire Committee. | |
| 13 | <u>Scheme of Delegations to Officers</u> | 95 - 135 |
| | Corporate
To approve the Council's Scheme of Delegations to Officers. | |
| 14 | <u>Scrap Metal Dealers Hearing Sub-Committee</u> | 136 - 137 |
| | Corporate
To appoint the membership of the Scrap Metal Dealers Hearing Sub Committee. | |
| 15 | <u>Member Champions</u> | 138 - 144 |
| | Leader
To consider the work undertaken by Member Champions during 2020/21 and to appoint Member Champions for the coming year. | |
| 16 | <u>Corporate Action Plan 2019-23</u> | 145 - 158 |
| | Leader
To consider the Corporate Action Plan - Year 3 Update. | |

ITEM 7

Private Sector Housing Renewal Policy

Report of the Housing & Environmental Health Portfolio Holder

Recommended:

- 1. That the Private Sector Housing Renewal Policy attached as Annex 1 to the report be adopted.**
- 2. That the Head of Housing & Environmental Health be given delegated authority, in consultation with the Portfolio Holder for Housing & Environmental Health and Head of Finance & Revenues, to utilise funds from the Better Care Fund where there are exceptional circumstances which sit outside of the policy, but where key objectives would be met (as set out in paragraph 2.9 of the report).**
- 3. That the Head of Housing & Environmental Health be given delegated authority, in consultation with the Portfolio Holder for Housing & Environmental Health and Head of Finance & Revenues, to make changes of a minor nature in response to updates in legislation, including delegated authority to calculate and charge fees associated with the policy.**
- 4. That income received from civil penalties and rent repayment orders is used to support further enforcement activity involving sub-standard private rented sector properties.**
- 5. That repayments received from grants and loans are used to support further grants and loans from within the Private Sector Housing Renewal policy.**
- 6. That the Park Homes Grant be added to the Grants paid from the existing allocated budget in the Capital Programme.**

SUMMARY:

- The purpose of this report is to consider the attached draft Private Sector Housing Renewal Policy with a view to its adoption.
- Members are asked to consider the revisions made to the maximum level of grant funding to be made available in certain circumstances, and to the details of how the Better Care Fund can be utilised.
- Members are asked to note the introduction of the Fit and Proper Person Test for owners/managers of mobile home sites, together with the need to introduce fees for the service by 1 July 2021, as set out in Section 9 of the attached report.

1 Introduction

- 1.1 The Council's adopted Housing Strategy 2020-25 includes a priority to improve access to, and the quality of existing housing. To deliver on that priority the Council has identified a specific objective in supporting the Housing Strategy to promote, deliver and review the Council's Private Sector Housing Renewal Policy to ensure it is making a positive difference to people's lives and meeting locally identified need.
- 1.2 This report is seeking approval from Members to adopt the revised Private Sector Housing Renewal Policy which will give advice on how the Council will use its resources to improve private housing stock in the borough, including details on the availability of financial assistance to those who meet the relevant criteria.
- 1.3 Members are also asked to note and approve the proposed increases in maximum grant funding to be made available in certain circumstances, in order to reflect increases in costs of work. Para 2.5 below sets out the proposed changes.

2 Background

- 2.1 The Council's adopted Housing Strategy 2020-25 sets out the Council's priority to improve access to, and the quality of existing housing. The Private Sector Housing Renewal Policy sits underneath that Housing Strategy and sets out the Council's approach to maintaining and improving the standard of private housing stock in the borough, including advice and assistance available to landlords and occupiers, and its approach to enforcement.
- 2.2 The policy details the types of grants and loans available to certain customer groups, such as Disabled Facilities Grants, and seeks to ensure that available funds are used effectively, including effective use of the Better Care Fund.
- 2.3 The Disabled Facilities Grant is the only mandatory grant. All other grants and loans are discretionary and can be set to suit local need. All discretionary grants and loans are subject to funding available. Three of the current discretionary grants and loans are funded by the Council's capital programme. It is proposed that an additional grant, i.e. Park Homes Grant also be made available through the Council's capital programme (included in the existing budget), as shown in Table 1 below.
- 2.4 The Disabled Facilities Grants and Loans are funded from the Better Care Fund Allocation. The proposals set out in this report recommend that we expand the use of the Better Care Fund funding, including proposals to fund some new grants to maximise use of the fund, and maximise the potential to assist those who are vulnerable. The proposed new grants are detailed in Table 1 below.

2.5 The maximum financial limits for grants and loans have not been revised since 2017, and it is considered that a number of these should now be increased to reflect increases in the cost of works. A summary of all existing and proposed new grants and loans with the proposed new maximum funding limits is shown in Table 1 below. Appendix 1 of the policy provides further details on these different grants and loans available, together with the criteria and conditions for each type. It is proposed that the new funding limits will take effect from 1 July 2021.

Table 1

Type of Grant or Loan	Previous maximum funding limit	Proposed maximum funding limit (as per Appendix 1 of the policy)	Funding Source
Home Improvement Grant	£5,000	£10,000	TVBC Capital Programme
Home Improvement Loan	£10,000	£10,000	TVBC Capital Programme
Empty Property Loan	£15,000	£20,000	TVBC Capital Programme
Disabled Facilities Loan	£15,000	£20,000	Better Care Fund
DFG Top up Grant	New proposal	£15,000	Better Care Fund
Urgent Care Grant	New proposal	£5,000	Better Care Fund
Adaptation Grant	New proposal	£7,500	Better Care Fund
Dementia Friendly Grant	New proposal	£2,000	Better Care Fund
DFG Fees Grant	New proposal	£2,000	Better Care Fund
Park Home Grant	New proposal	£10,000	TVBC Capital Programme

- 2.6 The Better Care Fund allocation is provided for disabled adaptations but is not solely ring fenced to Disabled Facilities Grants and can be used for social care capital projects where the aim is to allow vulnerable individuals to live independently within their own home, preventing them from becoming homeless or having to be accommodated within a costly residential placement where their independence is lost. Additional projects have to be agreed with Hampshire County Council who disseminate the Better Care Fund Allocation throughout Hampshire.
- 2.7 The Council has not fully spent its Better Care Fund allocation in recent years, and is likely to continue underspending unless there can be additional flexibility applied towards the use of the funds. The table below shows the Better Care Fund allocations and spend since 2016/17. Unspent funds are carried over at year end. As at 1 April 2020 the balance of the Better Care Fund was £2,281,400.

Year	Better Care Fund Allocation	DFG spend
2016/17	£937,669	£634,146
2017/18	£1,030,556	£682,200
2018/19	£1,123,443	£546,600
2019/20	£1,212,262	£674,186
2020/21	£1,212,262	£728,237

- 2.8 The Better Care Fund provisions allow for the top tier authority and the Health and Wellbeing Board to redistribute funds. If Test Valley do not utilise all funding, there is the possibility that part of our allocation in future could be reallocated amongst other Hampshire districts. The Government review of spending and allocation formula that took place in 2018 as part of the Social Care review may also alter the allocation amount.
- 2.9 The revised Private Sector Housing Renewal Policy sets out a range of possible uses for the Better Care Fund with a view to maximising use of the Fund, and meeting at least one of the following objectives:-
- Enabling vulnerable individuals to stay living independently within their own home;
 - Reducing admissions to residential care homes;
 - Reducing the cost of providing domiciliary care;
 - Contributing to the wider prevention agenda of housing, social care, and health authorities by facilitating improvements in individuals' wellbeing and reducing hospital admissions.

- 2.10 The policy also sets out the Council's approach to enforcing housing standards in rented accommodation including issuing Civil Penalties for offences under Housing Legislation and the method of calculating these. The majority of rented accommodation is in good order and operated by compliant and diligent landlords. The enforcement policy allows action to be taken against those who are not compliant and put the health, safety and wellbeing of their tenants at risk.
- 2.11 The Council must use income received through civil penalties to fund further action on enforcement and maintenance of private sector housing.
- 2.12 The production of this document has been in consultation with the Council's Legal Team, and has been consulted upon through the Landlord Forum as part of the Housing Strategy consultations.

3 Corporate Objectives and Priorities

- 3.1 The Council's Corporate Plan 2019-2023 Growing Our Potential, includes four strategic aims for the Council over the next four years and beyond. One of the four strategic priorities is "Growing the Potential of People". Within that theme the Council sets out its priorities in addressing housing needs.
- 3.2 The Council's Climate Emergency Action Plan approved at Cabinet in June 2020 includes a number of actions to improve housing conditions in the private sector, including actions to improve energy efficiency.
- 3.3 With the adopted Housing Strategy setting out the key objectives in respect of housing in the borough the Private Sector Housing Renewal Policy will expand upon those objectives and provide detailed guidance to landlords, tenants and owner occupiers to ensure that they can access advice and assistance to improve housing conditions.

4 Options

- 4.1 The attached document reflects the up to date position with advice and assistance on improving housing conditions in the private sector and includes updated information on the grants and loans that can be made available, including detailed terms and conditions.
- 4.2 Members need to consider whether or not to adopt the revised document.

5 Option Appraisal

- 5.1 **Option A** – Agree to adoption of the attached document, together with approval to apply greater flexibility to the use of the Better Care Fund, and to add the Park Homes Grant to the Capital Programme.

Advantages: .Adoption of the document will assist the Private Sector Housing Team in taking enforcement action where appropriate, and will be publicly available on the Council's website to inform landlords, tenants and owner occupiers of advice and assistance available to them. Approval to apply greater flexibility to the use of the Better Care Fund will ensure that the Council is able to assist more customers to remain living independently and meet their needs in their own home, and will ensure that grant funding is not lost to other Hampshire local authorities.

Disadvantages: None

5.2 **Option B** – Not to agree adoption of the document

Advantages: None

Disadvantages: If a decision is made not to adopt the document the Council will be in a weaker position when taking enforcement action for unsuitable housing conditions as there will be no policy basis upon which to take action. The lack of further clarity around the Better Care Fund could result in the Council continuing to underspend the funds which will potentially result in a reduction in future funding, and would represent a missed opportunity to assist more customers to live independently in their own home rather than having to move into residential placements.

5.3 Option A is the recommended option.

6 Risk Management

6.1 A risk assessment has been completed in accordance with the Council's Risk Management Methodology and the existing risk controls in place mean that no significant risks (Red or Amber) have been identified.

7 Resource Implications

7.1 The operation of the policy will be resourced from existing staffing. Grants and loans are subject to available funding which is awarded annually.

8 Legal Implications

8.1 Once adopted the policy document will form part of the Council's suite of housing policy documents. In order to achieve the status the necessary regulations have been complied with.

8.2 The adoption of the Private Sector Housing Policy will facilitate the Council in meeting its statutory obligations with regard to the standard of accommodation in the district. The enforcement policy will guide officers and ensure that the Council's regulatory enforcement activity follows the requirements of the Regulators' Code and legislation as necessary.

8.3 The adoption of the policy will support the Council in meeting its legal obligations to provide mandatory grants set in legislation, such as Disabled Facilities Grants.

9 Equality Issues

- 9.1 An EQIA screening has been completed and no potential for unlawful discrimination and/or low level of minor negative impact identified. A full EQIA has not been carried out.

10 Other Issues

11 Community Safety

- 11.1 The Private Sector Renewal Policy seeks to ensure that housing in the community is safe, well maintained, used for lawful purposes, suitable for a range of customer needs, and helps to create places where people wish to live and work.

12 Environmental Health Issues

- 12.1 Well maintained properties that are suitably adapted for use by the occupant improves the health, safety and wellbeing of residents.

13 Sustainability and Addressing a Changing Climate

- 13.1 The Private Sector Renewal Policy sets out the Council's objective to improve the efficiency rating of the least energy efficient homes and thereby help tackle fuel poverty and climate change.

14 Property Issues

- 14.1 None

15 Wards/Communities Affected

- 15.1 All wards are potentially affected as the guidance contained in the Private Sector Housing Renewal Policy is applicable to all private sector housing in the borough.

16 Conclusion and reasons for recommendation

- 16.1 The attached Private Sector Housing Renewal Policy provides detailed guidance to all parties who own, manage, or live in private sector housing within Test Valley. This new policy provides updated guidance to meet all statutory requirements, and enables the Council to introduce new fees and charges associated with regulatory changes, as well as maximising the use of grants to assist vulnerable residents to live independently in their own home.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	1	File Ref:	N/A
(Portfolio: Housing & Environmental Health) Councillor P Bundy			
Officer:	Helen Taylor	Ext:	8620
Report to:	Cabinet	Date:	26 May 2021

Private Sector Housing Renewal Policy

Test Valley Borough Council

Final draft: 6th May 2021

Contents

- 1.0 Introduction
- 2.0 Identifying and Dealing with Unsatisfactory or Unsuitable Housing Conditions
- 3.0 Advice and Assistance
- 4.0 Grants and loans
- 5.0 Providing Adaptations to Meet the Needs of Disabled Residents in their Homes
- 6.0 Grants and Loans for Essential Repairs
- 7.0 Other Financial Assistance
- 8.0 HMO Licensing Scheme
- 9.0 Camping and Caravan Site Licensing Scheme
- 10.0 Enforcement Action
- 11.0 Smoke and Carbon Monoxide Detectors in Rented Housing
- 12.0 Civil Penalties for Housing Offences
- 13.0 The Targeting of Action in respect of Unsatisfactory and Unsuitable Housing Conditions
- 14.0 Comments and Complaints
- 15.0 Monitoring and Review

[Appendix 1 – Criteria and Conditions for Grants and Loans](#)

[Appendix 2 – Terms and Conditions for Grants and Loans](#)

[Appendix 3 – The Licensing of Houses in Multiple Occupation](#)

[Appendix 4 – Mobile Home Sites Licensing Fee Policy](#)

[Appendix 5 – Civil Penalties for Housing Offences Policy](#)

1.0 Introduction

1.1 The purpose of this policy, which contributes towards supporting the aims of the Council's overarching Housing Strategy, is to outline the Council's intended approach to maintaining and improving the standard of private housing stock within the borough.

1.2 The policy applies to all privately owned homes, i.e. all dwellings (houses, flats, caravans etc.) that are not owned by the Council, including those owned or run by housing associations and it specifically outlines the Council's general approach to:

- Identifying and dealing with unsatisfactory or unsuitable housing conditions
- Providing advice and assistance with regard to unsatisfactory or unsuitable housing conditions
- Providing adaptations to meet the needs of disabled residents in their homes
- Essential repairs for low income households
- Providing financial assistance to achieve other housing policy aims of the Council
- Maintaining standards by operation of licensing schemes for Houses in Multiple Occupation and Caravan Sites
- Taking enforcement action including the use of civil penalties
- Setting the civil penalty in respect of landlords' duties to install and maintain smoke and carbon monoxide detectors
- Handling comments and complaints in relation to any of the Council's housing renewal functions

1.3 The Council also needs to ensure that it makes best use of, and maximises, any grant funding that is available for private housing stock with flexibility to utilise funds to best meet the changing needs of its customers. The policy will therefore set out the ways in which funding can be spent.

1.4 In developing this policy, the Council has considered the Regulators' Code (April 2014) made in accordance with Section 23 of the Legislative and Regulatory Reform Act 2006.

2.0 Identifying and Dealing with Unsatisfactory or Unsuitable Housing Conditions

2.1 Unsuitable and/or unsatisfactory housing conditions may be identified from any of the following sources:

- Complaints or reports of housing defects or poor housing conditions, in particular by tenants in rented accommodation, or from partner agencies
- Requests for assistance by owner occupiers in respect of tackling housing defects, conditions of concern or housing that is unsuitable by virtue of it not meeting the needs of the occupants

- Routine inspections made in connection with licensing regimes such as the licensing of Houses in Multiple Occupation and Caravan Sites
- Any housing surveys that may be undertaken by the Council.

- 2.2 There is a wide range of statutory provisions relating to housing standards and the associated powers and duties for securing compliance with required standards. The most important of these is the Housing Health and Safety Rating System (HHSRS) provided by the Housing Act 2004 and the associated guidance. Whilst the HHSRS is fundamental, housing legislation also covers matters such as the provision of smoke and carbon monoxide alarms in rented housing, energy efficiency, overcrowding, and the management of Houses in Multiple Occupation and caravan sites.
- 2.3 Where unsatisfactory or unsuitable housing conditions have been identified, the Council will aim to address the situation through a combination of:
- Giving advice and assistance; and/or
 - Offering grants or loans, where available; and/or
 - Operation of licensing schemes (applicable to Houses in Multiple Occupation and Caravan Sites); and/or
 - Enforcement action.
- 2.4 The approach taken will depend on the individual circumstances of each case and this policy sets out the factors that are taken into account when determining the course of action that it is appropriate to take. The Council are not bound by the policy and may deviate where there are unusual circumstances that warrant that.

3.0 Advice and Assistance

- 3.1 Where possible, the Council will provide suitable advice and assistance to householders with respect to any unsatisfactory or unsuitable housing conditions. The type of advice and assistance that is available will largely depend on the individual circumstances, and in particular the nature of the concern and whether the person concerned is a tenant, a landlord or an owner-occupier.
- 3.2 The Council's role may involve inspecting the property to investigate, giving advice about grants or loans that may be on offer, or signposting residents to other organisations that may be able to assist them. In some cases, the provision of advice may lead to the offer of financial assistance, where it is appropriate and available.
- 3.3 In general, except where financial assistance is available or urgent enforcement action is warranted, the Council will seek to secure improvements in housing conditions through advice, education, encouragement, promotion and other forms of awareness-raising. This will normally be the approach in respect of housing defects affecting:

- Dwellings inhabited by owner occupiers where there are no vulnerable occupants within the same dwelling; or
- Tenants in rented accommodation where the property owner co-operates to investigate and where appropriate rectify the cause for concern.

3.4 To target resources most effectively, the Council may undertake campaigns in order to achieve certain specific objectives, for example relating to energy conservation measures with a view to tackling fuel poverty and climate change.

4.0 Grants and Loans

4.1 Financial assistance, which comprises either a grant or a loan, is on offer in certain circumstances and aimed at supporting home occupiers with low incomes and/or meeting other policy priorities of the Council. This usually applies where either:

- A dwelling is in an unsatisfactory condition, or has unsatisfactory facilities, and requires essential repairs or improvements to bring it up to a satisfactory standard; or
- Adaptations are necessary or desirable to make the property suitable for the occupants. This might include adaptations to meet the needs of disabled occupants to provide safe access to and from, or within, the property, or to provide facilities suited to the occupants' needs.

4.2 In addition to mandatory grants which are prescribed by law, the Council will also offer discretionary grants and loans subject to the availability of funding and meeting criteria and conditions which are set out in Appendix 1. All grants and loans will also be subject to various terms and conditions (see Appendix 2).

4.3 The range of grants and loans on offer is subject to change, dependent on prevailing funding rules, the availability of funding, and the Council's policy position with regard to the exercise of discretionary powers at any given time.

4.4 One key principle of providing financial assistance is that the contract for the completion of the works (for which the grant or loan is given) will be between the applicant and the contractor appointed to complete the works. The Council will ensure that the work is completed prior to full payment of the grant or loan. The Council will not, however, monitor the work and any issues in relation to defective work will need to be resolved between the applicant and the contractor.

4.5 Grant work is approved on the basis of the lowest of tenders received except in cases where there are compelling reasons to do otherwise, or where the Council's standard Grant Schedule of Rates is used. The applicant would be liable for any cost difference between the lowest tender and their chosen contractor and for any additional works carried out at the request of the applicant.

4.6 The Council will not offer or give any specific financial advice. Accordingly, customers should seek independent financial or legal advice before entering into any legal agreement.

4.7 This policy sets out the Council's offer of discretionary funding as required by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.

5.0 Providing Adaptations to Meet the Needs of Disabled Residents in their Homes

5.1 Disabled facilities grants or loans are available to provide home adaptations to enable disabled residents, whether owner occupiers or tenants, to stay safe and independent in their home. In addition, discretionary grants or loans may be available for other purposes, such as facilitating a timely hospital discharge or for the purposes of reducing the likelihood of hospital admission.

5.2 Mandatory grants may be governed by terms and conditions set in legislation or by conditions set by the Government or funding body, and not subject to control of the Council.

5.3 The processing of mandatory grants will normally be prioritised over discretionary grants and loans. In circumstances where additional discretionary grants or loans may be available in connection with an application already being processed for a mandatory grant, the Council will endeavour to consider the discretionary elements at the same time as the mandatory grant application.

5.4 The Council will aim to deal with grant enquiries in date order, except where the adaptation is identified as particularly urgent. Decisions relating to prioritising applications will, as far as practicably possible, take into account Occupational Therapist advice. Grants may also be processed taking into account the complexity of the case; some types of grant may take precedence above others depending on the availability of resources to deal with them.

5.5 The order of priority will generally be as follows (starting with the highest priority first):

- i. Adaptation required to facilitate discharge from a hospital or respite unit (or similar)
- ii. Adaptation required to allow person access to toilet facilities (where no fixed facilities are available)
- iii. Adaptation required to allow person access to maintain personal hygiene
- iv. All other adaptations.

5.6 An administration charge will normally be applied based on the cost of the eligible works and added to the grant in line with the Housing Renewal Grants (Services and Charges) Order 1996, in cases where a caseworker service is provided by the Council in order to support the customer through the grant process. The caseworker service comprises giving practical assistance to the customer such as helping to determine the most appropriate type of adaptation needed, completing the application forms, obtaining cost quotations from contractors and liaising with contractors. This administration charge, expressed as a percentage of the cost of

the grant works, will be reviewed and set annually as part of the Council's fees and charges scheme. The administration charge will be waived where there is a maximum grant, or where there is an architect or surveyor appointed to oversee the works to reflect the limited involvement of the Council.

- 5.7 Where an applicant is not eligible for a grant, a caseworker service may still be offered to ensure the resident is supported to get the right adaptation for his/her needs. The level of support may be dependent on the capacity of the service at that time.

6.0 Grants and Loans for Essential Repairs

- 6.1 Discretionary grants and loans are potentially available to owner occupiers who are in receipt of a means tested benefit or who are on a low income and where the property either has a Category 1 hazard under the Housing Health and Safety Rating System or needs improvement to bring it up to a minimum acceptable standard.

- 6.2 Applications will be processed in date order of receipt subject to funding. Where there is a limit on funding, applications will be prioritised according to the severity of the hazard and whether any of the occupants are considered to be vulnerable, such as:

- a person in need of community care services by reason of mental or other disability, age or illness and/or may be unable to care for or protect themselves against harm or exploitation

- 6.3 Funding will generally only be provided where no alternate grants or low cost loans can be sourced e.g. funding for energy efficiency. Grants may be used in conjunction with other funding sources subject to meeting eligibility criteria.

- 6.4 In addition, an empty property loan can be offered in some circumstances for the purpose of making essential repairs to bring property up to a standard suitable for occupation, normally by a tenant to be nominated by the Council.

7.0 Other Financial Assistance

- 7.1 Financial assistance may be given to other projects that are eligible to be funded from the Better Care Fund (or any subsequent or alternative funding source). These will generally meet at least one of the following objectives:

- Enabling vulnerable individuals to stay living independently within their own home;
- Reducing admissions to residential care homes;
- Reducing the cost of providing domiciliary care;

- Contributing to the wider prevention agenda of housing, social care, and health authorities by facilitating improvements in individuals' wellbeing and reducing hospital admissions.

7.2 The type of projects that could be included in this criteria are:

- Funding assessments for adaptations through, for example, trusted assessors or Occupational Therapists, either directly or indirectly employed by the Council.
- Funding services to assist those that are vulnerable in their home, for example by the provision of a handy person scheme for minor works
- Providing additional support to clients to assist with the process of applying for grants and other benefits
- The adaptation of temporary or supported housing accommodation to ensure that it is available to all people who may need it, and may also provide respite accommodation whilst work is being carried out
- Increasing publicity of Disabled Facilities Grants and Loans
- Discretionary special case funding for clients or items that aren't eligible for existing funding but whose needs cannot be met in another way
- Enabling bespoke adapted housing solutions for individuals or groups with specific needs whose needs cannot be met through traditional affordable housing delivery, or through private rented housing. For example, this could include the need to fund a higher build specification on a new-build affordable home to suit the bespoke needs of the customer, where mandatory DFG funding isn't available. Alternatively it could include the need to part fund an affordable housing model which enables a group of customers with specialist needs to be able to live in a small block of flats living independently with an onsite carer for the scheme.
- Setting up equipment rental systems to enable specialist equipment to be reused and provided faster than traditional methods.

7.3 Funding may also be given to projects aimed at tackling poor energy efficiency and fuel poverty, which helps the Council's objective to tackle climate change, through the Council's Capital programme or Better Care Fund as appropriate.

8.0 Houses in Multiple Occupation Licensing Scheme

8.1 The Housing Act 2004 covers licensing of certain rented properties. In general (at the time of publication), mandatory licensing is required for all Houses in Multiple Occupation (HMOs) that have five or more occupants, comprising two or more separate households, but living within the same property and sharing some of the facilities.

8.2 There are discretionary licensing schemes that local authorities may choose to bring into force. The Additional HMO licensing scheme would apply in cases where it is expected that an especially high number of HMOs concentrated in any area would give rise to additional problems. Selective licensing can require any private rented property to have a licence where there is a particular need to control specific issues arising, for example in relation to housing conditions or crime. The adoption

of such additional schemes would not be warranted within the Test Valley area currently, although this will be kept under review. Accordingly, at present the Council will operate the mandatory HMO licensing scheme only.

8.3 Details of the Council's HMO licensing scheme are given in Appendix 3.

9.0 Camping and Caravan Site Licensing Scheme

- 9.1 The Caravan Sites and Control of Development Act 1960 requires the licensing of certain caravan sites which includes most mobile home parks. Such licences will attach suitable conditions which are based on a set of national model standards relating to the standards of facilities that ought to be provided.
- 9.2 To cover regulatory costs, an annual licence fee may be charged and the applicable charges will be reviewed each year and set out in the Council's fees and charges scheme. In accordance with Section 10A(2) of the Caravan Sites and Control of Development Act 1960, the Council is obliged to prepare and publish a fees policy. This policy, which sets out the principle by which the fees will be determined, is provided in Appendix 4. The Council's annual fees and charges scheme will then provide annual updates of that policy.
- 9.3 A site owner, or nominated manager, must be a fit and proper person to lawfully operate a park home site. The Council will carry out checks as appropriate and necessary on application. Fees may be charged for this process and the fees will be included in the fees policy at Appendix 4. Fees are payable with the application and the application will not be considered until the appropriate fee has been received by the Council.
- 9.4 The Council will maintain a statutory register of persons deemed fit and proper to manage a park home site within the Test Valley Borough Council area. Entries on the register will last for up to 5 years. A person's status on the register may be reviewed at any time.
- 9.5 If a person is deemed not to be fit and proper, the site licence holder will be able to find a more appropriate person. The Council may nominate a manager on request. In certain circumstances the Council may apply to the Courts for the licence to be revoked.
- 9.6 The Council will also seek to license all relevant camping sites in line with requirements under the Public Health Act 1936. Conditions attached to the licence will cover facilities and amenities which must be provided.

10.0 Enforcement Action

- 10.1 Enforcement action will be appropriate in some cases where there is a breach of a statutory obligation, most notably where a property owner has failed to provide to his/her tenants conditions and facilities that are safe and satisfactory. Enforcement action is usually discretionary but is mandatory in some prescribed circumstances, for example where a serious or imminent risk of harm exists.
- 10.2 It is recognised that some contraventions of housing law may be minor and/or inadvertent and appropriately tackled on an informal basis. With regard to decision-making, the Council will apply the principles of good enforcement practice set out in the Regulators' Code (April 2014). In this context, the Council aims to:
- Carry out its activities in a way that supports those that it regulates
 - Provide simple and straightforward ways to engage with those it regulates and hear their views
 - Target resources based on risk and consider risk when making decisions about enforcement
 - Share information about compliance and risk where appropriate to avoid duplication of regulatory effort
 - Make available clear information, guidance and advice to help those it regulates to meet their responsibilities to comply with legal requirements
 - Ensure that the Council's approach to regulatory activities is transparent.
- 10.3 In the first instance the Council will generally seek to resolve situations by agreement in an informal manner and without recourse to formal enforcement action. This may involve giving advice to residents (tenants and owner-occupiers) and property owners.
- 10.4 Where properties are rented, the Council seeks to work in partnership with landlords to ensure properties are improved such that they meet required standards. Where possible, the landlord will be given an opportunity to carry out works within a reasonable timescale. This approach may not, however, be possible in some circumstances, for example:
- Where the situation requires urgent remedial action; or
 - The person responsible is not contactable; or
 - The proposed timescale for works is considered too long; or
 - The person responsible appears uncooperative and/or has a history of non-compliance.
- 10.5 Where properties are owned and occupied by the same household, the Council will seek to ensure that there are no vulnerable occupants exposed to serious hazards. The Council will normally seek occupants' views, where possible, and take these into account when deciding what action to take in relation to hazards.
- 10.6 In some circumstances it may be appropriate to take no action, for example where:

- The health and safety risk is sufficiently low and taking legal action would be disproportionate or inappropriate taking into account the circumstances of the case; or
- The occupant does not want the Council to take action and it is considered appropriate in the circumstances to respect such wishes; or
- It is more appropriate for another body or person to take action.

10.7 When deciding whether to take enforcement action, all of the circumstances will be taken into account, including the following (where known):

- The nature and severity of the defects
- The risks to the occupants and/or people visiting the property
- The tenure of the property
- The views of the occupant(s)
- The number of occupants, their ages and whether or not they are vulnerable
- The willingness and ability of the responsible person to carry out repairs within a reasonable time frame
- The management record of the owner and the number of other properties they control
- Whether the owner has been convicted of relevant offences previously and/or is listed on any database of rogue landlords (taking into account the Rogue Landlord Enforcement Guidance for Local Authorities).
- The use of any management agent and the number of properties they control

10.8 There are a number of options for formal action. The decision as to which may be the most appropriate will depend on the circumstances of the case, the relevant legislation and guidance, the risk to health and safety, and the required tests relevant to each option. In all cases the Council seeks to provide clear advice in plain language.

10.9 The Council will make an entry on to the National Rogue Landlord's database where a person has received two civil penalties within any 12 month period for offences occurring within Test Valley Borough Council's area; and also where a successful banning order has been made on application by Test Valley Borough Council.

11.0 Smoke and Carbon Monoxide Detectors in Rented Housing

11.1 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 introduced new legal duties on private sector landlords, most notably to install at least one smoke alarm on every storey of their properties and a carbon monoxide alarm in any room containing a solid fuel burning appliance (e.g. a coal fire, or wood burning stove).

11.2 The Council must serve a Remedial Notice where the Council has reasonable grounds to believe that there is a breach of a landlord's duty and, if that Remedial Notice is breached, the Council may impose a civil penalty charge. This is subject

to procedures for review of the penalty charge if requested by the landlord and an appeals procedure to a tribunal which may quash or confirm the penalty charge notice, or may reduce (but not increase) the amount of the penalty charge. The amount of the penalty charge is left to the discretion of the Council but must not exceed £5000. The Council is required to prepare and publish a statement of principles which sets out how it will determine the amount of a penalty charge.

11.3 The Council's statement of principles in respect of penalty charges is as follows:

The provision of smoke detectors and carbon monoxide alarms does not place an excessive burden on a landlord and a penalty charge only applies if, following discovery of the breach, the landlord does not comply with a subsequent Remedial Notice. In addition, the penalty charge is subject to an appeals process. Whereas the maximum potential penalty may present an excessive financial burden in some circumstances, it is also recognised that the charge serves as a deterrent against non-compliance and the penalty charge ought to be higher for repeat offenders. In the interests of simplicity and clarity for what landlords may expect, the scheme of penalty charges will be as follows:

*£3,000 (the standard penalty charge) in the case of a first breach;
£5,000 for any second or subsequent breach.*

These penalty charges will be reduced by 50% if paid within 14 days of service of the penalty charge notice, except where stated on the penalty charge notice. If the Council considers that the landlord has obstructed Council officers in carrying out their duties at any point during its investigation then no discount will be offered and the penalty charge notice will state that no discount is offered.

12.0 Civil Penalties and Banning Orders for Housing Offences

12.1 The Housing and Planning Act 2016 amends the Housing Act 2004 to allow financial penalties, up to a maximum of £30,000, to be imposed as an alternative to prosecution for certain relevant housing offences. Various procedures and statutory guidance have to be followed when issuing such penalties.

12.2 Where an offence has been committed under the relevant legislation and the Council is satisfied that there would be a reasonable prospect of conviction, the Council will then consider whether to proceed with a prosecution or issue a civil penalty. Where it is a first offence and the offender has admitted fault, it is likely that a civil penalty will be the preferred course of action. The level and seriousness of offence will be taken into account along with any aggravating factors. Where several significant offences occurred, either at the same time or on subsequent occasions, the Council may decide that a prosecution is more likely to be a deterrent to that offender, and other likely offenders in the area.

12.3 The decision as to which is the most appropriate and effective sanction will be taken on a case by case basis taking into account all relevant factors in each case.

- 12.4 The Council's policy on determining the appropriate level of financial penalty in such cases is given in Appendix 5.
- 12.5 The Council will consider applying for a Banning Order where a landlord has been a convicted of a relevant serious offence. In most instances this will be where landlords have committed other banning order offences, regardless of location, and the latest offence was particularly serious and caused or had the potential to cause severe harm for the tenant. Regard will be given to the circumstances of each case and the MHCLG guidance in force at the time.

13.0 The Targeting of Action in Respect of Unsatisfactory and Unsuitable Housing Conditions

- 13.1 Given the high number of dwellings within the borough, it is not possible for the Council to identify and remedy every case of unsatisfactory or unsuitable housing conditions. Resources have to be targeted to the areas of highest priority.
- 13.2 Priority will be given to fulfilling the Council's statutory obligations. These cover a wide range of housing functions which include the following:
- The issuing of mandatory Disabled Facilities Grants
 - The licensing of Houses in Multiple Occupation and Caravan Sites
 - Investigating complaints and reports of housing defects and unsatisfactory housing conditions
 - Remedying Category 1 hazards in accordance with the Housing Health and Safety Rating System.
- 13.3 Discretionary functions will be undertaken where there is capacity, without significantly impacting on the Council's mandatory functions. This discretionary work will be planned according to available resources. Such work will be targeted to meet one or more of the following aims:
- To provide non-mandatory grant assistance in respect of Disabled Facilities Grants.
 - To assist vulnerable owner-occupiers in respect of unsuitable housing or poor housing conditions.
 - To check compliance of minimum housing standards within privately rented accommodation not subject of a complaint. In particular, those owned or managed by a person who has persistently failed to manage the dwelling in accordance with legal requirements, or has failed to comply with informal or formal requests to meet minimum housing standards.
 - To improve the efficiency rating of the least energy efficient homes and thereby help tackle fuel poverty and climate change.

- To meet the objectives of any initiatives aimed at maintaining and improving the standard of housing stock within the borough.

14.0 Comments and Complaints

- 14.1 The Council strives to provide high quality services and welcomes feedback or comments about the customer experience and any suggestions for improvement. In cases of clear customer dissatisfaction then the customer will be offered the opportunity to discuss matters with the case officer or their manager.
- 14.2 Where the cause of dissatisfaction cannot be resolved with the case officer then the customer may request that the decision or case handling be reviewed by a manager.
- 14.3 The Council also offers a formal complaints procedure which is open to the customer at any time. Details of the Council's complaints procedure are provided on the Council's website at www.testvalley.gov.uk.

15.0 Monitoring and Review

- 15.1 This policy will be reviewed periodically at least every five years.
- 15.2 Policy Reviews may be prompted by changes in legislation, guidance, resources available, or feedback.
- 15.3 Minor amendments to this policy will be approved by the Head of Housing & Environmental Health, in consultation with the Head of Legal & Democratic Services and the Portfolio Holder for Housing and Environmental Health. This includes any amendments made to reflect changes in the law and statutory guidance.

Appendix 1 – Criteria and Conditions for Grants and Loans

The criteria should be read in conjunction with the terms and conditions.

The maximum funding limits shown in the table below will be applicable to all grants and loans awarded from 1st July 2021.

Scheme	Assistance Available	Purpose	Scope of assistance	Eligibility	Scheme Conditions
Home Improvement Grant (Essential Repair)	Maximum Grant offered: £10,000 plus Legal Charge A maximum of 2 grants can be awarded per property in a 5 year period.	To remedy Category 1 or serious Category 2 hazards as defined within the Housing Health and Safety Rating System (HHSRS); or to improve the energy efficiency rating of a property where the EPC rating is Category D to G	Limited to necessary repair works in domestic properties as determined by TVBC. Relevant Professional fees (to a maximum of 15%) Will not include works where the applicant is entitled to apply for other public funding (for example but not limited to ECO funding or Government energy efficiency scheme)	Applicants must: Own their own home; And occupy it as their only or main residence;	Applicants must be in receipt of a means tested benefit, or on household income of up to £15,000 gross per annum and have savings of less than £10,000. A local land charge will be registered against the property for a period of 5 years from date of completion. Repayment may be required within 5 years from date of completion, see terms and conditions for more details
Home Improvement Loan (Essential Repair)	Maximum Loan offered: £10,000 plus Legal Charge A maximum of one Loan will be offered per property in a 5 year period.	To remedy Category 1 or serious Category 2 hazards as defined within the Housing Health and Safety Rating System (HHSRS); or to improve the energy	Limited to repair works as determined by TVBC. Relevant Professional fees (up to a maximum of 15% of the overall scheme)	Applicants must: Own their own home; And occupy it as their only or main residence;	Applicants must have a household income of up to £20,000 gross per annum and have savings of less than £10,000. A charge will be placed

		<p>efficiency rating of a property where the EPC rating is Category D to G; or to allow a disabled person to live independently.</p>	<p>Will not include works where the applicant is entitled to apply for other public funding (for example but not limited to ECO funding or Government energy efficiency scheme)</p> <p>Will not include works covered by the applicant's own building insurance.</p> <p>May include costs to register the property with Land Registry if required.</p>		<p>on the property with Land Registry. Repayment in full will be required in certain circumstances, see terms and conditions.</p> <p>Interest charge will be applied for the term of the loan.</p>
Empty Property Loan	<p>Maximum Loan offered: £20,000 plus Legal Charge</p> <p>A maximum of one loan will be issued per property every 20 years from the date of completion and while in the same ownership..</p>	<p>To carry out necessary works to properties to bring them up to a standard suitable for letting either by remedying disrepair, making satisfactory internal rearrangements, central heating works and energy efficiency works.</p>	<p>Up to 50% of the costs of works will be paid. Up to 50% of specified approved fees (such as architect, structural engineers etc.) up to 15% of total works within the maximum loan amount.</p> <p>Limited to works agreed as necessary to bring the property up to standard, including basic decoration.</p>	<p>Applicants must be the registered owner of the empty property and agree to pay the difference between contractor's costs for the total of the eligible work and the amount of loan before the scheme will proceed.</p>	<p>Property must have been vacant for more than 12 months at time of application.</p> <p>Property must be let to a tenant nominated by the Council for the first 5 years following completion not exceeding a local reference rent.</p> <p>The loan will be secured against the property with the Land Registry.</p> <p>Repayment will be required, see terms and condition for full</p>

					details.
Park Home Grant	Maximum Grant offered: £10,000 A maximum of one grant will be offered in a 10 year period per property	To carry out necessary thermal insulation works or similar works to improve energy efficiency of the home	Limited to energy efficiency works as deemed necessary by TVBC. Excludes work eligible under Government or National funding (e.g. ECO funding) although can be used in conjunction with such schemes where there is a shortfall of funding	Homes must be located on a site licensed by Test Valley Borough Council. Applicants must own and occupy the unit being improved as their only and main residence.	Applicants must have a household income of up to £20,000 gross per annum and have savings of less than £10,000.

Scheme	Assistance Available	Purpose	Scope of assistance	Eligibility	Scheme Conditions
Mandatory Disabled Facilities Grant (DFG)	£30,000 at time of writing (subject to changes in legislation)	To provide adaptations for disabled persons	Work determined as necessary and appropriate; and reasonable and practicable.	Medical need – determined by OT (or other relevant professional) Financial eligibility – determined by Government set means test	Local Land Charge placed on owner applications above £5,000 for 10 years. Optional Caseworker service available – charge added to grant.
DFG Top up	Up to £15,000 grant available	To provide additional funding where grants exceed the maximum mandatory amount.	As per mandatory grant.	Must have full mandatory DFG approved.	Caseworker service charge added to the grant if applicable.
Disabled Facilities Loan	Up to £20,000 loan available. Only one active loan per property.	To provide adaptations for disabled persons.	Can be used to pay a personal contribution towards mandatory DFG or for a top up where cost of works exceed the grant limit; or for works that are not eligible for mandatory assistance; or to assist with relocation expenses	The property will be the applicant's only home, they must own it and occupy it as their main residence. Shared Ownership properties are eligible with consent of the RSL. Applicants (do not have to be the disabled person) will be means	Optional caseworker service available – additional charge added to loan within the loan maximum. Charge registered at land registry. Repayment required in certain circumstances,

			(Legal, packing and moving charges) where current property cannot be adapted and support needed to move to appropriate accommodation; to pay for adaptations to a second home of a disabled child where a mandatory DFG doesn't apply.	tested using the Government set DFG means test and have an assessed contribution of less than £20,000 or will be in receipt of means tested benefit. The Disabled person will normally reside at the property as their main residence, exceptions will be made for example in cases of disabled children whose separated parents have shared custody arrangements.	see terms and conditions.
Urgent care Grant	Maximum grant offered: £5000	For property improvements to aid hospital discharge. For example, adaptations, repair of heating systems, deep cleaning, clutter clearance. For adaptations for palliative care.	For works to the property as necessary to allow a person to be released from hospital. Does not include provision of carers.	Referral from Hospital or Rehabilitation care required to state that person is not able to return home until works carried out. Palliative cases where predicted life expectancy is 12 months or less will be eligible with confirmation from a medical professional	Optional caseworker service available – additional charge added to grant.
Adaptation Grant	Maximum grant offered: £7500. One grant per applicant per property.	For property adaptations necessary to enable disabled persons to live independently.	To facilitate works to the property to allow independent living, such as level access showers, stair lifts, ramp access.	Applicants must not qualify for mandatory DFG either through type of works or through financial contribution.	Optional caseworker service – additional charge
Dementia Friendly Grant	Maximum Grant offered: £2000.	For property adaptations or improvements to		Any occupant of the property diagnosed with dementia and	

	One grant per applicant per property.	support those affected to live in their own home safely.		referred from adult social care or hospital teams.	
DFG Fees Grant	Maximum grant offered: £2000 One grant per applicant per property in a 10 year period.	For professional fees incurred before any DFG application can be made. This includes, not limited to, Private Occupational Therapy assessments; professional surveying and application fees.	To allow determination of whether works are necessary and appropriate and feasible to go ahead.	Occupants over the age of 18 of a property in Test Valley BC area who have been referred for a Disabled Facilities Grant.	

[Back to Contents Page](#)

Appendix 2 – Terms and Conditions for Grants and Loans

These terms and conditions form part of the Councils Private Sector Housing Renewal Policy and will be applicable to all elements of it, except where otherwise stated. The terms and conditions applicable to Mandatory Disabled Facilities Grants are set by statute determined by central government and followed by local authorities

The terms, conditions and eligibility criteria for the grants and loans detailed within this policy are set down in writing for all applicants.

Eligibility

1. The property for which financial assistance is sought must be within the boundaries of Test Valley Borough Council.
2. Commercial buildings are not eligible for funding, except where the residential part is fully separated and has its own entrance.
3. Properties subject to closing, demolition orders or Prohibition orders are not eligible for assistance.
4. Where the property is in shared or joint ownership (including with a Registered Social Provider), all owners must consent to the grant or loan, and the legal charge being placed on the property, before funding can be approved.
5. Professional fees include, but are not limited to, those incurred from Architects, surveyors, structural engineers, Home improvement agencies (who arrange the work and support the tenant), necessary application or licence fees that may be required.
6. Work that is covered by the applicant's own building insurance will not be eligible for funding.
7. Grant/Loan assistance will only be approved for the benefit of applicants who are able to provide evidence of a valid National Insurance Number.

General

8. Properties must not be left vacant for more than six months once a loan has been granted and works completed.
9. Where multiple loans or grants are permitted on a property in a time period, the date will be calculated from the certified completion date of the previous grant or loan. However this does not prevent applications running concurrently as long as the number of active charges at the property will not exceed the maximum permitted upon approval.
10. Information provided to the Council by applicants as part of the application process will be checked thoroughly and may be shared with other Services of the Council and other organisations involved in any aspect of handling public funds to prevent and detect fraud or in investigation of the possible criminal activities.
11. In certain circumstances where the Council believes that actions of applicants may have been taken to deliberately defraud the Council a file will be passed to the Police for investigation.

12. Any loan or grant will be secured against the property and lodged with Her Majesty's Registry or the Land Charges Register, whichever is applicable.
13. If in any position whereby repayment of grant is required the applicant fails to make the necessary arrangements the Council will place a charge on the property, which will incur interest at 5% above base rate.
14. At any point where the Loan or Grant is still an active charge on the property, the applicant shall upon written request from the Council, reply in writing, within 21 days of the date of request state how she/he is complying with any of the terms and conditions of the grant or loan enquired about. Failure to comply with this item will be deemed a failure of the grant and loan conditions requiring total repayment of the grant/loan plus interest at 5% above base rate.
15. The Council reserves the right to withdraw any financial assistance package from offer if there is no budget funding available, up to the point of approval.
16. In considering applications for the benefit of people with disabilities the Council may choose not to grant aid adaptations for which County Council Social Services are responsible under the Chronically Sick and Disabled Persons Act 1970.
17. The Council may refer enquiries for assistance to an alternative Government or nationally funded scheme as appropriate.
18. The Council may from time to time utilize special funding from central government or other sources, aimed at specific subjects to target issues of local and national concern in accordance with any special conditions. Any special terms and condition applicable to such initiatives will be appended to the Private Sector Housing Renewal Policy as they will not significantly alter the Council's primary approach to the subject.
19. The Council reserves the right to re-consider any individual application against any of these terms and condition upon the authority of the Head of Housing and Environmental Health.

Application

20. Applications will only be accepted on the prescribed forms of the Council.
21. Applicants must be 18 years of age or older at the date of application and in the case of joint applications, one must be over 18 at the date of application.
22. Proof of identity must be provided by showing a valid full passport or some other photographic identification. Where the applicant has no photographic identification, the Council may accept an alternative such as original birth certificate.
23. If there is a mortgage or registered financial charge in place on the property, the applicant must not be in arrears and must supply a current mortgage or loan statement with their application for discretionary grants and loans.
24. Consent of any mortgagee will be needed before an application can be approved.
25. In making an application for assistance, when applicants sign the application form, or tick the appropriate declaration on an electronic form, they are agreeing to all the terms and conditions as detailed by the Council.
26. All applications for assistance must be accompanied by a declaration which states that the applicant has or proposes to acquire a qualifying interest in the property subject to the application for assistance.

27. Proof of title shall also be required to enable property ownership to be confirmed.
28. In case of applications initiated by a qualifying tenant they must be accompanied by a tenants certificate stating that the applicant is a qualifying tenant of the dwelling and that she/he intends to live in the dwelling as their only or main residence. A tenant's application must also be supported by the landlord's completion of a certificate of intended letting unless such is not forthcoming and the works are required to remove risk to the tenant's health and/or safety. In all other circumstances work to a property will require the owner's written authority and that of the mortgagee.
29. Applications for Disabled Facilities Grant or Loans will only be considered complete when it is accompanied by a report from a medical professional such as Occupational Therapist recommending the necessary works.
30. The number of estimates/quotes accompanying an application for assistance for works costing in excess of £1,999 shall be at least two whilst at or below £1,000 at least one estimate/quote shall be provided. The exception to this will be where the work is for specific disabled adaptation where the Council has a prescribed schedule of rates. In these cases one estimate/quote will be accepted. The Council reserve the right to ask for more estimates/quotes if they are not happy with those submitted, or to accept a single quote where two would normally be required for work from specialist contractors.
31. An application for assistance towards works that have already been completed will not be processed. Any parts of works not commenced, which would otherwise have been considered for assistance will be processed for possible grant/loan assistance as long as work is not commenced prior to formal approval.
32. The Council may not consider applications from person or organisations where there is a possible alternative source of funding for maintaining properties.

Means Testing

33. The financial eligibility criteria (means test) for Disabled Facilities Grants is set in legislation. The Council may use this method for means testing access to other financial assistance packages.
34. The income of the applicant (or relevant person if applicable) will normally be taken over the preceding 12 months from date of application.
35. The applicant must provide full details of income and savings on application.
36. The Council will normally request full evidence of income and savings to be submitted with any application.
37. If the means test identifies that an applicant is required to pay a contribution to the works, this will be taken into account when calculating the amount of grant/loan payable.

Approval

38. The Grants/loans the Council awards are all subject to levels of available funding in each financial year and as such the Council reserves the right to defer approval, or even consideration, of applications for periods of time of its own choosing in order to properly manage its budgets.

39. Subject to the Council's discretion, all formal offers of financial assistance will be valid for 6 months and all payments must be made within 12 months of date of approval of the application. The time period allowed may be exceeded on application, where the Council is satisfied that there has been extenuating circumstances and the applicant will be informed in writing of the revised time period.
40. The Council will hold final authority to determine what works are included on grant or loan schedules although it is acceptable for owners, tenant or their agents etc., to draw up initial schedules of work which may be reduced or added to by the Council in terms of work qualifying for possible assistance.
41. The Council will calculate the amount of grant to be paid.
42. The amount of grant/loan payable shall be the actual cost of undertaking the works plus any associated fees less any owner's etc. contribution, up to the total value of the grant/loan approved.
43. The council will include the cost of preliminary or ancillary services fees and charges within the calculation of assistance, each submission of fees will be individually considered for reasonableness. The payment of such fees is conditional on a grant/loan being approved and the completion of all specified works, otherwise the Council will not be held responsible for any fees incurred before or after approval.
44. Where an applicant's circumstances change or are confirmed as different from originally stated, after approval is issued, such that approval would no longer be given, the applicant must immediately inform the Council of their change in circumstances and then the grant/loan approval will be cancelled and no payments made, or no further payment made where interim payments have already been paid, except in exceptional circumstances when the Council may give authority to provide further funding so as to conclude work at a suitable and appropriate stage. Where payments have been made, the local authority may demand repayment together with compound interest from the date on which payment was made until repayment, at such reasonable rate as the Council may determine.
45. In any case where financial circumstances at the time of application are later confirmed differently to those submitted by the applicant/s, the applicant/s must inform the Council of their change in circumstances and if the change is such that after approval a new processing of information would lead to reduced assistance or denial of assistance then the original approval will be amended/cancelled and the local authority may demand repayment together with compound interest from the date on which payment was made until repayment, at such reasonable rate as the Council may determine to recover any over payment. In such circumstances the local authority may choose to cancel the whole approval or demand repayment of all monies paid, plus compound interest, despite the fact that a reduced level of assistance would have been approved, where it is felt the degree of error in the applicant completing the original means test forms is such to suggest a deliberate attempt to deceive.
46. The Council may specify in grant approvals involving the installation of specialised equipment for the benefit of people with disabilities that the equipment is to be

returned to the Council if within 10 years it is no longer needed. The grant recipient, or a representative, shall notify the Council as soon as the equipment is no longer needed and the Council or their agents may choose to remove it for re-use elsewhere, making good so far as is practicable any damage caused by its removal. Where the original grant was approved with a contribution from the applicant then the percentage of that contribution as an element of the total value of the agreed works shall be calculated and that percentage of the second hand value of the specialized equipment paid to the original applicant or their agent.

Eligible Works

47. The applicant will be responsible for choosing the contractor to carry out work at the property.
48. It is the applicant who employs the builder or contractor to undertake agreed works and the Council has no contractual liabilities in that relationship as their role is only to administer the grant/loan process.
49. The applicant may choose to implement a more extensive scheme than the work included on the grant/loan schedule as long as the end result meets the appropriate needs. The applicant will be solely responsible for the costs of any additional works that are not approved by the Council as eligible works
50. The responsibility to gain all necessary approvals for works to be undertaken, with assistance, rests with the applicant or their agent. Such approvals may be Planning Permission or Building Regulation Approval or any of the matters raised within the terms and conditions of grant assistance.
51. The applicant will be responsible for ensuring the quality of the completed work, either directly or through an agent of the applicant or a Home Improvement Agency if used.
52. If an applicant submits an estimate/quote from a member of their family who then carries out the agreed works the grant/loan will only be paid on the basis of the cost of materials and not labour.
53. The Council will not undertake works on behalf of applicants, except where works may be due in default of an owner's or tenant's failure to comply with a statutory notice.
54. VAT on cost of work is eligible for funding
55. The Council will only consider payment towards unforeseen work where the total cost of the work does not exceed the loan or grant maximum. This will be in the event of unforeseen work being needed to allow completion of eligible works or associated works of a nature to protect the health and safety of occupiers, or evidenced increases in costs to the contractor from their suppliers etc. Additional funding for this unforeseen work must be agreed by the Council before work is carried out where practicable. A formal re-approval to a higher level of assistance will be required before any payment above the originally approved level is paid.
56. The grant/loan works must be carried out by one of the contractors whose estimates/quotes were submitted as part of the application process, the grant/loan having been calculated by normally using the lowest priced estimate/quote or on the Council Officers' assessment of reasonable cost, using local knowledge.

Payment

57. All payments shall be conditional upon receipt of an acceptable invoice following agreement with the applicant that equivalent works to the appropriate stage have been satisfactorily completed.
58. The Council will ordinarily make payments direct to the contractor on completion of works and on production of a valid invoice, however will make reimbursement payment directly to the applicant on production of a receipt.
59. In the event of a dispute the Council retains the right to make a payment to the builder where they are satisfied with the quality of the work.
60. In a situation of dispute between the applicant and contractor, which is not resolved in a reasonable time period, the grant or part thereof, may be paid to the applicant at the discretion of the Council.
61. The Council will consider requests for interim payments such that no interim payment will be for more than 90% of the cost of completed work and in aggregate no more than 90% of the total approved amount before final completion.

Repayment General

62. In the event of a recipient of assistance pursuing a successful insurance claim, action for legal damages etc., which covers the cost of work for which a grant was previously paid, the applicant will on demand repay the total value of grant paid relating to such works, or the value of the insurance payment/legal damages if lower.

Repayment Terms for Grants

63a) Home Improvement Grants

- i. In the case of any grant, for which part or complete payment has been made, where an applicant disposes of the property before the conclusion of a 5 year period following the date of final payment then he/she shall repay to the Council on demand the amount of assistance that has been paid.

63b) Disabled Facilities Grants

- ii. Where a local land charge has been registered, repayment of the amount of grant above £5,000 (up to a maximum of £10,000) will be required to be repaid if the property is sold or transferred within 10 years of the date of completion of the grant. This is subject to restrictions set out in legislation with regard to grant recipients' situations.

Repayment Terms for loans

64. The following terms apply to all loans, but there are further terms and conditions for repayment of the Empty Property Loan and Home Improvement Loan which are set out separately below.

General Terms and Conditions:-

- There are no monthly payments.
- The loan can be repaid at any time but must be repaid in full
- The loan must be repaid when the property is sold or the last registered owner dies or goes into long term residential care, or if the terms and conditions have not been met

64a) Empty Property Loan

- i. The property must remain in the ownership of the loan applicant for a period of 5 years following the certified date of completion. During the whole of this period each unit of accommodation must normally be let to a tenant nominated by the Council at the local reference rent, or as agreed by the Council.
- ii. Early repayment may be waived if the Council's nomination rights are assigned to the new vendor but the charge will remain on the property.
- iii. The property must be maintained in a good state of repair once the works are completed and for a period of at least 5 years.
- iv. No interest is payable where the terms and conditions have been complied with for the period of 5 years following certified date of completion.
- v. Where these terms and conditions are not met the loan must be repaid in full by the owner, together with interest at 5% above base rate.

64b) Home Improvement Loan

- vi. The loan together with the total amount of interest must be repaid to the Council on disposal of the property. The loan together with the total amount of interest can be repaid at any time prior to property disposal.

Specific Terms and Conditions – Empty Property Loan and Home Improvement Loan

65. Empty Property Loan

- a. Properties excluded from the scheme are:

- i. Those built or provided through conversion less than 10 years prior to the date of application.
 - ii. Properties in shared ownership with a Registered Social Landlord
 - iii. Leasehold Properties with less than 55 years remaining on their lease
 - iv. Properties subject to any Compulsory Purchase or Leasing Order
 - v. Properties where a legal notice relating to the condition of the property has been served by the Council in the 5 years prior to application and where the requirements of the Notice were not complied to the satisfaction of the Council.
- b. Applications will not be accepted from anyone who has an active Housing and Planning Act 2016 Banning Order, or who is listed on the Register of Rogue Landlords.

66. Home Improvement Loan

- a. Interest rate is set at 2% above base rate.
- b. The loan repayment will be the capital, together with rolled up interest, calculated annually at the anniversary of the completion date.

Right of Appeal

67. Applicants who are not satisfied with the outcome of their grant or loan application may set out their case in writing to the Housing Development and Standards Manager for consideration. Applicants are entitled to use the Council's Complaints procedure for any subsequent disagreement.

[Back to Contents Page](#)

Appendix 3 – The Licensing of Houses in Multiple Occupation

The Housing Act 2004 covers the licensing of Houses in Multiple Occupation (HMOs). Mandatory Licensing is required for all HMOs that have five or more occupiers living in two or more households where there is a sharing of some facilities.

Definition of HMO

The full legal definition of a HMO is contained in sections 254 to 259 of the Housing Act 2004. Reference will always be made to the legislation in case of queries. However a summary of the definition is given below.

A HMO is a property that is occupied by three or more people who come from two or more families (separate households). The people living there have to pay rent (or some form of consideration), occupy the property as their main home and share an amenity such as kitchen, bathroom or toilet. A member of the same family means people who are married, or living together as if they were married, or related to each other. It is not relevant how the property is let i.e. the number of tenancy agreements, or how the tenants interact when determining if the property is a HMO.

Certain buildings that have been converted to separate units of accommodations will be classed as HMOs. The Council will seek to licence any such converted buildings where the building does not consist entirely of self-contained flats, for example where at least one flat in the HMO has a basic amenity situated across the common parts from the main unit of accommodation.

Certain buildings are designated under Schedule 14 of the Housing Act 2004 as not constituting HMOs for the purpose of the Act.

Unlicensed HMOs

It is an offence to operate a HMO which requires a licence, without the appropriate licence. If a landlord is operating a HMO without a licence, consideration will be taken to instigating legal proceedings. If a landlord approaches the Council directly with valid reasons for the delay and submits a valid application within 28 days, an informal approach will be adopted.

If the Council find a HMO which requires licensing, and a valid application is submitted subsequently, the Council will apply a reduced licence period to the HMO licence. In other circumstances the Council will carry out an investigation and if appropriate will consider taking formal action. This will also apply to landlords who fail to make a valid application for a renewal of their existing licence within 28 days of the previous licence expiring.

The Council may prosecute or serve a civil penalty notice of up to £30,000 on a person who operates a HMO without a valid HMO licence. The fines awarded by the Courts are unlimited. The Council may also use Rent Repayment orders to claim back any Housing Benefit, or equivalent, that was paid whilst the property was unlicensed. Tenants will also be provided with information and advice to allow them to apply to the First Tier Tribunal Service for a Rent Repayment Order to claim back the rent they paid.

Licence Applications

A valid licence application consists of:

- A fully completed application form
- A satisfactory gas safety certificate dated within 12 months prior to the date of application (where gas is provided to the property)*
- A satisfactory electrical installation condition report dated within 5 years prior to the date of application*
- Floor plans for the property (do not need to be to scale or professionally drawn)
- The relevant fee

*The Council may request up to date certificates at any time prior to issuing the licence, or during the licence duration if it feels it is appropriate and necessary.

Other information may be requested during the licence process including, but not limited to:

- Fire alarm and Emergency lighting certificates
- Electrical Portable Appliance Test Certificates
- Fire risk assessment (under the Fire Safety (Regulatory Reform) Order

(Note: Landlords/managers are legally required to have carried out a Fire risk assessment for their property)

The application form can be completed online using the Gov.uk application form accessible via the Council website, or by hand on a form available on request. Either form is valid provided they are fully completed.

Any information provided on the form may be subject to verification checks. This may include consultation with other Council departments, or other local authorities, as appropriate.

The relevant fee for the licence will be in accordance with the current Council Fees and Charges which are agreed at full Council meetings annually. In line with recent Court decisions, the first part of the fee is payable at time of application (Stage 1), and the remainder (stage 2) is due when the decision to grant a licence is made. If the Council refuse to grant a licence the subsequent fee is not payable. The stage 1 application fee is non-refundable.

Applications for renewal licences can be made 3 months before the current licence expires. Once a licence has expired then the property will be treated in the same way as other unlicensed HMOs with regard to requests for a valid application to be made and necessary enforcement action.

If the landlord wishes to, licences may be applied for in advance of the property becoming an HMO, although this should be done no more than 3 months before the property is expected to be licensable. However the legal duty to make a licence application does not take effect until the property is occupied by 5 persons as a HMO.

A full refund of the application fee will only be made in the following circumstances:

- The property for which the application was made is not licensable under the mandatory HMO licensing scheme
- A duplicate application has been made;
- A renewal application has been made more than 3 months before the existing licence expires.

Suitability of the Property for Multiple Occupation

The Council must satisfy itself that the property is suitable, or can be made suitable for the number of occupants either applied for, or specified on the licence.

An inspection will be carried out of the whole property to verify information provided, assess the condition and suitability and to ensure that the property is free of category 1 hazards as defined by the Housing Health and Safety Rating System.

Where there are minor deficiencies that can be put right by inclusion of a condition of the licence, this will normally be the chosen course of action. Such conditions can only be applied where they relate to provision of amenities, space standards or minor fire precaution works. If the Council believes that there is a Category 1 hazard present, it may use powers under Part 1 of the Housing Act 2004 to remedy the defects.

Fit and Proper Person

Before granting a licence the Council must be satisfied that the proposed licence holder, manager and any person involved in the management of the property are fit and proper persons. Such checks will be carried out as necessary to determine this.

A person's fit and proper status may be reviewed at any time if circumstances change. If it is determined, at the time of licence application, that a person is not fit and proper, the applicant will be offered the opportunity to find a more appropriate person in the first instance, rather than refusal of the licence application, although that remains an option. If it is determined during the course of the licence that a person is not a fit and proper person, this may result in revocation of the existing licence(s).

Duration of Licences

Licences will normally be granted for a five year period. This may be reduced to an appropriate lesser period in the following circumstances:

- To take into account the time that the property should have been licensed (where it was not licensed);
- Where the Council discovered the HMO to be unlicensed (i.e. where the owner or manager had not approached the Council with a view to seeking a licence);
- Where the property has not been satisfactorily managed; or
- Where the Council is concerned that the proposed management arrangements may not be satisfactory and would like evidence that they are before a longer licence is granted;

- Where the property does not have the appropriate planning permission in place for the current use.

Breach of Licence

HMO licences are issued with certain conditions that require the licence holder to comply with including the number or type of persons or households that are permitted to occupy, or improvements to be made to the condition or amenity levels at the property.

It is an offence to fail to comply with a licence condition or permitting over occupation of the property without a reasonable excuse. Offenders may be prosecuted or served with a civil penalty notice.

Temporary Exemption Notices

The Council may grant a temporary exemption notice (TEN) on application by the owner or landlord for a period of up to three months in the following circumstances:

- The owner of a licensable HMO (that is not licensed) states in writing that they are taking steps to make it non-licensable; and
- The Council is satisfied that it will be non-licensable within the period of 3 months from the date of application.

One further TEN may be issued in exceptional circumstances at the discretion of the Council.

Any property that is likely to still be licensable after six months of the date of initial application will need to submit a full and valid licence application rather than a TEN application.

If a licence holder dies whilst holding a current licence, the property will be treated as if a TEN had been issued for a period of three months to allow the executors of the estate to prepare for an alternative licence holder.

[Back to Contents Page](#)

Appendix 4 – Mobile Home Sites Licensing Fee Policy

Introduction

The Caravan Sites and Control of Development Act 1960 (“the Act”) requires certain caravan sites (also referred to as Mobile Home Parks or Park Homes) to be licensed by Councils. The Mobile Homes Act 2013 amends this legislation and allows the Council to charge site owners a fee in specified cases. This Act came into effect on 26 May 2013.

Section 10A (2) of Act requires a Council to publish a Fees Policy before charging a fee. This fee policy details when a fee is payable, and how these fees have been calculated. The current fee will be published on the Council’s website in the Fees and Charges report.

In setting this policy, Test Valley Borough Council has had regard to the DCLG document “The Mobile Homes Act 2013 – A Guide for Local Authorities on setting site licensing fees” and the MHCLG guidance on Setting Fees for Fit and Proper Person checks.

Scope of the Licensing Fees

Fees will apply to relevant protected sites who require a site licence under the Act.

A relevant protected site is defined in the Act as any land to be used as a caravan site other than one detailed in the exemptions.

The licence fee will not apply to the following sites:

- Sites for holiday use only
- Sites where conditions require that there are times of year when no caravan may be stationed on the land for human habitation
- Sites that are occupied only by the site owner and his/her family or by a person employed by the site owner except where under an agreement to which the Mobile Homes Act 1983 applies.

Fees will be charged for:

- i. applications to grant a new site licence,
- ii. applications to transfer a site licence;
- iii. applications to vary site licence conditions;
- iv. depositing of site rules with the Council;
- v. an Annual fee for administering and monitoring site licences
- vi. applications to be included on the local register of fit and proper persons to manage a site
- vii. annual charge for the existing entries on the register of fit and proper persons

In addition the Council is able to charge for enforcement activity and works in default which are not included in the licence fee. These fees are set at the hourly rate of officers for the time involved in the enforcement action.

Calculation of the licence fee

Licence fees have been calculated on the cost to the Council for carrying out the specified activity. This includes officer time on site as well as work in the office and travelling. It will also include a cost for mileage for travel to the site as calculated from the Andover office.

The annual fee includes the cost to the Council for carrying out an annual site survey, and associated correspondence, and dealing with enquiries and complaints from residents (not including the taking of formal enforcement action). The annual fee is calculated for the cost of dealing with all licensed sites and proportioned according to the size of the site. This is using the methodology of option 2 in the MHCLG guide Section G.

The Council cannot make a profit on licensing fees. Charges must be limited to recovering the costs of exercising their licensing function as it relates to relevant protected sites.

Licence Fees

The table below is provided to give an indication of the level of fees that may be charged by the Council. It is important to note that the fees included below were correct at the time of writing, but may have subsequently been subject to change. The fees set out below are not, therefore, to be considered a definitive guide.

Number of units	Applicable to all sites	1-5	6-15	16-30	31-45	46 and above
New application for a site licence	N/A	£556	£576	£615	£634	£693
Transfer of Site Licence	£136	N/A	N/A	N/A	N/A	N/A
Varying site licence	£484	N/A	N/A	N/A	N/A	N/A
Annual Fee	N/A	£235	£245	£321	£342	£364
Depositing site rules with Local Authority	£62	N/A	N/A	N/A	N/A	N/A
Fit and Proper Person Register Application Fee		N/A	N/A	N/A	N/A	N/A
Fit and Proper Person Annual Fee		N/A	N/A	N/A	N/A	N/A

Applications for Granting a Site Licence

Fees are payable on application. Applications will not be processed until the correct fee is received.

Applications for Transferring a Site Licence

Fees are payable on application. Applications will not be processed until the correct fee is received. Applicants should contact Test Valley Borough Council to establish if a transfer is permissible before application.

Applications for varying a Site licence conditions

Fees are payable on application from a licence holder to vary the site licence conditions. Applications will not be processed until the correct fee is received. No fee is payable if Test Valley Borough Council decides on its own initiative to vary the licence conditions. Please note that an application to vary site licence conditions and payment of a fee does not mean that Test Valley Borough Council will agree to this variation. The fee is non-refundable in the event that the Council refuse the variation.

Applications for depositing Site Rules

The Mobile Homes Act 1983 (as amended) requires a site owner to deposit the site rules with the local authority and for the local authority to publish them on its website. The cost for this takes into account the officer time required to do this. The fee is payable at the time of depositing site rules.

Annual Site Licence Fee

The Annual Fee will apply from 1 April each year. Requests for payment will be sent out in April or as soon as possible afterwards and are expected to be paid within 28 days of the date of the invoice.

Site licences which are issued part way through the year will not be required to pay an annual fee until the following April.

If a fee is not paid within the 28 days, the Council will apply to the tribunal for an Order requiring its payment by a date specified. If the fee is not paid as directed by that Order the Council may enforce the Order in the County Court, and after a period of 3 months of the date specified in that order if it still remains unpaid, apply to the First Tier Tribunal for an Order revoking the site licence.

The Council will review the cost to the Council in dealing with licensed sites in each financial year as part of its process to establish fees and charges. The licensing fees may be subject to change from year to year as a result of this process but will always be established on the basis of cost recovery only.

Fit and Proper Person register

Fees are payable on application from the licence holder. The level of fee will be charged in accordance with guidance from the Ministry of Housing Communities and Local Government (MHCLG). Applications will not be considered valid and therefore not processed until the correct fee is received.

No refunds will be given in event the Council does not approve an application for entry onto the register.

The Council has calculated the fees based on the expected time taken to process the applications on average. It has taken into account factors as included in the MHCLG guidance. It does not include costs relating to the exercising of other functions under the Caravan Sites and Control of Development Act 1960.

All relevant protected sites, except those only occupied by members of the same family and not run as a commercial residential site, will be subject to the fit and proper person test and will be required to pay a fee. Sites operated by Test Valley Borough Council will not be required to pay a fee.

Annual Fees for entries on the Fit and Proper person register

On setting the annual fee the Council has taken into account matters as specified in the MHCLG guidance.

Annual fees will be requested in the April after the entry appears in the register and will apply until the entry on the register has expired.

The Council will take into account costs in operation of the scheme from the previous year and may adjust the subsequent annual fee accordingly.

Enforcement Fees

Any enforcement action cannot be included in licensing fees. The Mobile Homes Act 2013 amends the Act to include provision for charging for enforcement. The Council is entitled to recover its costs in deciding to and in the service of a compliance notice. This includes costs incurred in inspections, preparing the notice and obtaining expert advice on it (including legal costs) and any interest the authority intends to charge. This will be calculated on an individual case basis and the demand for recovery will be sent with the compliance notice.

The Council can and will recover the costs involved in respect of work in default and emergency works including the cost of serving notices.

Review of Fee Policy

The fee policy came into force in the 2016/17 financial year. The fees are amended each financial year to take into account the actual costs incurred by the Council.

Changes to the calculation of annual fees as a result of surplus and deficit will be determined by the Head of Housing and Environmental Health in conjunction with Finance.

The fee levels will be reviewed each year as part of the Council's Fees and Charges report to take into account the effect of inflation and any other alteration in cost to the Council, either higher or lower and will be published on the Council's website following the Council's decision.

In requiring payment of annual site licence fees each year the Council will inform the site owner of the extent to which they have had regard to any surpluses/deficits from the previous year and will confirm to the site owner the annual fee for the forthcoming year.

Appendix 5 – Civil Penalties for Housing Offences Policy

Introduction

The Housing and Planning Act 2016 amends the Housing Act 2004 to allow financial penalties, up to a maximum of £30,000, to be imposed as an alternative to prosecution for certain relevant housing offences. It is important to specify that the burden of proof required to issue a civil penalty is the same as for a prosecution. Therefore the Council must be satisfied that there would be a realistic prospect of conviction should the case be prosecuted in the Magistrates' Court in line with the Crown Prosecution Service Code for Crown Prosecutors.

These housing offences are:

Housing Act 2004:

- Section 30 (failure to comply with improvement notice)
- Section 72 (licensing of Houses in Multiple Occupation (HMOs))
- Section 95 (licensing of houses under Part 3)
- Section 139(7) (failure to comply with overcrowding notice)
- Section 234 (management regulations in respect of HMOs)

Electrical Safety Standard in the Private Rented Sector (England) Regulations 2020

- Regulation 3 (Failure to comply with the duties placed on a private landlord)

Schedule 13A has been introduced into the 2004 Act and prescribes the procedures that a local housing authority must follow before imposing a financial penalty, for imposing the penalty, the appeal process and the procedure for recovery of the penalty.

The government has issued statutory guidance – Civil Penalties under the Housing and Planning Act 2016: Guidance for Local Authorities (MHCLG April 2018). Local housing authorities must have regard to this guidance. It recommends certain factors a local authority should take into account when deciding on the level of civil financial penalty and also recommends that local authorities develop and document their own policy on determining the appropriate level of financial penalty in a particular case.

This is Test Valley Borough Council's policy on determining the appropriate level of financial penalty.

There is no specific guidance on the levels of penalties that should be issued. The Council has therefore decided to follow the principles set out in the Sentencing Council Definitive Guideline – Health and Safety Offences, Corporate Manslaughter and Food Safety and Hygiene Offences. The Sentencing Council have set out a range of fines which are linked to culpability of the offender and the actual and potential harm resulting from the offence.

The policy is set out using the Sentencing Council guidance and MHCLG statutory guidance to ensure that the penalty levels are fair, appropriate and reasonable for the seriousness of the offence.

The funds from financial penalties are required to be used to fund further private rented sector team enforcement activity to maintain standards in the private rented sector within Test Valley. (The Rent Repayment Orders and Financial Penalties (Amounts

Recovered)(England) Regulations 2017 and The Housing (Management Orders and Financial Penalties)(Amounts Recovered)(England) Regulations 2018)

Process

The financial penalty will be determined in a series of steps to take into account the relevant factors including the culpability of the offender, the level of actual or risk of harm, the financial status of the offender, and other aggravating factors including previous convictions and record of management, as well as mitigating factors including record of management and cooperation with the investigation.

The process builds in a checking process to ensure that the proposed level is proportionate to the overall means of the offender and it reflects the seriousness of the offence. It is important that the financial penalty should meet, in a fair and proportionate way, the objectives of punishment, deterrence and the removal of gain derived through the commission of the offence. It should not be cheaper to offend than to take the appropriate precautions.

Obtaining Financial Information

The statutory guidance advises that local authorities should use their existing powers to, as far as possible, make an assessment of a landlord's assets and any income (not just rental income) they receive when determining an appropriate penalty.

In setting a financial penalty, the Council may conclude that the offender is able to pay any financial penalty imposed unless the Council has obtained or the offender has supplied any financial information to the contrary. An offender will be expected to disclose to the Council such data relevant to his financial position to enable the Council to assess what an offender can reasonably afford to pay. Where the Council is not satisfied that it has been given sufficient reliable information, the Council will be entitled to draw reasonable inferences as to the offender's means from evidence that it has received and from all the circumstances of the case, which may include the inference that the offender can pay any financial penalty.

Where an offender owns one or more properties and claims that they are unable to pay a financial penalty and shows that their income is small, consideration will be given to properties owned that can be sold or refinanced.

Step 1 – Determining the offence category

The offence category will be determined using the culpability and harm factors as outlined below. Where an offence does not fall squarely into a category, individual factors may require a degree of weighting to make an overall assessment.

Culpability

Very High

Where the offender intentionally breached, or flagrantly disregarded, the law or who has a high public profile and knew their actions were unlawful.

High

Actual foresight of, or wilful blindness to, risk of offending but risk nevertheless taken. Ignoring concerns raised by others (including occupants, the Council or other regulatory bodies)

Medium

Offence committed through act or omission which a person exercising reasonable care would not commit

Low

Offence committed with little fault, for example, because:

- Significant efforts were made to address the risk although they were inadequate on this occasion
- There was no warning/circumstance indicating a risk
- Failings were minor and occurred as an isolated incident

Harm

Dealing with a risk of harm involves consideration of both the likelihood of harm occurring and the extent of it if it does.

High Likelihood of harm – category 1

- Serious adverse effect(s) on individual(s) and/or having a widespread impact
- High risk of an adverse effect on individual(s) – including where persons are vulnerable

Medium likelihood of harm – category 2

- Adverse effect on individual(s) (not amounting to category 1)
- Medium risk of an adverse effect on individual(s) and/or having a widespread effect
- The Council and/or legitimate landlords or agents substantially undermined by offender's activities
- The Council's work as a regulator to address risks to health is inhibited
- Consumer/tenant misled

Low Likelihood of Harm – category 3

- Low risk of an adverse effect on individual(s)
- Public misled but little or no risk of actual adverse effect on individual(s)

Definition of Harm – for avoidance of doubt, the meaning of harm will be used from the Housing Act 2004: Health and Safety Rating System – Operating Guidance (2006). This states that “*Harm is an adverse physical or mental effect on the health of a person. It includes, for example, physical injury, and illness, condition, or symptom whether physical or mental. It also includes both permanent and temporary harm.*”

Step 2 – Starting Point and Category Range

Having determined the category, reference will be made to the following starting points to reach an appropriate level of civil penalty within the category range. The Council will then

consider further adjustment within the category range for aggravating and mitigating features.

Starting points and ranges

		Range	
	Starting Point	Minimum	Maximum
Low Culpability			
Harm Category 3	£50	£25	£175
Harm Category 2	£125	£50	£350
Harm Category 1	£300	£125	£750
Medium Culpability			
Harm Category 3	£350	£175	£750
Harm Category 2	£1,000	£350	£2,000
Harm Category 1	£2,500	£750	£4,500
High Culpability			
Harm Category 3	£1,000	£500	£2,250
Harm Category 2	£3,000	£1,000	£5,500
Harm Category 1	£6,250	£2,500	£12,500
Very High Culpability			
Harm Category 3	£2,500	£1,250	£4,500
Harm Category 2	£6,250	£2,500	£12,500
Harm Category 1	£15,000	£6,250	£30,000

The starting point will be adjusted within the range taking into account the following factors:

Factors Increasing Seriousness

- Previous convictions, having regard to
 - o The nature of the offence to which the conviction relates and its relevance to the current offence; and
 - o The time that has elapsed since the conviction
- Motivated by financial gain
- Deliberate concealment of illegal nature of activity
- Established evidence of wider/community impact
- Obstruction of justice
- Record of providing substandard accommodation
- Record of poor management or not meeting legal requirements
- Refusal of free advice or training
- Member of accreditation scheme or professional body

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions or no relevant/recent convictions
- Evidence of steps taken voluntarily to remedy problem
- High level of co-operation with the investigation, beyond the expected level
- Good record of maintaining and management of property

- Self-reporting, co-operation and acceptance of responsibility
- Good character and/or exemplary conduct
- Mental disorder or learning disability, where linked to the commission of the offence
- Serious medical conditions requiring urgent, intensive or long-term treatment
- Age and/or a lack of maturity where it affects the responsibility of the offender
- Sole or primary carer for dependent relatives.

Step 3 – Review of Financial element and proportionality

Check whether the proposed level of financial penalty is proportionate to the overall means of the offender.

The fine should reflect the seriousness of the offence and take into account the financial circumstances of the offender.

The level of fine should reflect the extent to which the offender fell below the required standard. The fine should meet, in a fair and proportionate way, the objectives of punishment, deterrence and the removal of gain derived through the commission of the offence; it should not be cheaper to offend than to take the appropriate precautions.

The Council may increase or reduce the proposed fine reached at Step 2, if necessary moving out of the range in the table above.

In finalising the fine, the Council should have regard to the following factors:

- The profitability/income
- Any quantifiable economic benefit derived from the offence, including through avoided costs or operating savings, should normally be added to the fine arrived at in step 2.
- Whether the fine will have the effect of putting the offender out of business or forcing sale of the property will be relevant; in some bad cases this may be an acceptable consequence.

Step 4 – Other factors that may warrant adjustment

Consider any factors which indicate a reduction in the penalty, including those relating to the wider impacts of the financial penalty on innocent third parties; such as (but not limited to):

- Impact of the financial penalty on offender's ability to comply with the law or make restitution to victims;
- Impact of the financial penalty on employment of staff, service users, customers and local economy.

Step 5 – Reduction for early admission of guilt

The Council will take into account a potential reduction in the penalty for an admission of guilt prior to the financial penalty being issued. The following factors will be considered in setting the level of reduction:

- The stage in the investigation or thereafter when the offender admitted guilt
- The circumstances in which they admitted guilt

- The degree of co-operation with the investigation

The maximum level of reduction in a penalty for an admission of guilt will be one third. In some circumstances there will be less or no level of discount. For example where the evidence of the offence is overwhelming or there is a pattern of criminal behaviours.

Any reduction should not result in a penalty which is less than the amount of gain from the commission of the offence itself.

Step 6 – Additional Actions

In all cases the Council must consider whether to take additional action. These may include works in default, Interim Management Orders or Rent Repayment Orders. The Council cannot take a prosecution case for the same conduct as is the subject of a financial penalty notice.

Step 7 – Totality Principle

If issuing a financial penalty for more than one offence, or where the offender has already been issued with a financial penalty, consider whether the total penalties are just and proportionate to the offending behaviour.

Cost to the Council of issuing financial penalty will be calculated and added on at this stage.

Where the offender is issued with more than one financial penalty, the Council should consider the following guidance from the definitive guideline on Offences taken into Consideration and Totality (The Sentencing Council)

“The total financial penalty is inevitably cumulative. The Council should determine the financial penalty for each individual offence and taking into account the circumstances of the cases including the financial circumstances of the offender so far as they are known, or appear, to the Council. The Council should add up the financial penalties for each offence and consider if they are just and proportionate. If the aggregate total is not just and proportionate the council should consider how to reach a just and proportionate financial penalties. There are a number of ways in which this can be achieved.

For example:

- *Where an offender is to be penalised for two or more offences that arose out of the same incident or where there are multiple offences of a repetitive kind, especially when committed against the same person, it will often be appropriate to impose for the most serious offence a financial penalty which reflects the totality of the offending where this can be achieved within the maximum penalty for that offence. No separate penalty should be imposed for the other offences;*
- *Where an offender is to be penalised for two or more offences that arose out of different incidents, it will often be appropriate to impose a separate financial penalty for each of the offences, the council should add up the financial penalties for each offence and consider if they are just and proportionate. If the aggregate amount is not just and*

proportionate the Council should consider whether all of the financial penalties can be proportionately reduced. Separate financial penalties should then be passed. Where separate financial penalties are passed, the Council must be careful to ensure that there is no double-counting.”

Step 8 – Recording the decision

The officer making a decision about a financial penalty will record their decision giving reasons for coming to the amount of financial penalty that will be imposed. All decisions will be checked and verified by a more senior officer.

References

MHCLG Civil penalties guidance
The Sentencing Council: H&S offences
The sentencing council: Totality

[Back to Contents Page](#)

ITEM 8 Using the Community Infrastructure Levy towards a Strategic Regeneration Reserve

Report of the Planning Policy & Economic Development Portfolio Holder

Recommended:

- 1. That Community Infrastructure Levy funds are used towards the Strategic Regeneration Reserve to assist the delivery of the Romsey and Andover town centre masterplan objectives.**
- 2. That the Strategic Regeneration Reserve and Community Project Reserve is implemented as set out in Section 6 of this report.**
- 3. That the CIL Spending Protocol is amended so as to apply a cap of 50% of the total project cost to bids from the Community Project Reserve.**

SUMMARY:

- To draw on Community Infrastructure Levy (CIL) to build the Strategic Regeneration Reserve for both Romsey and Andover town centre masterplan objectives.
- A proportion of CIL funds are recommended to be set aside over successive years to grow the Strategic Regeneration Reserve.
- To draw on CIL to establish a Community Project Reserve.
- This will enable the continuation of CIL bids for local scale projects through the Community Project Reserve.

1 Introduction

- 1.1 The report recommends that the Strategic Regeneration Reserve is grown to assist with the delivery of the adopted masterplans for both Andover and Romsey using Community Infrastructure Levy (CIL) funds.
- 1.2 A proportion of CIL is proposed to be set aside for the Strategic Regeneration Reserve starting in the 2021/22 financial year. A separate Community Projects Reserve will remain for CIL bids to continue to come forward for community projects and local scale infrastructure in line with the Council's adopted CIL Spending Protocol.

2 Background

- 2.1 The primary purpose of CIL is to enable or mitigate development through the delivery of strategic scale projects. In accordance with National Planning Practice Guidance, CIL Charging authorities should use CIL in a strategic way to ensure that key infrastructure priorities are delivered to facilitate growth and the economic benefit of the wider area. This may, for example, include working with neighbouring authorities, Local Enterprise Partnerships and other interested parties and involve consideration of other funding available that could be combined with the levy to enable the delivery of strategic infrastructure, including social and environmental infrastructure, and facilitate the delivery of planned development.
- 2.2 The Council has committed to the regeneration of both Andover and Romsey town centres. The adoption of the respective masterplans in September 2020 outline the plans and proposals for creating attractive areas where people will want to live, work and spend their leisure time. In June 2019 Council agreed a budget of £1M, funded from the New Homes Bonus Reserve, to enable progress to be made with both the Andover Town Centre regeneration and the South of Romsey Town Centre project through their respective masterplans.
- 2.3 The need to begin setting aside CIL for the Strategic Regeneration Reserve now is important to contribute to long-term growth in the town centres. It is anticipated that the amount of forecasted CIL that the Council receives through planned growth will not be sufficient to deliver the entirety of the masterplan objectives for both town centres. However, building a financial reserve demonstrates the Council's commitment to delivering the early phases of both Romsey and Andover masterplan areas.
- 2.4 One of the primary purposes of CIL is to enable development. A reserve will act as a tool to leverage further funding/ investment so that the Council can demonstrate to potential partners and/or investors that it has committed to kickstarting delivery. This is likely to be particularly important to commence work on the more short term elements of the masterplan, such as public realm improvements and biodiversity enhancements and will increase the attractiveness and functionality of the town centres and stimulate further investment to facilitate delivery of subsequent phases of the masterplans.
- 2.5 Contributing to the Strategic Regeneration Reserve using CIL will mean changing the way CIL receipts are apportioned. Currently 80% of funds received are available via the adopted CIL Spending Protocol for bids by community groups and Parish Councils. This approach is unique amongst local authorities. Since 2017, it has provided an opportunity for Parish Councils and local community groups to bid on strategic funds for smaller scale projects.
- 2.6 At the same time as building the Strategic Regeneration Reserve, a separate Community Projects Reserve will be created using CIL funds for local scale projects. This will enable the continuation of bids for the delivery of small scale local projects, in line with the CIL Spending Protocol, albeit tapered over successive years as set out in Section 6.

- 2.7 It is important to note that Parish and Town Councils will still receive 15% of the CIL funds from development within their area (or 25% for those Parishes that have undertaken the process of achieving an adopted Neighbourhood Development Plan). The purpose of the 15% (or 25%) forwarded to Parish Councils is to directly mitigate the impact of development in localised way without relying on the local authority's strategic infrastructure element of CIL.
- 2.8 In the last 5 years since the CIL Spending Protocol was adopted, good quality bids from community groups and parishes have been received and either fully or part funded, enabling the delivery of valuable projects at a local scale. The majority of these projects have been planned over many years and draw together other sources of funding to be combined with CIL. A list of projects that have been funded by CIL are appended to this report in Annex 1 and demonstrate the scale and distribution of projects in receipt of CIL.
- 2.9 The Community Projects Reserve as well as the neighbourhood proportion of CIL, the Community Asset Fund and any unallocated Section 106 contributions would remain available and could be used in combination, alongside any other sources of funds, to enable small and medium sized local infrastructure projects to come forward, with advice and support from the Council's officers.

3 Corporate Objectives and Priorities

- 3.1 To ensure Test Valley's town centres adapt and thrive, the importance of town centres is enshrined in the Council's Corporate Plan (Growing our Potential 2019 – 2023) which recognises the need to invest in the Borough's town centres.
- 3.2 The Romsey South of Town Centre Masterplan was adopted at Council on 2 September 2020. The adopted masterplan document is shaped by extensive engagement and close working with Romsey's communities, including an innovative approach to a citizen's assembly and the members of Romsey Future.
- 3.3 On 28 September 2020, the Council adopted the Andover Town Centre Masterplan. Following extensive engagement with Andover Vision and other key stakeholders the masterplan sets out a series of objectives to improve the long term viability and attractiveness of the town centre.
- 3.4 Both masterplans are driven by a desire to respond to the change in shopping habits and are supported by proposals in each masterplan document for alterations in the physical fabric of each town centre to adapt to changes and ensure town centres remain relevant and attractive.

4 Consultations/Communications

- 4.1 This proposal has been the subject of discussions with senior Members and senior officers within the Council.

4.2 Subject to the approval of the recommendation there will be communication with parish councils and community groups informing them of the change in arrangements.

5 Options

5.1 There are three options considered. The first is whether the Council establishes a Strategic Regeneration Reserve (Option 1), or not (Option 2). Option 3 considers whether to apply a cap of 50% of the project cost to bids from the proposed Community Project Reserve.

6 Option Appraisal

6.1 Option 1 (Recommended)

6.2 This option will ensure a suitable level of funding for a Strategic Regeneration Reserve whilst maintaining the ability for local communities to bid for funding through a Community Project Reserve to deliver on their aspirations.

6.3 Following the proposed allocation of CIL funds to projects at Cabinet in June 2021 (for CIL bids received between September and November 2020) 60% of the remaining CIL funds would be set aside as a deposit to establish the Strategic Regeneration Reserve (after deductions have been made for the parish portion and administrative expenses)

6.4 Furthermore, as shown in Table 1 below, 60% of CIL receipts and increasing to 80% of CIL receipts (after deductions have been made for the parish portion and administrative expenses) will be set aside year on year between 2021/22 and 2023/24, levelling off at 80% thereafter.

6.5 Table 1

	2021/22	2022/23	2023/24
Income	£800,000	£600,000	£800,000
Parish Portion	£120,000	£90,000	£120,000
Admin Expenses	£40,000	£30,000	£40,000
Strategic Regeneration Reserve	£384,000	£336,000	£512,000
Community Project Reserve	£256,000	£144,000	£128,000

6.6 It should be noted that the figures in Table 1 are estimates based on forecasted CIL income linked with known and planned development in the Borough.

- 6.7 While the Community Project Reserve would be reduced, Parishes and community groups will still have the opportunity to bid for funding for projects from this element of CIL. These bids can be supplemented by additional sources of funding such as unspent S106 funds, the Community Asset Fund as well as the parish proportion (15% or 25%) of CIL.
- 6.8 **Option 2**
- 6.9 The alternative option is that the Council does not use CIL to contribute to the Strategic Regeneration Reserve. This is not preferred for the following reasons.
- 6.10 The Council has a corporate commitment to invest in Test Valley's two main town centres of Andover and Romsey as set out in the Corporate Plan 2019 – 2023. The purpose of investing in the Borough's town centres is an opportunity to future proof our town centres, enhancing public spaces and ensuring growth benefits all of Test Valley's communities.
- 6.11 The Strategic Regeneration Reserve would form part of a suite of options to create a funding package to then lever in further funding. Without it, it increases the challenge, and risk of not being able to deliver on the masterplan objectives in a timely way. For example the enhancement of public spaces in both Romsey and Andover town centres is key to ensuring success and further investment, but which are unlikely to generate a capital receipt in order to secure delivery.
- 6.12 **Option 3**
- 6.13 This report recommends the creation of a Community Project Reserve and that a cap of 50% be introduced for future bids. Presently there is no cap and the Council has seen increasingly large bids from external organisations. By establishing a cap it would enable a greater range of schemes to benefit from the Community Projects Reserve. Without a cap a small number of expensive bids could exhaust the reserve to the detriment of a greater number of community schemes.
- 6.14 Reducing the amount that external organisations can bid for may affect the proposals delivery. However, CIL forms one element of funding available for community and local scale projects. Other funds that are available include the Community Asset Fund, the parish proportion of CIL (15% or 25%) and unallocated S106 funds. All of these funds, including any reserve held by parishes as well as fund raising within the community can be used in combination with the CIL Community Project Reserve. This enables communities to plan for and draw together several options for funding in working up a project in consultation with their communities.
- 6.15 For these reasons it is recommended that a cap of 50% of the project cost should be applied to bids to the Community Project Reserve. It should be noted that the total value of all the projects in this latest bidding round (1 April – 30 June 2021) are likely to draw on the majority of CIL funds available for community projects. The latest bidding round would continue unaffected by these proposals.

7 Risk Management

- 7.1 The recommendation allows for a pragmatic approach to supporting the regeneration of our town centres whilst also providing funds for parish and community groups' projects.
- 7.2 An evaluation of the risks indicate that the existing controls in place mean that no significant risks have been identified at this time.

8 Resource Implications

- 8.1 There are no additional resource implications for this proposal. Apportioning and allocating CIL funds can be carried out as part of the role of the CIL Officer.

9 Legal Implications

- 9.1 There are no legal implications of the chosen option. The management of CIL funds is at the discretion of the Council, provided that CIL is applied to the infrastructure types as listed in Paragraph 2, Section 216 of the Planning Act 2008 (as amended),

10 Equality Issues

- 10.1 The EQIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have and will be taken.

11 Other Issues

11.1 Community Safety

- 11.2 None identified

11.3 Environmental Health Issues

- 11.4 None identified

11.5 Sustainability and Addressing a Changing Climate

- 11.6 A Strategic Regeneration Reserve will assist with the delivery of Andover and Romsey masterplan areas, particularly the early phases, providing a resource to enable the delivery of Corporate Action Plan projects for Andover Town Centre and South of Romsey Town Centre which may include improvements to green infrastructure and the natural environment as well as enhancing pedestrian and cycle links, encouraging greater walking and cycling.

11.7 Property Issues

- 11.8 None identified

11.9 Wards/Communities Affected

11.10 The South of Romsey Town Centre masterplan area is located within Abbey Ward. The Andover Masterplan Area is located in St Mary's Ward. However, a Strategic Regeneration Reserve would contribute to the regeneration of both town centres, benefitting all Romsey and Andover residents, businesses within the towns and those residents of surrounding areas and visitors who choose to come to the towns.

11.11 With regards to the Community Project Reserve all communities and organisations have the ability to submit bids for funding.

12 Conclusion and reasons for recommendation

12.1 The proposal to build the Strategic Regeneration Reserve using CIL funds represents an opportunity to assist with the delivery of the initial phases of both Andover and Romsey masterplan objectives and demonstrates the Council's commitment to initiating action in line with the Corporate Action Plan 2019 – 2023 with regard to supporting town centres.

12.2 Through the proposed Community Projects Reserve it enables the continuation of CIL bids for community projects and local scale infrastructure projects, allowing communities to continue to plan for the delivery of essential infrastructure to meet the needs of their communities.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	1	File Ref:	N/A
(Portfolio: Planning Policy & Economic Development) Councillor N Adams-King			
Officer:	Katie Rasdall Lawes & Oliver McCarthy	Ext:	8256 8176
Report to:	Cabinet	Date:	26 May 2021

ANNEX 1

Amount of CIL allocated to infrastructure projects approved under the CIL Spending Protocol: £1,214,836

2018/19

Kings Somborne Community Building – £95,000

Romsey Flood Alleviation Scheme – £25,000

Bourne Valley Flood Alleviation Scheme – £20,526

Southampton Road Pedestrian and Cycle Route – £270,000

Barton Stacey MUGA – £35,715

Botley Road Crossing – £35,000

2019/20

Plaza Theatre Stage House Rebuild – £200,000

Longparish Playground Redevelopment – £40,000

Access Improvements at Charlton Lakes – £100,355

Ampfield Recreation Ground – £66,432

Valley Park Community Centre – £79,525

Over Wallop War Memorial – £19,970

Braishfield Village Hall – £95,813

2020/21

Stockbridge Travel to School Plan – £95,000

King Johns House Gates and Signage – £36,500

ITEM 9 **Independent Retailer Grant**

Report of the Economic Development & Tourism Portfolio Holder

Recommended:

- 1. That the terms of the Independent Retailer Grant Scheme attached at Annex 2 to the report are confirmed.**
- 2. That a one off grant of £250 from the 2021/22 Independent Retail Grant budget be paid after the third month of their occupation to eligible independent retailers in the Andover retail incubator (Unit 15, The Chantry Centre, Andover) in line with Annex 2 to the report.**
- 3. That delegated authority be given to the Economic Development Officer in consultation with the Head of Finance and Revenues and Economic Development and Tourism Portfolio Holder to determine applications for and to administer the Independent Retailers Grant.**
- 4. That delegated authority be given to the Economic Development Officer in consultation with the Head of Finance and Revenues and Economic Development and Tourism Portfolio Holder to reduce the Independent Retailer Grant where the Council is making an equivalent level of financial support.**

SUMMARY:

- This report seeks to confirm the terms of the Independent Retailer Grant (IRG) and to authorise delegation to the Economic Development Officer in consultation with the Economic Development and Tourism Portfolio Holder, with the Head of Finance and Revenues to be able to provide the IRG and where appropriate to reduce the grant from £1,200 where there is equivalent in kind financial support from the Council.
- That the Council provide a one off grant of £250 to eligible independent retailers in the Andover retail incubator. This proposal is within budget.

1 Introduction

- 1.1 This report seeks to confirm the terms of the Independent Retailer Grant scheme and to seek delegated authority to the Economic Development Officer in consultation with the Head of Finance and Revenues and Economic Development and Tourism Portfolio Holder to determine applications for and to administer the grant and in appropriate circumstances to reduce the cash grant from £1,200 where there is equivalent in kind financial support from the Council.

- 1.2 This report has also been prepared following a request from Andover BID as to whether independent retailers expected to occupy the retail incubator shared space in unit 15 of The Chantry Centre (see Annex 1) are eligible to receive the Independent Retailer Grant. The unit has been empty for one year. Previously the grant has only ever been awarded to businesses which exclusively occupy a retail unit, although the terms of the grant do not refer to sole occupancy. Therefore the report recommends authorisation of a one off £250 grant from the Independent Retail Grant fund to eligible independent retailers in the Chantry Centre retail incubator unit.

2 Background

- 2.1 The IRG was first established in 2013. The £1,200 grant is paid to independent businesses taking ground floor premises which were vacant for more than one month in Andover and Romsey town centres. The first £600 instalment is paid 3 months after the application is approved and the second £600 instalment, after 9 months (see Annex 2 for eligibility criteria). Successive rounds of funding have come from the New Homes Bonus.
- 2.2 Town centres are one of the four key priorities in the Council's corporate plan. Shops and other businesses which offer customers goods and services are at the heart of our town centres. The basis for creation of the grant was to support Andover and Romsey town centres by encouraging and supporting independent retailers to establish themselves within vacant units. The fundamental challenges faced by town centre businesses for a number of years, notably online and out of centre competition, have been exacerbated by the Pandemic. The recent closure of many multiple chains means independent retailers are more important to the vibrancy of town centres than ever before. The justification for the IRG is as strong now as it was then.
- 2.3 A review of the process for considering and authorising grant applications has been undertaken. This has identified that both elements need reaffirming. This is also in part to reflect changes within the structure of the organisation.
- 2.4 Since its introduction, independent retailers in Andover have received 33 grants and in Romsey, 22. The number each year varies although Andover businesses received 7 in 2018/19 and 8 in 2019/20 reflecting the involvement of the BID and promotion of the Chantry Centre.
- 2.5 Over the last 7.5 years 55 independent businesses have received the grant (most receiving the previous total of £1,000 but some only £500 for various reasons). 35 (64%) are still trading. As from the 1 April 2021 the Independent Retailer Grant rises to 2 instalments of £600 making a total of £1200.
- 2.6 The survival rate of businesses which received the IRG compares favourably with the national 5 year rate. However, any comparison should be treated with caution because High Street business failures are higher than the average; the IRG sample is tiny; and any success or failure will reflect complex individual circumstances. For example, at least 3 of the 9 closures were due to ill-health and at least one closed as the result of lockdown.

- 2.7 The grant provides the opportunity for the Council to offer co-ordinated support for the new business including from regulatory services, referral for BID/Town Centre Manager support and to wider promotional opportunities. Such connections can play an important supportive role and complement Government support through Small Business Rate Relief.
- 2.8 The Council has been approached by the Andover BID Manager as to whether the proposed 8 occupiers of a new retail incubator in The Chantry Centre are eligible to receive the Independent Retailer Grant.
- 2.9 The retail incubator in The Chantry Centre is an innovative scheme designed to attract independent retailers into the town centre on affordable terms in the hope they will stay and grow. It is a joint project by the Council, as owner and manager of The Chantry Centre and Andover BID, which will attract the occupiers.
- 2.10 It is now recommended that eligible independent retailers occupying the retail incubator be offered a one off grant of £250, from the IRG budget, 3 months after moving in.
- 2.11 The justification for the lower sum is that the occupiers of the retail incubator will receive a benefit in kind of just under £2,000 per annum by not having to pay rent or service charge. Furthermore they will be subject of a rolling three month license so there is uncertainty as to whether and how long they will remain in the incubator.
- 2.12 In order to make this offer it is recommended that Cabinet approves delegation in line with Recommendation 4 to allow for the ability to reduce the grant where there is equivalent financial in kind support from the Council (e.g. by not requiring rent and service charge).

3 Corporate Objectives and Priorities

- 3.1 Growing the potential of town centres to adapt and be attractive, vibrant and prosperous places in one of the four priorities of the Council's corporate plan, Growing our Potential.
- 3.2 The Independent Retailer Grant has been an important and pragmatic means of encouraging and supporting town centre businesses since its introduction in 2013 and during the ensuing period of unprecedented challenge.
- 3.3 The Council's recently adopted Interim Economic Development strategy reiterates the importance of the IRG in helping our town centres

4 Consultations/Communications

- 4.1 As part of confirming the IRG the Council would continue to promote the grant to businesses.

5 Options

- 5.1 The principle of the IRG is long standing and one that continues to play a part in helping the economy of Andover and Romsey town centres. The specific options to consider relate to reaffirming the administration and guidance of the IRGs and the level of support for potential bidders where other opportunities arise like those presented by the retail incubator unit. The main options for consideration relate to whether to fund the businesses in the retail incubator unit. The specific options are:

Option 1. To confirm the terms of the Independent Retail Grant and associated delegations and to make the reduced grant payments of £250 to eligible retail incubator occupants.

Option 2. To confirm the terms of the Independent Retail Grant and associated delegations and to make the full payment of £1,200 to eligible retail incubator occupants.

Option 3. To confirm the terms of the Independent Retail Grant and associated delegations and to make no grant payment to the occupants of the retail incubator because other support is offered.

Option 4. To remove the Independent Retailers Grant.

6 Option Appraisal

- 6.1 The retail incubator will not only enable its businesses to experience operating on the high street, albeit in sheltered terms, but will also occupy a large and prominent unit which has been vacant for a long time. The use will draw footfall to the Chantry Centre and Upper High Street thereby supporting the town centre.
- 6.2 Option 1 is the preferred and recommended option on the basis that it is appropriate and equitable to support fledgling independent retail businesses in the innovative Andover retail incubator. This is in line with the Council's approach of supporting business in the corporate plan and economic strategy. The reduced payment is at a scale which recognises the in-kind financial assistance the Council is giving by not charging rent or service charge.
- 6.3 The second option of providing the full payment as well as the additional benefits would put these businesses at an increased advantage when compared to other recipients of the IRG.
- 6.4 The third option of providing no grant payment to the businesses would seem contrary to the whole comprehensive approach to the Council's corporate objective of encouraging and supporting businesses in our town centres.
- 6.5 It has become necessary to update and confirm the terms of the Independent Retail Grant and delegation of authority for its operation and payment. These elements are therefore included in all identified options.
- 6.6 There is the option of removing the grant scheme however this would be counter to the aspirations of the corporate plan especially at a time when our town centres and retailers need support. This option is not recommended.

7 Risk Management

- 7.1 An evaluation of the risks associated with the matters in this report indicate that further risk assessment is not needed because the changes/issues covered do not represent significant risks.

8 Resource Implications

- 8.1 The Council has allocated £24,000 from The New Homes Bonus to support the operation of the Independent Retailer Grant for 2021/2022. The grant has increased from £1,000 to £1,200, from 1 April 2021, both to ensure the grant retained its value having been held at the same level since 2013 and to encourage recipient businesses to develop an online presence so that they could be more resilient.

9 Legal Implications

- 9.1 Economic Development is a concessionary rather than statutory duty. Therefore approval of this report involves no legal implications.

10 Equality Issues

- 10.1 The EQIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.

11 Other Issues

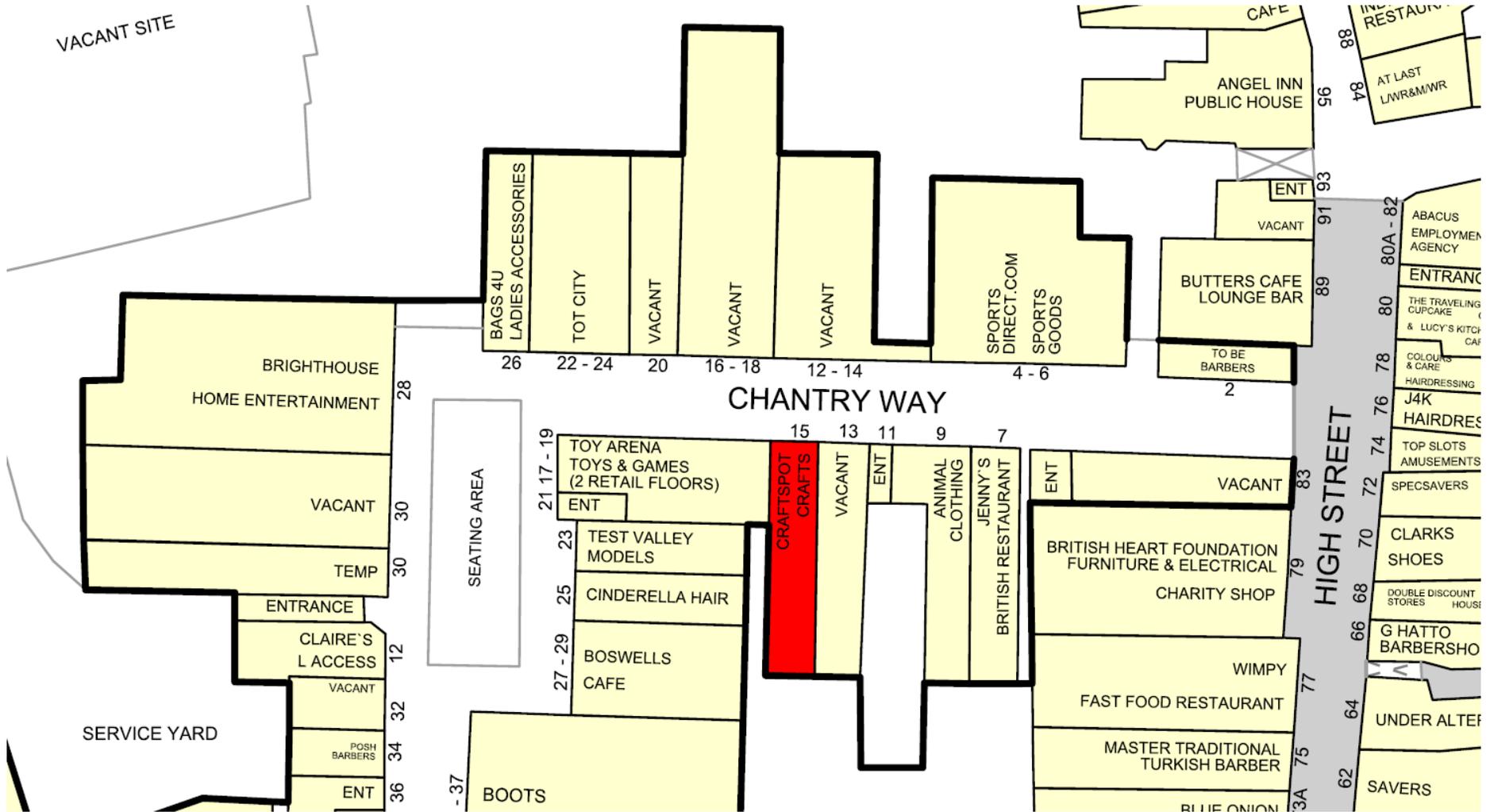
- 11.1 Community Safety – no issues arising
- 11.2 Environmental Health Issues – no issues arising
- 11.3 Sustainability and Addressing a Changing Climate –no issues arising
- 11.4 Property Issues
- 11.4.1 The Andover retailer incubator pilot is a joint project involving the Andover BID and the Council. By attracting and supporting new independent businesses to occupy a prominent, large and long standing vacant unit and thereby attracting footfall this proposal will support the use and viability of the Chantry Centre.
- 11.5 Wards/Communities Affected
- 11.5.1 The town centres are within St Mary's and Millway (south side of Bridge St) and Romsey: Abbey. However, supporting retailers in our towns has a wide benefit to all our communities.

12 Conclusion and reasons for recommendation

- 12.1 The IRG has made a significant contribution to the vitality of Andover and Romsey town centres since it was introduced in 2013. The annex to the report provides updated guidance on the administration of the grant. Providing a reduced grant along with other in-kind assistance provides support for those businesses occupying the incubator unit at the Chantry Centre as well as providing wider benefits for the economy of the town centre.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
The Interim Economic Development Strategy 2021			
The Corporate Plan 2019/2023			
<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: Economic Development) Councillor D Drew			
Officer:	David Gleave	Ext:	8309
Report to:	Cabinet	Date:	26 May 2021

ANNEX 1



ANNEX 2

Independent Retailer Grant

Eligibility:

- New or existing businesses moving into ground floor premises which have been vacant for at least one month in the Primary Shopping Areas of Andover and Romsey
- Use Classes E(a) (Shops), E(b) (Restaurants and Cafés) and E(e) (Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner))
- Sui Generis Tattoo Parlours, Beauticians, Massage Parlours and Nail Bars
- Dependent on all other relevant Council consents (e.g. planning permission, other licenses etc.).
- You should apply for the grant **BEFORE** you start the new business.
- Only one grant per business in any 5 years will be paid.

Please see the maps attached indicating the primary and secondary areas for Andover and Romsey town centres, plus Key. The Primary Shopping Area (solid light blue coloured area) within which are Primary Shopping Frontages (dashed/broken dark blue line) and Secondary Shopping Frontages (solid dark blue line)

The grant does not apply to:

- Nationally-owned multiple chains
- Remaining Class E uses¹ and Sui Generis uses (with the exception of Tattoo Parlours, Beauticians, Massage Parlours and Nail Bars)
- Charity shops
- Businesses already in receipt of the Business Incentive Grant.

Decisions on awarding the grant are made by the Economic Development Officer in consultation with the Head of Finance and Revenues and Economic Development and Tourism Portfolio Holder.

Payment is staged, £600 after 3 months and £600 after 9 months subject to the applicant providing evidence of trading (based on a pro forma) to the Economic Development Officer.

Any Independent Retailer occupying the Andover Retail Incubator (which has received the £250 IRG) is eligible for a second Independent Retailer Grant within 5 years subject to the total combined grants not exceeding £1200 and meeting the other eligibility criteria.

¹ Classes E(ci/ii/iii), E(d), E(f) and E(gi/ii/iii)

ITEM 10 Annual Governance Statement 2020/21

Report of the Finance Portfolio Holder

Recommended:

That the Annual Governance Statement for 2020/21 be approved and that the Leader and Chief Executive be authorised to sign it on behalf of the Council.

Recommendation to Council

SUMMARY:

- The purpose of this report is to seek approval for the Annual Governance Statement, which accompanies the 2020/21 Statement of Accounts.
- Best practice requires that the approval of this Statement is considered separately from the Statement of Accounts, although both are published together each year.

1 Introduction

- 1.1 Test Valley Borough Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. In discharging this overall responsibility, the Council is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions, which includes arrangements for the management of risk.

2 Background

- 2.1 As part of its responsibilities outlined above, the Council is also required to produce an Annual Governance Statement (AGS) and publish the Statement alongside its Annual Statement of Accounts. The format of the statement is based on guidance produced in 2016 by the Chartered Institute of Public Finance (CIPFA) in conjunction with the Society of Local Chief Executives (SOLACE) titled "Delivering Good Governance in Local Government: Framework".
- 2.2 The Statement is attached as an Annex to this report and covers the following areas:
- (a) Scope of responsibility
 - (b) The purpose of the Governance Framework

- (c) The impact of Covid-19 on the governance framework
- (d) The Governance Framework in place at the Council
- (e) A review of its effectiveness
- (f) A separate Annex of Significant Governance Issues that need to be addressed during 2021/22.

- 2.3 The Review of Effectiveness (item 2.2 (e)) has been carried out by the Temporary Chief Internal Auditor (DCIA) of Portsmouth City Council.
- 2.4 The TCIA has reviewed all of the internal audit work carried out during the year and familiarised himself with the Council's governance arrangements. To inform this work, a self-assessment of the internal audit function's conformance with the Public Sector Internal Audit Standards (PSIAS) was carried out in March 2021.
- 2.5 On the basis of Internal Audit work completed in 2020/21 only, the TCIA of Portsmouth City Council has provided a "substantial assurance" in respect of the Council's risk management, control and governance arrangements.
- 2.6 The emergence of the Covid 19 pandemic towards the end of March 2020 has had an unprecedented impact on the Council's budgets and governance arrangements for the 2020/21 financial year. The impact that this has had on governance arrangements is explained throughout the AGS. The financial effects of Covid 19 will be shown more fully in the Revenue Outturn report on a future agenda.
- 2.7 The date for final publication of the Council's accounts and Annual Accounts and Annual Governance Statement has been extended from 31 July to 30 September for financial years 2020/21 and 2021/22. Once post-Covid 19 assurance work has been undertaken, this Annual Governance Statement may need to be updated, prior to the deadline, to reflect any governance changes or issues that arose.

3 Corporate Objectives and Priorities

- 3.1 In addition to its legal responsibilities, approval of an AGS is considered to be best practice and will ensure that proper arrangements are in place to deliver the aims of the Council's Corporate Plan.

4 Consultation / Communications

- 4.1 The Chief Executive, Deputy Chief Executive and all Heads of Service have been asked to review the AGS and consider whether there are any areas which they felt are appropriate for disclosure. All comments received have been incorporated in the Statement. The Audit Panel has also reviewed and endorsed the draft AGS at its meeting on 18 March 2021.

5 Options

- 5.1 The Council has a statutory duty to approve an AGS. In view of this, if the annexed AGS is not approved, Council should provide a clear indication as to what changes are needed in order for a revised version to be presented as soon as possible.

6 Risk Management

- 6.1 A review of the risks associated has identified three significant governance issues as detailed in the annex to the Statement. The required actions proposed to mitigate these risks include timescales and officers responsible for completing them.

7 Resource Implications

- 7.1 There are no direct resource implications in approving the AGS. The publication costs can be met within existing budgets.

8 Legal Implications

- 8.1 The Council is required by the Accounts and Audit (England) Regulations 2015 to approve, and subsequently publish, the AGS with the Statement of Accounts.

9 Equality Issues

- 9.1 This report has not identified any equality matters.

10 Conclusion and reasons for recommendation

- 10.1 The AGS is part of the framework for delivering good governance in local authorities. The Statement is a high profile document signed by the Leader and Chief Executive and is published with the Statement of Accounts each year to demonstrate a commitment to improving corporate governance.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Accounts and Audit (England) Regulations 2015			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended and can be made public.			
No of Annexes:	1	File Ref:	N/A
(Portfolio: Finance) Councillor M Flood			
Officer:	Carl Whatley	Ext:	8540
Report to:	Cabinet	Date:	26 May 2021

Test Valley Borough Council

Annual Governance Statement 2020/21

Scope of responsibility

The Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

In discharging this overall responsibility, the Council is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions, and which includes arrangements for the management of risk.

The Council has approved and adopted a local code of corporate governance, which is consistent with the principles of the CIPFA/SOLACE Framework *Delivering Good Governance in Local Government*. A copy of the code is on the Council's website at:

<http://www.testvalley.gov.uk/aboutyourcouncil/corporatedirection/local-code-corporate-governance>, or can be obtained from the Head of Legal and Democratic Services. This statement explains how the Council has complied, and continues to comply, with the principles underlying this code and also meets the requirements of regulation 6 of the Accounts and Audit (England) Regulations 2015, which requires all relevant bodies to prepare an annual governance statement.

The purpose of the governance framework

The governance framework comprises the systems and processes, and culture and values, by which the Authority is directed and controlled and its activities through which it accounts to, engages with and leads the community. It enables the Council to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, value for money services.

The system of internal control is a significant part of that framework and is designed to manage risk at a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an on-going process designed to identify and prioritise the risks to the achievement of the Council's policies, aims and objectives, to evaluate the likelihood of those risks occurring and the impact should they happen, and to manage them efficiently, effectively and economically.

The governance framework that has been in place at the Council for the year ended 31 March 2021 is explained in the following section along with changes that have been implemented in the year. It will continue to be developed during the coming year.

The impact of Covid19 on the governance framework

The Council's governance arrangements have been significantly impacted by the coronavirus pandemic during 2020/21. Response and Recovery Plans have been established and the Council has put in place robust and effective measures for managing these impacts including:

- Taking an active role in the Hampshire and Isle of Wight Local Resilience Forum (LRF) contributing to the wider LRF response and recovery programmes.
- Establishing clear roles and responsibilities with the Council's Cabinet who are the recovery sponsors and the Management Team meeting specifically as a response and recovery programme group to review and guide the delivery of the action plans derived from the strategic priorities set out in the recovery plan.
- Continuing to support community response and recovery through funding and bringing together community partners on a regular basis.
- Working with its strategic partners to support testing and vaccination centres which are now in operation within the borough.
- Identifying priorities and work streams and fully assessing and regularly reviewing the impacts and mitigating actions.

The governance framework

The key elements of the systems and processes that comprise the Council's governance arrangements are as follows:

- The Council has fulfilled the following key roles (now formally adopted as part of the Local Code of Governance):
 - To promote the well-being of the area and provide leadership to the community;
 - To ensure the provision of high quality services provided in-house, by private sector companies, jointly with other Councils or agencies, or by the voluntary sector;
 - To be accountable and provide stewardship for the use of public funds and resources;
 - To build a strong sense of community.

In fulfilling these roles the Council is committed to following the six core principles of good corporate governance identified in the CIPFA/SOLACE Guidance and how the Council is working towards achieving these principles is set out in the document "Principles of Good Governance"

- A single strategic partnership for the Borough is in place called the Test Valley Partnership. It brings together the key partner agencies

from across the public and voluntary and community sector. It meets twice a year and provides a place in which the key strategic issues facing the borough can be discussed, joint work developed and statutory duties met. Throughout the pandemic, the Test Valley Partnership has continued to meet and has provided an essential role in bringing together community response. This has enabled strategic partners to work together to focus on future recovery. A full meeting of the partnership took place in October 2020 to review lessons learned from the pandemic so far and to discuss longer term systematic issues requiring a partnership response.

- The Council has a clear vision of its purpose and desired outcomes for the short, medium and long term. These are encapsulated in its Corporate Plan through a range of corporate and service strategies and through four areas of focus as part of the Council's commitment to the Test Valley Partnership. There has been considerable consultation and stakeholder involvement in the development and progression of these plans and strategies and they are made available to the public through a variety of means including the Council's website and Test Valley News.
- The Council has published a Corporate Plan for 2019 / 2023 "Growing Our Potential" which was approved by the Council on 10/04/19. It has four main aims and an action plan detailing how these aims will be delivered. It is supported by a performance management framework (including performance indicators) to measure progress. In developing the plan previous priorities were reviewed, extensive consultation was undertaken with local people and elected Councillors whilst also considering external influences on the borough such as government policy. The Council has a longstanding strategic commitment to work with its communities collaboratively. At the centre of this is the democratic role elected councillors play in bringing communities together to ensure inclusivity when undertaking local action planning and priority setting. The Council's Member and Community Development Group, chaired by the Leader of the Council, supports community councillors to engage more effectively with local residents and communities. This has enabled the Council to develop innovative practice such as being one of only three Local Authorities in the country to be part of the Innovation in Democracy Programme in 2019/20 in which, a Citizens Assembly was held in Romsey focused on the priorities for the South of Town Centre Masterplan. The Council is taking the learning from this programme and developing further opportunities to embed deliberative democracy activities as part of its onward programme of engagement and priority setting. The Council formally reviews its progress and performance against its corporate priorities through an Annual Corporate Action Plan Report <https://www.testvalley.gov.uk/aboutyourcouncil/corporatedirection/corporate-plan-for-2019-to-2023> which is presented to Overview and Scrutiny Committee (OSCOM) and the Cabinet.
- Members of OSCOM undertake task and finish panel reviews. Once an area for review has been identified, the lead member/chairman of

the panel presents the draft scoping document for the review to the full committee for consideration. A full report is then subsequently presented to OSCOM once the review has been completed or reached an appropriate stage. This process has ensured more effective and focused reviews and a clear line of responsibility to the main committee. In addition, there are standing panels; the Audit Panel and the Budget Panel which meet regularly throughout the year and cover scrutiny of all the financial activities of the Council. The standing Panels report to OSCOM on a regular basis and bring any issues of concern to the attention of the Committee.

- The Council has in place a Medium Term Financial Strategy, updated annually, which supports the aims of the Corporate Plan. The Medium Term Financial Strategy has been materially affected by the impacts of the coronavirus. Additional costs have been incurred and major income streams impacted by the effects of the restrictions put in place. Government funding in the form of support grants; the sales, fees & charges scheme; furlough; and new burdens' funding, has been provided; however, this falls considerably short of the actual budget impact on the Council in the year.
- The quality and value for money of services provided to users is measured through the Authority's performance management system. This includes the measurement and review of performance against national and local performance indicators and actions taken to address areas for improvement. Performance is monitored regularly throughout the year by Performance Boards.
- The roles of the Cabinet, OSCOM, and other committees of the Council as well as specific roles assigned to the Leader, Deputy Leader, Portfolio Holders and senior officers of the Council are defined and documented within the Council's Constitution. The Constitution also clearly identifies the powers, duties and responsibilities delegated to the Deputy Leader, Portfolio Holders and Officers, and includes rules for how Council and committee meetings should operate and the relationship between Members and Officers. Arrangements have been put in place to hold meetings virtually in accordance with legislation during the Covid19 pandemic to continue to enable Members to fully engage in decision making and allow for public participation. A remote Overview and Scrutiny Committee away day was also held and Members have been able, remotely, to continue to take part in other engagement forums such as Romsey Vision and Andover Future, both of which play a key role in the Council's projects and forward plans.
- In June 2020 the Council appointed a new Chief Executive. As incoming Chief Executive he has:

- Increased resourcing of the Council's strategic objectives relating to town centre regeneration, climate change and the Local Plan by establishing 3 new posts funded from a management restructure.
 - Deleted the existing posts of Corporate Director and Head of Finance from the establishment and combined the roles of Head of Finance and Head of Revenues.
 - Disbanded the Senior Management Team (SMT) which was previously made up of the Chief Executive and two Corporate Directors. This meant that the Management Team that is made up of the Council's Heads of Service, Deputy Chief Executive and Chief Executive, has become the single management team of the authority. This has created efficiencies in terms of less double handling of issues and at the same time is developing the Management Team and its strategic capacity.
 - Established a new Service under a Head of Strategy and Innovation. This has enabled the Chief Executive and new Deputy Chief Executive to be relieved of departmental responsibility providing Management Team with greater pace and focus on functions which drive organisational performance, innovation and programme governance, clearly aligned to council priorities and values.
 - Created a forum (meeting 3 to 4 times a year) for senior managers who work directly to the Heads of Service to enable them to play a role in developing new ways of working within the council.
- The conduct of Members and Officers is regulated by separate codes of conduct within the Council's Constitution. The Council's General Purposes Committee together with the General Purposes Employment Appeals and Ethics Sub-Committee promote high standards of conduct by Members and consider complaints made against Members. A comprehensive set of Human Resources policies ensures compliance with employment legislation and promotes good personnel practices. These include disciplinary and capability processes to deal with conduct or performance which is unacceptable. These policies and procedures are regularly reviewed and revised.
 - The conduct of day to day Council business is regulated through policies and procedures such as Contract Standing Orders and Financial Regulations. These accord with good professional practice and were revised in 2017. The delegations to Members and Officers are kept continually under review and revised as appropriate.
 - Elected members and all officers are aware of their obligations under equality legislation, as well as the standards of behaviour and language which are expected from representatives and employees of the Council. Ongoing training is provided for both Members and officers. Equality impact assessments are built into the Council's decision-making process. The Council has reviewed its corporate equalities objectives, alongside its duties under the new gender pay gap publication requirements. The Council continues to deliver training on

the Equality Act 2010 to new members of staff and to Members. The Council has published information that demonstrates compliance with the Equality Duty as defined by the Equality Act 2010 on its website. (<https://www.testvalley.gov.uk/aboutyourcouncil/corporatedirection/equality---diversity/equalities>)

- The Council has established Disability Focus Groups that contributed towards the development of the new Corporate Plan. The groups are helping the Council and its partners on an ongoing basis.
- The Council is a statutory partner with regards safeguarding its residents of all ages under both The Children Act 2004 and The Care Act 2015. The Council has in place a Safeguarding Children and Vulnerable Adults Policy and this and the associated procedures are monitored regularly to ensure compliance with these duties. The Council also liaises with both the Hampshire Safeguarding Children Partnership and Hampshire Safeguarding Adults Board to ensure this. On a bi-annual basis the Council is required by the Hampshire Safeguarding Children Partnership to complete the required Section 11 audit as a self-assessment of its position with regards its safeguarding duties. The last audit in 2019 identified that the Council is compliant with Section 11 of the Children Act.
- The Council approved a Climate Emergency Action Plan in 2020 to identify the steps it will be taking to work towards achieving carbon neutrality. The ability to make progress on the actions has been affected by the challenges posed by Covid19. However, because of the circumstances created by the pandemic certain areas have progressed quicker than anticipated such as new ways of working. In other areas, progress has already been made in delivering projects to reduce the energy consumption in the running of some of the Council's buildings.
- The Council has introduced a Council Tax discount that will exempt Care Leavers from Council Tax until their 25th birthday.
- The Council's approach to risk management is outlined in its Risk Management Strategy. Corporate risks are reviewed on a quarterly basis by the Council's Service Performance Boards and progress in managing the corporate risk register is reported to OSCOM on an annual basis. Annual workshops are also held with the Council's Management Team to review and update the corporate risks. The Finance Portfolio Holder is the Council's Member Champion for risk management and risk management is embedded within the Council's processes e.g. reports to decision-making committees use a template which includes a section on risk assessment which must be completed before the report can be considered.

The requirement to achieve Nutrient Neutrality from new residential development, overnight accommodation and tourist attractions affects the Council's strategic priority to deliver housing. The provision of measures to secure the use of land to provide off-site mitigation solutions necessary to protect the internationally designated nature

conservation sites in and around the Solent, are shown in the attached action plan.

- The Council's OSCOM Audit Panel meets 3 times a year to undertake the core functions of an "audit committee". The terms of reference for the Audit Panel include:

Audit Activity

- To consider the Internal Audit Manager's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
- To consider summaries of specific internal audit reports as requested.
- To consider reports dealing with the management and performance of the providers of internal audit services.
- To consider a report from internal audit on agreed actions not implemented within a reasonable timescale.
- To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- To consider specific reports as agreed with the external auditor.
- To comment on the scope and depth of external audit work and to ensure it gives value for money.
- To commission work from internal and external audit.

Regulatory Framework

- To maintain an overview of the Council's constitution in respect of contract standing orders, financial regulations and codes of conduct and behaviour.
 - To review any issue referred to it by the Chief Executive, the Deputy Chief Executive, or any Council body.
 - To monitor the effective development and operation of corporate governance in the Council.
 - To monitor Council policies on whistleblowing and the anti-fraud, anti-corruption and anti-bribery strategies and the Council's complaints process.
 - To oversee the production of the authority's Annual Governance Statement and to recommend its adoption.
 - To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
 - To consider the Council's compliance with its own and other published standards and controls.
- The Chief Executive is the Council's Head of Paid Service and has overall corporate management and operational responsibility for the way in which the Council delivers its services. The Head of Legal and Democratic Services is designated as the Council's Monitoring Officer and has responsibilities under section 5 of the Local Government and Housing Act 1989 for ensuring that the Council complies with relevant

laws and regulations and internal policies such as Contract Standing Orders. The Head of Finance and Revenues is designated as the Council's Section 151 Officer with responsibility for ensuring the "proper administration of financial affairs". The Head of Finance and Revenues also has responsibility under section 114 of the Local Government Finance Act 1988 for reporting to the Council and the external auditor if the Council has made, or is about to make, expenditure which is unlawful. These three statutory officers meet as necessary during the year to discuss significant corporate issues as they arise.

- The CIPFA statement on the Role of the Chief Financial Officer in Local Government (2010) requires the Chief Finance Officer to report directly to the Chief Executive and be a member of the 'Leadership Team', of equal status to other members. The Council does not strictly comply with this requirement in that the Head of Finance and Revenues reports to the Deputy Chief Executive. However, in practice, the Head of Finance and Revenues is able to report directly to the Chief Executive and Members as and when required, is a member of the Management Team, and is involved and consulted in all matters which have financial implications for the Council.
- The Council's Constitution contains a Confidential Reporting Code for Employees which safeguards "whistle-blowers" who raise legitimate concerns about the Council's actions and specifies how their concerns should be addressed. Financial Regulations require all staff to raise concerns about the use or misuse of Council resources with the Head of Finance (now Head of Finance and Revenues) or Internal Audit who will carry out an independent investigation of the circumstances. Internal Audit also actively encourages staff to raise matters of concern through "Speak Up" campaigns. A form is available on the Council's Intranet for staff to raise concerns (anonymously if desired) about the use of Council resources and this facility has been extended to the website so that members of the public can raise concerns in this area. The Council also has a formal complaints procedure for members of the public to raise issues, e.g. where they are dissatisfied with the service they have received, and an annual report is prepared for OSCOM summarising these complaints and how they were resolved.
- The Council has a detailed Anti-Fraud and Corruption Policy which sets out the roles, responsibilities of officers and Members and actions to be taken when fraud or corruption is discovered. In addition, an Anti-Bribery Policy has been approved to address the requirements of the Bribery Act 2010.
- The Democratic Services Manager is responsible for identifying and providing for Councillors' training needs. The Council has a cross-party Member and Community Development Group which is supported by officers from a range of services. This Group has continued to work to promote an enhanced role for Councillors that focuses on them acting as a catalyst for change to encourage communities to reach their full potential. This work has brought together the needs and expectations

of our communities in order to make balanced decisions, and has ensured a culture of democratic accountability is embraced throughout the Council. The Group enables the Council to develop a programme of Councillor training and development that is shaped by the Councillors themselves, ensuring that training and development activities offered is tailored to individual Councillor needs as well as the needs of Councillors generally, the council and communities. This work has been shared with the Councillor Commission and has become a key part of the ongoing work that supports this national project.

- All new Councillors are provided with induction training to assist them with understanding and successfully carrying out their different roles, with an ongoing programme of training and development provided on specific issues where appropriate e.g. planning, and to build key skills and knowledge.
- All officers also receive induction training and appropriate professional and skills training and development identified, for instance, through annual performance discussions.
- A People Strategy was produced in 2020/21 which shapes the cultural direction and people management practices for the future to enable the Council to achieve its ambitions over the next 3-5 years. Whilst being able to respond to the changing needs of local government and the borough's residents this forms part of the Council's Corporate Framework with close links to the Corporate Plan and Medium Term Financial Strategy.
- The Council has in place various channels of communication with the community and other stakeholders. The Council's Consultation Portal provides a single link to all our current 'live' consultations, giving residents the opportunity to get involved, as well as access to details of the feedback from previous consultations. There are a number of tools in place to enable the Council to hear the widest range of views from local communities, in a consistent way, as part of an evidence led approach to decision making. These include:
 - Statement of community involvement.
 - Community Planning Toolkit.
 - Specialist advice and support through Community Engagement Officers and policy Team.
 - Equality objectives which set out how the Council will ensure an inclusive approach to consultation.
- As the Council's place-based approach has grown partnership websites such as Andover Vision and Romsey Future have been developed, where appropriate, due to the collaborative nature of the projects e.g. Romsey South of town Centre. Consultation and project information has been posted to these websites with clear links back to relevant Council Services. <https://www.testvalley.gov.uk/consultations>.
- Publications such as Test Valley News are sent to all households and the Council's website is an important source of information about the

Council and its services. The Council's website has been designed to make it more accessible to residents and businesses of Test Valley and to make it easier to undertake transactions online. An External Communications Strategy has been produced to support the new Corporate Plan.

- The Council has identified its key partnerships and promotes good governance in those. The Council's Contract Standing Orders and Financial Regulations contain specific sections on partnerships and identify officer responsibilities in relation to the management and involvement in partnerships. Protocols and agreements are put in place for the management of significant partnerships.
- Covid19 Governance - The Coronavirus pandemic and social distancing requirements have necessitated some interim amendments to processes and controls in response to an increase in remote working and access to meetings. These are being delivered in a controlled manner with appropriate advice to managers regarding the risk of error and fraud. The crisis has required the Council to be innovative and flexible in releasing funds in a swift and controlled way. Interim processes have been put in place to maximise the benefits to residents and businesses. Crises like this will inevitably attract individuals who see the opportunity for fraud. All managers have been reminded of the risk of fraud and the various forms it may take. Interim processes are designed with this particular risk in mind.

Review of effectiveness

The Council has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control. The review of effectiveness is informed by the work of the senior managers within the Authority who have responsibility for the development and maintenance of the governance environment, the annual report of the Internal Audit Manager, and also by comments made by the external auditor and other review agencies and inspectorates.

The effectiveness of the governance framework is maintained and reviewed through a number of mechanisms and processes:

- Full Council is ultimately responsible for maintaining, revising and ensuring compliance with the Council's Constitution. The Head of Legal and Democratic Services reviews the Constitution at least annually to ensure that it is up to date with current legislation and best practice.
- The Cabinet has responsibility for the day to day operation of the Council's business unless that business is delegated specifically to another committee (e.g. Planning, Licensing) and ensuring that governance arrangements and compliance is adequate for the conduct of that business.

- As part of the Council's open and transparent approach, Overview and Scrutiny Committee has responsibility for scrutinising the decisions of the Cabinet and reviewing the Council's policies and functions and making recommendations to the Cabinet as appropriate.
- The Council's OSCOM and its Audit Panel takes responsibility for audit and risk management issues, reviewing the Council's work in these areas and monitoring the progress and performance of both Internal and External Audit.
- The Council's General Purposes Committee together with the General Purposes Employment Appeals and Ethics Sub-Committee have the role of promoting and maintaining high standards of conduct amongst Members and assisting them to observe the Authority's Code of Conduct. The work of the Sub-Committee is supported by the appointment of three Independent Persons and Parish representatives as required by the Localism Act 2011, The General Purposes Committee may receive reports as to the operation of the Code of Conduct in addition to which the General Purposes Employment Appeals and Ethics Sub-Committee will receive complaints about Member conduct and determine such complaints and direct or recommend any further action required consistent with the Localism Act 2011 and associated regulations.
- The Council's Internal Audit team, located within the Finance & Revenues Service, carries out a continuous review of the Council's systems to provide independent assurance that the control environment is effective in achieving the Council's objectives. The team objectively examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of the Authority's resources. The performance of the Internal Audit team is monitored by the Council's Audit Panel and Section 151 Officer. The Internal Audit Manager presents the Internal Audit Strategy and Annual Audit Plan to the Audit Panel and produces an Annual Report giving an opinion of the adequacy of the Council's systems of internal control.
- A self-assessment of the internal audit function's conformance with the Public Sector Internal Audit Standards (PSIAS) was carried out in March 2021. The Public Sector Internal Audit Standards are a mandatory requirement, the objectives of which are to:
 - define the nature of internal auditing within the UK public sector,
 - set basic principles for carrying out internal audit in the UK public sector,
 - establish a framework for providing internal audit services, which add value to the organisation, leading to improved organisational processes and operations, and

- establish the basis for evaluation of Internal Audit performance to drive improvement planning.

The self-assessment concluded that the function “generally” or “partially” conforms to the standards. Areas of “partial” assurance which will be addressed in 2021/22 included:

- The inability to assess the performance of the Audit Manager due to the vacancy of this post.
- Embedding of additional management KPIs.
- Limited opportunity to realistically benchmark with other local authorities during the year due to the Covid19 position.

There is evidence that the work the Internal Audit function has delivered is effective; especially around risk and performance. It contributes to and has influence in the Authority on these areas. It is a highly respected service that is engaged with the organisation and which provides on-going support in key areas, as well as effective assurance on controls.

- As there was no Internal Audit Manager in post at the time of producing this statement, the Annual Audit Opinion is provided as part of a service contract. The formulation of the opinion is based on information and documentation provided by officers from TVBC and therefore the opinion is given without delegation or control of the Audit Charter and Strategy or how the audits, undertaken during 2020/21, were risk assessed and scoped. Based on the data provided in relation to the audit plan and other internal governance arrangements, the Temporary Chief Internal Auditor of Portsmouth City Council is able to provide Substantial assurance in respect of the Council’s risk management, control and governance arrangements. “Substantial Assurance” means that systems in place are generally sound, but some weaknesses have been identified which may put some of the control objectives at risk. These weaknesses have been identified and form the basis of the action plan appended to this Statement.
- As noted throughout this statement, the Council’s governance arrangements have been significantly impacted during 2020/21 due to the Coronavirus pandemic and the need for Response and Recovery Plans to be established. Internal Audit conducted a review of the governance arrangements relating to this response, the results of which highlighted that substantial assurance could be given on the governance arrangements in place to allow the Council to respond and recover from the COVID pandemic.

Another significant governance issue arose with the Council's requirement to administer business rates related grants within extremely short timescales multiple times during 2020/21. Internal Audit conducted a review to consider the pre assurance checks undertaken on applications, along with the planned post assurance checks to determine if any money is to be recovered from fraudulent or incorrectly administered grants. This audit resulted in a substantial assurance

opinion being given, provided the post assurance work is undertaken as planned in 2021/22.

- The Council is regularly audited by the External Auditor (Ernst and Young LLP) who independently examines the Council's accounts and financial systems and who presents an [Annual Audit Letter](#) to Members, the latest available covering the financial year 2019/20. This was a positive report with an unqualified opinion on the Council's accounts, system of internal control and arrangements to achieve value for money.

The Covid19 pandemic has had an unprecedented impact on the Council's governance arrangements for 2020/21. These impacts have been evaluated, in line with government guidance and mitigation measures, and developed alongside the Council's strategic partners and Local Resilience Forum.

The date for final publication of the Council's Annual Accounts and Annual Governance Statement is 30th September 2021. Once post Covid19 assurance work has been undertaken, this Annual Governance Statement may need to be updated, prior to the new deadline, to reflect any governance changes or issues that arose.

DECLARATION

We have been advised on the implications of this review of the effectiveness of the governance framework and of any significant governance issues. A plan to address weaknesses and ensure continuous improvement of the system is in place as shown in the attached annex.

We propose over the coming year to take steps to address these matters to further enhance our governance arrangements. We are satisfied that these steps will address the need for improvements that were identified in our review of effectiveness and will monitor their implementation and operation as part of our next annual review.

Signed: **Signed:**

Leader of the Council

Chief Executive

ANNEX 1

Significant governance issues

The following identifies the significant governance issues to be addressed, the proposed action, timescale and lead officer.

Issue	Action to be Taken	Timescale	Lead Officer
<p>Business Continuity Plan: The Council has a well-established approach to Business Continuity Planning which is primarily based on alternative office accommodation for its employees to relocate to. Although the current Business Continuity Plan remains valid the lessons learned from the pandemic and the move to more remote working means the BCP would benefit from review.</p>	<p>The Corporate Business Continuity Plan is being revisited and revised as part of a Corporate project. This will consider the new ways of working introduced in response to the pandemic.</p>	<p>31/03/22</p>	<p>C Moore</p>
<p>Nutrient Neutrality: Following advice from Natural England, in order to comply with the Habitats Regulations, new development for housing, overnight accommodation and tourist attractions, should achieve nutrient neutrality to avoid an increase in nutrients from wastewater entering the Solent and having an adverse effect on international designated sites.</p>	<p>The Council to secure the delivery of land to provide off-site mitigation solutions in order to achieve nutrient neutral development, including to enable the delivery of housing.</p>	<p>31/03/22</p>	<p>G Smith</p>

ANNEX 1

Issue	Action to be Taken	Timescale	Lead Officer
<p>Covid 19 Response and Recovery: The Council's governance arrangements and Medium Term Financial Strategy have been significantly impacted by the coronavirus pandemic. Response and Recovery Plans have been put in place and will continue to be delivered during the coming year.</p>	<p>A structured recovery programme has been put in place and incorporated into the Council's governance arrangements. Management Team to continue to lead this programme of work to shape how the Council works in the future based on its Covid 19 experiences.</p> <p>The Council has included a risk and mitigating actions within its Corporate Risk Register to effectively respond to and recover from the Covid 19 pandemic. The actions to continue to be monitored by Management Team during the coming year.</p>	<p>31/03/22</p>	<p>J Moody</p>

ITEM 11 Eastleigh Borough Council/Test Valley Borough Council Liaison Group

Report of the Corporate Portfolio Holder

Recommended:

That Councillors Bundy, A Dowden, Hatley and Swain be appointed to the Eastleigh Borough Council/Test Valley Borough Council Liaison Group.

SUMMARY:

- To appoint four Test Valley Borough Council Members to the Eastleigh Borough Council / Test Valley Borough Council Liaison Group.

1 Introduction

- 1.1 The Borough Council has had a joint arrangement with Eastleigh Borough Council for many years to consider matters of mutual interest. It is necessary to appoint members to this Liaison Group.

2 Background

- 2.1 Councillors Bundy, A Dowden, Finlay and Hatley were appointed to serve on this Liaison Group in 2019/20.

3 Corporate Objectives and Priorities

- 3.1 The joint arrangements provide for the discharge of a Council function which contributes to the Council's Corporate Objectives.

4 Options and Option Appraisal

Option 1 – to not appoint to the Liaison Panel

- 4.1 Cabinet approved the appointment of Councillors Bundy, A Dowden, Finlay and Hatley in 2019/20. Cabinet could chose not to appoint to this Liaison Group.

Option 2 – to appoint Members to the Liaison Panel

- 4.2 This is the recommended option.
- 4.3 This will allow the Council to consider matters of mutual interest and continue good working relationships with Eastleigh Borough Council.

5 Risk Management

5.1 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.

6 Resource Implications

6.1 No additional resource implications have been identified.

7 Legal Implications

7.1 This appointment is a delegated function of Council to Cabinet

8 Equality Issues – None

9 Other Issues

9.1 Community Safety – None

9.2 Environmental Health Issues – None

9.3 Sustainability and Addressing a Changing Climate – None

9.4 Property Issues – None

9.5 Wards/Communities Affected – Chilworth, Nursling & Rownhams, Valley Park, Ampfield & Braishfield

10 Conclusion

10.1 That four Members be appointed to the Liaison Group.

<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: Corporate) Councillor T Tasker			
Officer:	Sally Prior	Ext:	8024
Report to:	Cabinet	Date:	26 May 2021

ITEM 12

Partnership for South Hampshire

Report of the Corporate Portfolio Holder

Recommended:

That the Planning Portfolio Holder be appointed to the Partnership for South Hampshire Committee.

SUMMARY:

- The Borough Council has had a joint voluntary agreement with ten other local authorities across South Hampshire to deliver regeneration of the core areas in the south Hampshire sub-region.
- It is necessary to appoint a member to the Joint Committee.

1 Background

- 1.1 The Cabinet needs to consider the appointment of a Councillor to serve on the Joint Committee.

2 Resource Implications

- 2.1 There are no resource implications other than travel costs.

3 Corporate Objectives and Priorities

- 3.1 The joint arrangements provide for the discharge of a Council function which contributes to the Council's Corporate Objectives.

4 Conclusion

- 4.1 It is recommended that the Planning Portfolio Holder be appointed to the Joint Committee in accordance with the agreement.

<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: Corporate) Councillor T Tasker			
Officer:	Karen Dunn	Ext:	8401
Report to:	Cabinet	Date:	26 May 2021

ITEM 13

Scheme of Delegations to Officers

Report of the Head of Legal and Democratic Services

Recommended:

That the Scheme of Delegations to Officers as set out in Annex 1 to the report to Annual Council, in so far as it applies to the powers and duties of the Cabinet, be approved.

SUMMARY:

- The purpose of the report is to approve the Council's Scheme of Delegations to Officers.

1 Background

- 1.1 The Scheme of Delegations is approved each year in accordance with the Constitution by Annual Council. Regular updated approval of the Scheme of Delegations ensures the Council's decision-making is as robust as possible and operates as effectively as possible in accordance with legal requirements. Council Procedure Rules require that the annual meeting will approve the Scheme of Officer delegations at Part 3 of the Constitution.

2 Resource Implications

- 2.1 None

3 Issues

- 3.1 During the course of the year since the last Annual Council changes have occurred to the Scheme of Delegations and new delegations have been made as the need has arisen over time. These changes have been approved or reported to Council as required.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	1	File Ref:	N/A
(Portfolio: Corporate) Councillor T Tasker			
Officer:	Karen Dunn	Extension:	8401
Report to:	Cabinet	Date:	26 May 2021

Delegations to Officers: Delegations to Chief Executive, Deputy Chief Executive and Heads of Services

- (1) To deal with matters relating to recruitment, selection and termination of employment, pay, employment benefits, training and development and other provisions relating to employees of the Council contained from time to time in the Council's Staffing Policies and Procedures documentation.
- (2) To enter into and sign contracts with public utilities, authorities or other bodies where such contracts are regarded as routine commercial matters authenticated by the signature of an officer of the utility, authority or body provided that the contract is within the sum allowed in the Council's estimates and/or Financial Regulations.
- (3) To authorise staff to attend meetings, seminars and conferences, including those arranged by the relevant professional associations.
- (4) To authorise officers to appear in the Courts.
- (5) To terminate employment in case of ill health/capability, in consultation with the Human Resources Manager.
- (6) To dismiss staff in accordance with the Council's disciplinary procedure.
- (7) In the absence of the Chief Executive, The Deputy Chief Executive, be authorised to exercise the powers and duties of the Chief Executive.
- (8) That the appropriate Heads of Service be delegated the authority to amend charges to reflect changes in VAT rates.
- (9) That the appropriate Head of Service be delegated authority to agree the introduction of a charge for a new Council activity, in consultation with the Head of Finance.
- (10) That in the absence of any Head of Service, those matters delegated to that Head of Service be delegated to the Chief Executive or Deputy Chief Executive.
- (11) That Heads of Service may make arrangements for any functions delegated to them to be carried out by other officers in their name.
- (12) That the Chief Executive, Deputy Corporate Director and Heads of Service be authorised, in consultation with the Head of Finance, the Monitoring Officer and the Leader, to settle complaints against the Council up to the amount of £1000 per complaint.
- (13) In consultation with the Human Resources Manager and the Head of Finance and Revenues, to make minor changes to the establishment within the approved budget. In the event that either the Human Resources Manager or the Head of Finance and Revenues is proposing the changes within his/her Service, consultation shall be with the Chief Executive and the Human Resources Manager or the Head of Finance and Revenues, whichever is not proposing the change.

- (14) That the holders of the following posts be authorised to act as the nominated consultee and to give consent on behalf of the Council to the Police under Part 3 and Chapter 3 of the Anti-Social Behaviour, Crime and Policing Act 2014:
- | | |
|----------|--|
| 50359085 | Chief Executive |
| 50360579 | Deputy Chief Executive |
| 50360846 | Head of Housing and Environmental Health |
- (15) To respond to routine operational consultations.
- (16) In consultation with the relevant Portfolio Holder, to respond to Government consultations.
- (17) To respond to partner consultations where service provision within the Borough may be affected.

Delegation to Authorised Signatories, Contracting Officers and Contract Managers

- (1) Where it is a part of the duties of an officer to exercise the function of an Authorised Signatory, a Contracting Officer or a Contract Manager then that officer be authorised to sign contracts.

Such signatures shall be countersigned by the Head of Service or an officer to whom the functions of a Head of Service are delegated under delegation (11) of Delegations to Chief Executive, Deputy Chief Executive, and Heads of Services; and

The names of such officers authorised under the provisions of this delegation shall be notified by the Head of Service to the Head of Finance and Revenues, acting as the Council's Chief Financial Officer, together with details of the maximum value up to which individual officers are authorised to sign and a description of the type of contracts so authorised.

Delegation to Monitoring Officer

- (1) To make amendments and consequential amendments to the Council's Constitution to give effect to any Council resolution and or any statutory requirement.
- (2) To make amendments to the Constitution in accordance with the provisions of Article 14.
- (3) In the absence of the Monitoring Officer, the Legal Services Manager (Corporate) or the Legal Services Manager (Planning) be authorised to exercise the powers and duties of the Monitoring Officer as Deputy Monitoring Officer.

Delegations to Chief Executive

- (1) To inform the Council's Bank of the identity of the Council's S151 Local Government Act 1972 Proper Officer.
- (2) 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.
- (3) In the event of a major incident, being an event or situation with a range of serious consequences which requires special arrangements to be implemented, to take such action as he considers appropriate to deal with the incident. In the event that the Chief Executive cannot be contacted, The Deputy Chief Executive, be authorised to take such action as they consider appropriate to deal with the incident. In the event that the Deputy Chief Executive cannot be contacted, any Head of Service be authorised to take such action as he/she considers appropriate to deal with the incident.

Delegation to S151 Local Government Act 1972 Proper Officer

- (1) To issue instructions as to who may withdraw or deal with any of the Council's property or securities.
- (2) To issue instructions and sign any agreement with regard to the purchase or sale of foreign exchange and/or securities.
- (3) To sign the mandate to the Council's Bank for the signing of cheques by authorised facsimile signatories.
- (4) To sign the mandate to the Council's Bank for the use of codes by authorised officers in providing instructions to the Bank.
- (5) To make arrangements for the carrying out in his/her name of all or any of his/her powers referred to herein by such person or persons as he/she considers appropriate.
- (6) In the absence of the S151 Proper Officer, the Accountancy Manager in Revenues be authorised to exercise the powers and duties of the S151 Proper Officer.

Delegation to Head of Community and Leisure Services

- (1) Day-to-day control and management of Council leisure facilities and associated activities and events provided by the Council.
- (2) In consultation with the Community and Leisure Portfolio Holder, to allow the free use of the Council's outdoor leisure facilities for charitable and community use in accordance with the Council's policy.
- (3) In consultation with the Community and Leisure Portfolio Holder, to allow concessionary use of the Council's leisure facilities in accordance with the Council's policy for support to elite athletes.
- (4) To appoint consultants to undertake professional services on schemes included in approved capital or revenue estimates.
- (5) To select contractors for invitation or tender on approved schemes.
- (6) To permit or organise special events on Council land in accordance with the Council's policy.
- (7) To set fees and charges for hiring sports fields and public open space in the ownership or control of the Council.
- (8) To enter into and approve terms of partnership statements in connection with community grants.
- (9) To take all necessary steps to implement projects approved by the Cabinet or Council.
- (10) In consultation with the Community and Leisure Portfolio Holder, to allow fees and charges for events and commercial bookings to be agreed and/or waived (as the market will bear), including Artisan markets, and community events in the High Street and Council venues.
- (11) To make arrangements for the funeral of the deceased under Section 46 of the Public Health (Control of Disease) Act 1984.
- (12) As Registrar of Burials for the Andover, Charlton, Romsey and Woodley Cemeteries, to grant applications for exhumations subject to the payment of the appropriate fee and the applicant obtaining approval from the Secretary of State for Justice or their successor.
- (13) As Registrar of Burials for the Andover, Charlton, Romsey and Woodley Cemeteries, to grant applications for the Exclusive Right of Burial to grave spaces, subject to compliance with the Council's regulations.
- (14) Day to day control and management of all cemeteries in control of Council in accordance with the Council's Regulations.

- (15) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Community and Leisure Services from time to time, be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto set out in the:

Environmental Protection Act 1990

Clean Neighbourhoods and Environment Act 2005 (insofar as they relate to fixed penalty notices and associated matters, pertaining to litter and dog fouling)

50361554	Head of Community and Leisure Services
50361012	Parks and Countryside Manager
50361015	Senior Countryside Officer
50361016	Countryside Officer
50361014	Green Space Officer
50360954	Sports Recreation Officer

- (16) That the Community Manager (post holder 50462608) be authorised to issue authorisations pursuant to the Regulation of Investigatory Powers Act 2000.
- (17) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Community and Leisure Services from time to time, be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto set out in the:

Environmental Protection Act 1990

Refuse Disposal (Amenity) Act 1978 (Sections 2, 2B, 2C, 21A)

Anti-Social Behaviour Act 2003 (Section 43)

Clean Neighbourhoods and Environmental Act 2005 (insofar as they relate to fixed penalty notices and associated matters, pertaining to litter, dog fouling, fly posting and graffiti, and abandoned vehicles)

Anti-Social Behaviour, Crime and Policing Act 2014

50360905	Community Engagement Manager
50360906	Community Engagement Officer (Community Safety)
50360907	Community Engagement Officer (Community Safety)
50360910	Community Engagement Officer (Community Safety)

- (18) In consultation with the Community and Leisure Portfolio Holder, to give the Council's representations to the Police to enable them to make a Dispersal Order or a Closure Order under the Anti-Social Behaviour, Crime and Policing Act 2014.
- (19) To determine all community grant applications in accordance with the approved criteria.
- (20) In consultation with the Community and Leisure Portfolio Holder, to evaluate and approve grant applications from the Community Asset Fund, in accordance with the approved criteria.

- (21) To request reviews of licences and to make representations to review hearings, pursuant to the Gambling Act 2005 and any subordinate legislation made thereunder and any amendments hereto.

Delegation to Head of Environmental Services

- (1) To tender for individual contracts with other public bodies (being a body within the Local Government (Goods and Services) Act 1970) as follows:
- Up to £50,000 in consultation with the Head of Finance and Revenues;
 - Between £50,000 and £250,000 in consultation with the Chairman and Vice-Chairman of the Cabinet and the Head of Finance and Revenues; or
 - Above £250,000 and up to the maximum of £650,000 to be approved by the Cabinet.

Subject in each case to reporting back to Cabinet on successful tenders.

No contract shall have a term exceeding 5 years.

- (2) To serve notices in relation to contraventions of the legislation set out below and any regulations made thereunder and any amendments thereto:
- Anti-Social Behaviour Act 2003 Part 6 as amended by Clean Neighbourhoods and Environment Act 2005
 Anti-Social Behaviour, Crime and Policing Act 2014
 Clean Neighbourhoods and Environment Act 2005
 Control of Pollution Act 1974 and Control of Pollution (Amendment) Act 1989
 Environment Act 1995
 Parts II, III & IV and related schedules Environmental Protection Act 1990
 Environmental Protection Act 1990
 Licensing Act 2003
 Refuse Disposal (Amenity) Act 1978
 Regulation of Investigatory Powers Act 2000
 RIDDOR 2000
 Waste (England and Wales) Regulations 2011
- (3) To prepare reports for legal proceedings in the event of contravention of the legislation and any regulations made thereunder and any amendments thereto set out in (2) above and to issue instructions to the Council's Head of Legal and Democratic Services to take legal proceedings.
- (4) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Environmental Services from time to time, be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto.

50360721
50360756

Street Cleaning Manager
Grounds maintenance Manager

50360599 Waste Services Manager

Limited powers Anti-Social Behaviour Act 2003 Part 6
 Anti-Social Behaviour, Crime and Policing Act 2014
 Clean Neighbourhoods and Environment Act 2005 (insofar as they relate to fixed penalty notices and associated matters pertaining to graffiti, fly posting, litter, dog fouling and fly tipping)
 Control of Pollution Act 1974 and Control of Pollution (Amendment) Act 1989
 Environment Act 1995
 Environmental Protection Act 1990 - All powers in relation to Part II, powers relating to Statutory Nuisance in Part III, and all powers in relation Part IV
 Licensing Act 2003
 All powers under the Refuse Disposal (Amenity) Act 1978
 Regulation of Investigatory Powers Act 2000
 RIDDOR 2000
 Waste (England and Wales) Regulations 2011

50360708 Senior Environmental Services Officer

Limited powers Anti-Social Behaviour Act 2003 Part 6
 Anti-Social Behaviour, Crime and Policing Act 2014
 Clean Neighbourhoods and Environment Act 2005 (insofar as they relate to fixed penalty notices and associated matters pertaining to graffiti, fly posting, litter, dog fouling and fly tipping)
 Limited powers Control of Pollution (Amendment) Act 1989
 Environment Act 1995
 Environmental Protection Act 1990 - All powers in relation to Part II, powers relating to Statutory Nuisance in Part III, and all powers in relation Part IV
 Licensing Act 2003
 All powers under the Refuse Disposal (Amenity) Act 1978
 Regulation of Investigatory Powers Act 2000
 Waste (England and Wales) Regulations 2011

50360629 Recycling Development Officer

Limited powers Anti-Social Behaviour Act 2003 Part 6
 Clean Neighbourhoods and Environment Act 2005 (insofar as they relate to fixed penalty notices and associated matters pertaining to graffiti, fly posting, litter, dog fouling and fly tipping)
 Limited powers Control of Pollution (Amendment) Act 1989
 Environment Act 1995
 Environmental Protection Act 1990 - All powers in relation to Part II, powers relating to Statutory Nuisance in Part III, and all powers in relation Part IV
 All powers relating to abandoned vehicles under the Refuse Disposal (Amenity) Act 1978

50360630 Waste and Recycling Officer

Limited powers Anti-Social Behaviour Act 2003 Part 6
 Clean Neighbourhoods and Environment Act 2005 (insofar as they relate to fixed penalty notices and associated matters pertaining to graffiti, fly posting, litter, dog

fouling and fly tipping)

Environment Act 1995

Environmental Protection Act 1990 - All powers in relation to Part II, powers relating to Statutory Nuisance in Part III, and all powers in relation Part IV

All powers relating to abandoned vehicles under the Refuse Disposal (Amenity) Act 1978

50360718 Environmental Services Officer

50360719 Environmental Services Officer

Limited powers Anti-Social Behaviour Act 2003 Part 6

Anti-Social Behaviour, Crime and Policing Act 2014

Clean Neighbourhoods and Environment Act 2005 (insofar as they relate to fixed penalty notices and associated matters pertaining to graffiti, fly posting, litter, dog fouling and fly tipping)

Limited powers Control of Pollution (Amendment) Act 1989

Environment Act 1995

Environmental Protection Act 1990 - All powers in relation to Part II, powers relating to Statutory Nuisance in Part III, and all powers in relation Part IV

All powers under the Refuse Disposal (Amenity) Act 1978

Regulation of Investigatory Powers Act 2000

Waste (England and Wales) Regulations 2011

- (5) To issue filled sand bags free of charge to households and commercial properties if in the Council's view they are at significant risk of flooding.

Delegation to Head of Finance and Revenues

- (1) To determine the use of capital receipts in the future on the basis that the maximum amount of receipts allowed would be used for capital expenditure and no voluntary set aside would be made.
- (2) To certify Housing Association schemes to the Housing Corporation on behalf of the Council.
- (3) To determine changes to the rate of interest on mortgage loans etc under Section 438 and Schedule 16 of the Housing Act 1985 and in accordance with those provisions.
- (4) To countersign payments and sign instructions to the Council's Bank.
- (5) To agree and sign any contract agreement or other document with the Council's Bank for the provision of banking services involving the giving of instructions by the Council to the Bank by electronic or similar means (whether any such instruction and/or information relate to the making or authorisation of any payment or other order).
- (6) To exercise borrowing powers contained in the Local Government Finance Act 2003 (as amended) in accordance with the prudential framework for local authority capital investment.

- (7) To enter into leasing arrangements on behalf of the Council for items approved.
- (8) That the Accountancy Manager (post holder 50360822) be authorised to countersign payments and sign instructions to the Council's Bank.
- (9) To take all actions he/she considers appropriate for recovery of Council debts.
- (10) To take all necessary administrative action involving the Council on pension matters.
- (11) To make all payments within the Council's Financial Regulations and/or legally payable.
- (12) To implement decisions regarding pay for staff.
- (13) To grant loans for car purchase to persons coming within the Council's approved schemes.
- (14) To vary the Council's Contract Car Hire Scheme in line with variations to the National Joint Council Scheme.
- (15) To incur expenditure outside the provision of estimates in accordance with Financial Regulations.
- (16) To arrange all insurance policies (including maintaining a self-insurance reserve) and make payments in the settlement of any claim against the Council.
- (17) To update the Use of IT and Social Media Policy as and when required.
- (18) That the Principal Auditor (post holder 50360824) be authorised to give notice inviting agreement to pay a penalty as an alternative to prosecution pursuant to Sections 115A and 115B of the Social Security Administration Act 1992.
- (19) To deal with all matters connected with the administration of Council Tax, Business Rates, Housing and Council Tax Benefits, and Council Tax Support excepting such matters as are expressly reserved by legislation for the Council to determine.
- (20) In consultation with the Finance Portfolio Holder, to approve Discretionary Rate Relief.
- (21) To require a Valuation Officer to apportion the value of partly occupied non-domestic hereditaments under Section 44A, Local Government Finance Act 1988.
- (22) To take all actions he/she considers appropriate for recovery of Council debts.
- (23) To impose a civil penalty.
- (24) To reject an individual's appeal against liability and to pass the appeal to the Valuation Tribunal.
- (25) To recover an overpayment of Housing or Council Tax Benefit.
- (26) To back date an application for Housing Benefit or Council Tax Support.
- (27) To grant discretionary housing payments to customers in receipt of Housing Benefit

or Universal Credit.

- (28) To grant hardship relief.
- (29) To authorise an Administrative Penalty in cases of an apparent fraudulent claim for Housing and/or Council Tax Benefit.
- (30) To insert advertising materials with Council Tax demands at his/her discretion.
- (31) To grant rate relief in accordance with the policy with a right of appeal to the Cabinet.
- (32) , To set the Council Tax Base for the Test Valley area.
- (33) That the following post holders be authorised to issue authorisations pursuant to the Regulation of Investigatory Powers Act 2000.
50681547 Head of Finance and Revenues
- (34) That the following officers be authorised under Section 223 Local Government Act 1972 to appear on behalf of the Authority before a Magistrates Court in connection with Rating and Council Tax matters:
50361481 Revenues & Welfare Manager
50361484 Revenues & Welfare Compliance Officer
50361485 Revenues & Welfare Compliance Officer
50361550 Revenues & Welfare Compliance Officer
50361536 Revenues & Welfare Team Leader
50361539 Revenues & Welfare Team Leader
50361482 Revenues & Welfare Team Leader
- (35) In consultation with the Finance Portfolio Holder, to approve the annual National Non Domestic Rates returns to Central Government.
- (36) In consultation with the Finance Portfolio Holder, to make routine amendments to the Local Council Tax Support Scheme where necessary in light of legislative change to Council Tax Support, welfare benefits and other related legislation.
- (37) In consultation with the Finance Portfolio Holder, to add new Discretionary Rate Reliefs into the Discretionary Rate Relief Policy where (a) such new relief is fully funded by government (including any cost of implementation) and (b) there is clear guidance as to which businesses are eligible for the relief.

Delegation to Head of Housing and Environmental Health Services

- (1) In cases of emergency, the Head of Housing and Environmental Health Services be authorised to carry out the Council's function under Section 33 of the Local Government (Miscellaneous Provisions) Act 1976.
- (2) Discretionary decisions concerning the nomination of special cases from the Housing Register be delegated to the Head of Housing and Environmental Health Services, subject to informing the Housing and Environmental Health Portfolio

Holder prior to notifying the applicant.

- (3) To grant Street Trading Consents in respect of street trading activities where those activities are taking place on land under their management.
- (4) To sign notices to quit in respect of temporary accommodation occupied by the homeless.
- (5) To review homeless decisions under Section 202 of the Housing Act 1996 (as amended), and in view of likely media interest, to inform the Housing and Environmental Health Portfolio Holder of the decisions that have been taken.
- (6) To determine homeless applications under Part VII of the Housing Act 1996 (as amended).
- (7) To conduct, jointly or severally with the Housing Manager, reviews of adverse decisions relating to registration on the Housing Register.
- (8) To determine any matter relating to:
 - (a) transfer of accommodation;
 - (b) nominations to Registered Providers of Social Housing;
 - (c) allocation of temporary accommodation for homeless applicants;
 - (d) payment of removal expenses in appropriate cases; or
 - (e) emergency arrangements.
- (9) To deal with applications under the Rent (Agriculture) Act 1976.
- (10) To enter into leases of individual properties with private owners in order to secure temporary accommodation for homeless households.
- (11) To consult with tenants under the Housing Act 1985.
- (12) To agree transfers of tenants on management grounds as proposed by Registered Providers of Social Housing.
- (13) To approve home loss payments, removal and relocation allowances in accordance with any scheme approved by the Council.
- (14) To investigate allegations of harassment and threats by any illegal evictions.
- (15) To review and determine appeals lodged by Housing Register applicants under Section 164 of the Housing Act 1996.
- (16) In consultation with the Head of Legal and Democratic Services, to enter into short term leases as they consider appropriate on terms to be agreed by them and to administer the short term letting scheme to accommodate homeless persons.
- (17) To transfer funding between schemes and programmes within the approved Housing Investment Programme, subject to reporting such changes to the next appropriate meeting of the Cabinet.

- (18) That the Environmental Health Manager (post holder 50360920) be authorised to issue authorisations pursuant to the Regulation of Investigatory Powers Act 2000.
- (19) That the Housing Manager (post holder 50360864) be authorised to conduct homelessness reviews under Section 202 of the Housing Act 1996 (as amended).
- (20) That the Housing Development and Standards Manager (post holder 50360894) be authorised to agree the payment of additional grants above the £15,000.00 maximum for Discretionary Renovation Grants (DRGs) in appropriate circumstances, in consultation with the Housing and Environmental Health Portfolio Holder.
- (21) To approve grant funding in accordance with the Affordable Housing Grants Policy.
- (22) That the Environmental Health Manager (post holder 50360920) shall be authorised to advise upon compliance with the legislation set out in (k) below, and regulations and other subordinate legislation made thereunder and any amendments thereto, to formally notify contraventions of the legislation etc. as necessary, and to exercise all powers provided under such legislation, including issuing and serving Notices relating to contraventions of the legislation etc. or Notices seeking information relating to such contraventions and to carry out the activities in (a) to (k) below.
- (a) To make charges, agree contracts, make expenditure, authorise work in default, and allocate grant aid as permitted within approved budgets and environmental health legislation.
 - (b) To respond to consultations relating to technical and legal matters which are delegated.
 - (c) To promote and publicise compliance with legislation, good health and good environmental practice.
 - (d) To provide services relating to Environmental Health matters, as permitted under the relevant legislation set out in (k) below.
 - (e) To grant, with or without conditions, or to refuse applications for and to revoke street trading licences or consents. To make charges for such grants up to the limit stipulated in the Council's budget.
 - (f) To carry out investigations and to obtain, issue, give or publish notices or orders for the control of infectious disease as permitted under the relevant legislation.
 - (g) To make, refuse, or vary such registrations as are applied for, or requested, under the legislation set out in (k) below and to maintain appropriate registers.
 - (h) To grant, refuse, or vary permits and licences as are applied for under the legislation set out in (k) below.
 - (i) In consultation with the Housing and Environmental Health Portfolio Holder, to agree the payment of additional grant above the £15,000.00 maximum for Discretionary Renovation Grants (DRGs) in appropriate circumstances.

- (j) To prepare reports for legal proceedings in the event of contravention of legislation set out in (k) below and in the event of contraventions of the Health & Safety at Work etc. Act 1974, subordinate legislation made thereunder or any amendments thereto, to issue instructions to the Council's Solicitors to take legal proceedings.
- (k) That the holders of the posts below be authorised to enter land or premises, to exercise all available powers of investigation and inspection, to carry out any act included in, to advise upon compliance with, and to formally notify contraventions of the legislation and subordinate legislation made there under and any amendments thereto, as set out below.

50360919 Principal Environmental Health Officer (Health Protection)

50360918 Principal Environmental Health Officer (Environmental Protection)

50360922 (Senior) Environmental Health Officer (Environmental Protection)

50360923 (Senior) Environmental Health Officer or (Senior) Environmental Protection Officer

50360927 (Senior) Environmental Health Officer (Health Protection)

50360930 (Senior) Environmental Health Officer (Health Protection)

50360931 (Senior) Environmental Health Officer (Health Protection)

Animal Boarding Establishments Act 1963

Animal By-Products (Enforcement) (England) Regulations 2013

Animal Health Act 1981

Animal Welfare Act 2006

Anti-Social Behaviour Act 2003 Part 6 as amended by the Clean Neighbourhoods and Environment Act 2005

Anti-Social Behaviour, Crime and Policing Act 2014

Asbestos at Work Regulations 1994

Asbestos Regulations 1983

Breeding and Sale of Dogs (Welfare) Act 1999

Breeding of Dogs Act 1973 and 1991

Building Act 1984

Caravan Sites and Control of Development Act 1960

Clean Air Act 1993

Clean Neighbourhoods and Environment Act 2005

Contaminants in Food (England) Regulations 2013

Control of Asbestos Regulations 2012

Control of Pollution Act 1974

Crime and Disorder Act 1998

Criminal Justice and Public Order Act 1994

Dangerous Dogs Act 1991

Dangerous Wild Animals Act 1976

Environment Act 1995

Environmental Protection Act 1990

Environmental Permitting (England and Wales) Regulations 2016 (as amended)

European Communities Act 1972

Factories Act 1961

Food and Environmental Protection Act 1988
 Food Information Regulations 2014
 Food Safety Act 1990 (as amended) and any Orders or Regulations or other statutory instruments made thereunder, or relating thereto, or having effect by virtue of the European Communities Act 1972 and relating to food safety, and any modification or re-enactment of such provisions, including:
 Regulation (EC) 852/2004, 853/2004, 854/2004, 1169/2011 and 178/2002
 Food Safety and Hygiene (England) Regulations 2013 (as amended).
 General Food Regulations 2004
 Hampshire Act 1983
 Health Act 2006 Part 1 Chapter 1
 Health and Safety (Enforcing Authority) Regulations 1998
 Health Protection (Local Authority Powers) Regulations 2010
 Health Protection (Part 2A Orders) Regulations 2010
 Home Energy Conservation Act 1995
 Housing Acts 1957 to 2004
 Housing Grants, Construction and Regeneration Act 1996 as amended by the Local Democracy, Economic Development and Construction Act 2009
 Imported Food Regulations 1997
 Licensing Act 2003
 Litter Act 1993
 Local Government and Housing Act 1989
 Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 Meat (Enhanced Enforcement Powers) (England) Regulations 2000
 National Assistance Act 1948
 Natural Mineral Water, Spring Water & Bottled Drinking Water Regulations 2007 (as amended)
 Noise Act 1996
 Noise and Statutory Nuisance Act 1993
 Offices, Shops and Railway Premises Act 1963
 Official Controls (Animal, Feed and Food) (England) Regulations 2006
 Official Feed and Food Controls (England) Regulations 2009 (as amended).
 Open Spaces Act 1906
 Pet Animals Act 1951
 Police and Criminal Evidence Act 1984
 Pollution Prevention and Control Act 1999
 Prevention of Damage by Pests Act 1949
 Private Water Supplies (England) Regulations 2016 (as amended)
 Public Health Acts 1875, 1936 to 1961
 Public Health (Control of Disease) Act 1984
 Quick Frozen Foodstuffs Regulations 1990
 Redress Schemes for Letting Agency Work and Property Management work (Requirements to Belong to a Scheme etc.) (England) Order 2014
 Refuse Disposal (Amenity) Act 1978
 Regulation of Investigatory Powers Act 2000
 Riding Establishments Act 1964 and 1970
 Shops Act 1950
 Smoke and Carbon Monoxide Alarm (England) Regulations 2015
 Sunbeds (Regulation) Act 2010
 Sunday Trading Act 1994

Trade in Animals and Related Products Regulations 2011
 Transmissible Spongiform Encephalopathies (England) Regulations 2010
 Water Industry Act 1991
 Zoo Licensing Act 1981

50360894 Housing Development and Standards Manager
50360868 Principal Environmental Health Officer (Housing)
50360932 (Senior) Environmental Health Officer (Housing)
 Anti-social Behaviour Act 2003 Part 6 as amended by the Clean
 Neighbourhoods and Environment Act 2005
 Building Act 1984
 Caravan Sites and Control of Development Act 1960
 Clean Air Act 1993
 Clean Neighbourhoods and Environment Act 2005
 Control of Pollution Act 1974
 Crime and Disorder Act 1998
 Criminal Justice and Public Order Act 1994
 Energy Efficiency (Private Rented Sector) (England and Wales) Regulations
 2015 (as amended)
 Environment Act 1995
 Environmental Protection Act 1990
 European Communities Act 1972
 Hampshire Act 1983
 Health Act 2006 Part 1 Chapter 1
 Home Energy Conservation Act 1995
 Housing Acts 1957 to 2004
 Housing and Planning Act 2016
 Housing Grants, Construction and Regeneration Act 1996
 Litter Act 1993
 Local Government and Housing Act 1989
 Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 Mobile Homes Act 2013
 National Assistance Act 1948
 Noise Act 1996
 Noise and Statutory Nuisance Act 1993
 Open Spaces Act 1906
 Police and Criminal Evidence Act 1984
 Prevention of Damage by Pests Act 1949
 Protection from Eviction Act 1977
 Public Health Acts 1875, 1936 to 1961
 Public Health (Control of Disease) Act 1984
 Redress Schemes for Letting Agency Work and Property Management work
 (Requirements to Belong to a Scheme etc.) (England) Order 2014
 Refuse Disposal (Amenity) Act 1978
 Regulation of Investigatory Powers Act 2000
 Smoke and Carbon Monoxide Alarm (England) Regulations 2015
 Water Industry Act 1991

50360928 (Senior) Health Protection Officer
 Animal Boarding Establishments Act 1963

Animal By-Products (Enforcement) (England) Regulations 2013
 Animal Health Act 1981
 Animal Welfare Act 2006
 Asbestos at Work Regulations 1994
 Asbestos Regulations 1983
 Breeding and Sale of Dogs (Welfare) Act 1999
 Breeding of Dogs Act 1973 and 1991
 Clean Neighbourhoods and Environment Act 2005
 Contaminants in Food (England) Regulations 2013
 Control of Asbestos Regulations 2012
 Dangerous Dogs Act 1991
 Dangerous Wild Animals Act 1975
 Environmental Protection Act 1990
 European Communities Act 1972
 Factories Act 1961
 Food and Environmental Protection Act 1988
 Food Safety Act 1990 and any Orders or Regulations or other statutory instruments made thereunder, or relating thereto, or having effect by virtue of the European Communities Act 1972 and relating to food safety, and any modification or re-enactment of such provisions, including:
 Regulation (EC) 852/2004, 853/2004, 854/2004, , 1169/2011 and 178/2002
 Food Safety and Hygiene (England) Regulations 2013 (as amended).
 General Food Regulations 2004
 Hampshire Act 1983
 Health Act 2006 Part 1 Chapter 1
 Health and Safety (Enforcing Authority) Regulations 1998
 Licensing Act 2003
 Local Government (Misc. Provisions) Acts 1976 and 1982
 Meat (Enhanced Enforcement Powers)(England) Regulations 2000
 Microchipping of Dogs (England) Regulations 2015
 Natural Mineral Water, Spring Water & Bottled Drinking Water Regulations 2007 (as amended)
 Noise and Statutory Nuisance Act 1993
 Offices, Shops and Railway Premises Act 1963
 Official Controls (Animals, Feed and Food)(England) Regulations 2006
 Official Feed and Food Control (England) Regulations 2009
 Pet Animals Act 1951
 Prevention of Damage by Pests Act 1949
 Public Health (Control of Disease) Act 1984
 Quick Frozen Foodstuffs Regulations 1990
 Riding Establishments Act 1964 and 1970
 Shops Act 1950
 Sunbeds (Regulation) Act 2010
 Sunday Trading Act 1994
 Trade in Animals and Related Products Regulations 2011
 Transmissible Spongiform Encephalopathies (England) Regulations 2010
 Water Industry Act 1991
 Zoo Licensing Act 1981

50360869 Senior Private Sector Housing Officer

50360870 Senior Private Sector Housing Officer

50360871 Senior Private Sector Housing Officer

Building Act 1984

Caravan Sites and Control of Development Act 1960

Clean Neighbourhoods and Environment Act 2005

Energy Efficiency (Private Rented Sector) (England and Wales) Regulations 2015 (as amended)

Environmental Protection Act 1990 - all powers under Section 79 (1) a and h

Housing Acts 1957 to 2004

Housing and Planning Act 2016

Housing Grants, Construction and Regeneration Act 1996

Licensing Act 2003

Local Government and Housing Act 1989

Local Government (Miscellaneous Provisions) Acts 1976 and 1982

Mobile Homes Act 2013

Protection from Eviction Act 1977

Redress Schemes for Letting Agency Work and Property Management work (Requirements to Belong to a Scheme etc.) (England) Order 2014

RIDDOR 2000

Smoke and Carbon Monoxide Alarm (England) Regulations 2015

50360925 Environmental Protection Officer

Anti-social Behaviour Act 2003 Part 6 as amended by the Clean Neighbourhoods and Environment Act 2005

Anti-Social Behaviour, Crime and Policing Act 2014

Building Act 1984

Clean Air Act 1993

Clean Neighbourhoods and Environment Act 2005

Control of Pollution Act 1974

Crime and Disorder Act 1998

Environment Act 1995

Environmental Protection Act 1990

Environmental Permitting (England and Wales) Regulations 2016 (as amended)

Health Act 2006 Part 1 Chapter 1

Licensing Act 2003

Local Government (Misc. provisions) Acts 1976-1982

National Assistance Act 1943

Noise Act 1996

Noise and Statutory Nuisance Act 1993

Pollution Prevention and Control Act 1999

Prevention of Damage by Pests Act 1949

Private Water Supplies (England) Regulations 2016 (as amended)

Public Health Acts 1875, 1936 to 1961

Water Industry Act 1991

50360924 Scientific Officer

Building Act 1984

Clean Air Act 1993

Clean Neighbourhoods and Environment Act 2005

Control of Pollution Act 1974
 Environment Act 1995
 Environmental Permitting (England and Wales) Regulations 2016 (as amended)
 Environmental Protection Act 1990
 Licensing Act 2003
 Local Government (Misc. provisions) Acts 1976 and 1982
 Noise Act 1996
 Noise and Statutory Nuisance Act 1993
 Prevention of Damage by Pests Act 1949
 Private Water Supplies (England) Regulations 2016 (as amended)
 Public Health Acts 1875, 1936 to 1961
 Water Industry Act 1991

50360921 Animal Welfare Officer

Animal Boarding Establishments Act 1963
 Animal Health Act 1981
 Animal Welfare Act 2006
 Anti-Social Behaviour, Crime and Policing Act 2014
 Breeding and Sale of Dogs (Welfare) Act 1999
 Breeding of Dogs Act 1973 and 1991
 Clean Neighbourhoods and Environment Act 2005
 Dangerous Dogs Act 1991
 Dangerous Wild Animals Act 1976
 Environmental Protection Act 1990
 Local Government (Misc. Provisions) Acts 1976 and 1982
 Microchipping of Dogs (England) Regulations 2015
 Noise and Statutory Nuisance Act 1993
 Pet Animals Act 1951
 Riding Establishments Act 1964 and 1970
 Zoo Licensing Act 1981

- (l) That the holders of the posts below be authorised to enter land or premises and to carry out any act included in the Prevention of Damage by Pests Act 1949:

50360854 Area Pest Control Officer
 50360855 Area Pest Control Officer

- (m) That the holders of the posts below may issue and serve Notices in respect of the legislation set out below.

50360919 Principal Environmental Health Officer (Health Protection)
50360918 Principal Environmental Health Officer (Environmental Protection)

Animal Boarding Establishments Act 1963
 Animal By-Products (Enforcement) (England) Regulations 2013
 Animal Health Act 1981
 Animal Welfare Act 2006
 Anti-Social Behaviour Act 2003 Part 6 as amended by the Clean Neighbourhoods and Environment Act 2005

Anti-Social Behaviour, Crime and Policing Act 2014
 Asbestos at Work Regulations 1994
 Asbestos Regulations 1983
 Breeding and Sale of Dogs (Welfare) Act 1999
 Breeding of Dogs Act 1973 and 1991
 Building Act 1984
 Caravan Sites and Control of Development Act 1960
 Clean Air Act 1993
 Clean Neighbourhoods and Environment Act 2005
 Contaminants in Food (England) Regulations 2013
 Control of Asbestos Regulations 2012
 Control of Pollution Act 1974
 Crime and Disorder Act 1998
 Criminal Justice and Public Order Act 1994
 Dangerous Dogs Act 1991
 Dangerous Wild Animals Act 1976
 Environment Act 1995
 Environmental Protection Act 1990
 Environmental Permitting (England and Wales) Regulations 2016 (as amended)
 European Communities Act 1972
 Factories Act 1961
 Food and Environmental Protection Act 1988
 Food Information Regulations 2014
 Regulation (EC) 852/2004, 853/2004, 178/2002 – Food Hygiene (England) Regulations 2006
 Food Safety Act 1990 (as amended) and any Orders or Regulations or other statutory instruments made thereunder, or relating thereto, or having effect by virtue of the European Communities Act 1972 and relating to food safety, and any modification or re-enactment of such provisions, including:
 Regulation (EC) 852/2004, 853/2004, 854/2004, , 1169/2011 and 178/2002
 Food Safety and Hygiene (England) Regulations 2013 (as amended).
 General Food Regulations 2004
 Hampshire Act 1983
 Health Act 2006 Part 1 Chapter 1
 Health and Safety Enforcement (Enforcing Authority) Regulations 1998
 Health Protection (Local Authority Powers) Regulations 2010
 Health Protection (Part2A Orders) Regulations 2010
 Home Energy Conservation Act 1995
 Housing Acts 1957 to 2004
 Housing Grants, Construction and Regeneration Act 1996 as amended by the Local Democracy, Economic Development and Construction Act 2009
 Imported Food Regulations 1997
 Licensing Act 2003
 Litter Act 1993
 Local Government and Housing Act 1989
 Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 Meat (Enhanced Enforcement Powers) (England) Regulations 2000
 National Assistance Act 1948

Natural Mineral Water, Spring Water & Bottled Drinking Water Regulations 2007 (as amended)
 Noise Act 1996
 Noise and Statutory Nuisance Act 1993
 Offices, Shops and Railway Premises Act 1963
 Official Feed and Food Controls (England) Regulations 2007 (as amended)
 Official Controls (Animal, Feed and Food) (England) Regulations 2006
 Official Feed and Food Controls (England) Regulations 2009 (as amended).
 Open Spaces Act 1906
 Pet Animals Act 1951
 Police and Criminal Evidence Act 1984
 Pollution Prevention and Control Act 1999
 Prevention of Damage by Pests Act 1949
 Private Water Supplies (England) Regulations 2016 (as amended)
 Public Health Acts 1875, 1936 to 1961
 Public Health (Control of Disease) Act 1984
 Quick Frozen Foodstuffs Regulations 1990
 Redress Schemes for Letting Agency Work and Property Management work (Requirements to Belong to a Scheme etc.) (England) Order 2014
 Refuse Disposal (Amenity) Act 1978
 Regulation of Investigatory Powers Act 2000
 Riding Establishments Act 1964 and 1970
 Shops Act 1950
 Smoke and Carbon Monoxide Alarm (England) Regulations 2015
 Sunbeds (Regulation) Act 2010
 Sunday Trading Act 1994
 Trade in Animals and Related Products Regulations 2011
 Transmissible Spongiform Encephalopathies (England) Regulations 2010
 Water Industry Act 1991
 Zoo Licensing Act 1981

50360894 Housing Development and Standards Manager
50360868 Principal Environmental Health Officer (Housing)
 Anti-social Behaviour Act 2003 Part 6 as amended by the Clean Neighbourhoods and Environment Act 2005
 Building Act 1984
 Caravan Sites and Control of Development Act 1960
 Clean Air Act 1993
 Clean Neighbourhoods and Environment Act 2005
 Control of Pollution Act 1974
 Crime and Disorder Act 1998
 Criminal Justice and Public Order Act 1994
 Energy Efficiency (Private Rented Sector) (England and Wales) Regulations 2015 (as amended)
 Environment Act 1995
 Environmental Protection Act 1990
 European Communities Act 1972
 Hampshire Act 1983
 Health Act 2006 Part 1 Chapter 1

Home Energy Conservation Act 1995
 Housing Acts 1957 to 2004
 Housing and Planning Act 2016
 Housing Grants, Construction and Regeneration Act 1996
 Litter Act 1993
 Local Government and Housing Act 1989
 Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 Mobile Homes Act 2013
 National Assistance Act 1948
 Noise Act 1996
 Noise and Statutory Nuisance Act 1993
 Open Spaces Act 1906
 Police and Criminal Evidence Act 1984
 Prevention of Damage by Pests Act 1949
 Protection from Eviction Act 1977
 Public Health Acts 1875, 1936 to 1961
 Public Health (Control of Disease) Act 1984
 Redress Schemes for Letting Agency Work and Property Management work
 (Requirements to Belong to a Scheme etc.) (England) Order 2014
 Refuse Disposal (Amenity) Act 1978
 Regulation of Investigatory Powers Act 2000
 Smoke and Carbon Monoxide Alarm (England) Regulations 2015
 Water Industry Act 1991

50360922 (Senior) Environmental Health Officer (Environmental Protection)

50360923 (Senior) Environmental Health Officer or (Senior) Environmental Protection Officer

50360927 (Senior) Environmental Health Officer (Health Protection)

50360930 (Senior) Environmental Health Officer (Health Protection)

50360931 (Senior) Environmental Health Officer (Health Protection)

50360928 Senior Health Protection Officer

Animal By-Products (Enforcement)(England) Regulations 2013
 Contaminants in Food (England) Regulations 2013
 Food Safety Act 1990 (as amended) and any Orders or Regulations or other statutory instruments made thereunder, or relating thereto, or having effect by virtue of the European Communities Act 1972 and relating to food safety, and any modification or re-enactment of such provisions, including:
 Regulation (EC) 852/2004, 853/2004, 854/2004, , 1169/2011 and 178/2002
 Food Information Regulations 2014
 Food Safety and Hygiene (England) Regulations 2013 (as amended).
 General Food Regulations 2004
 Meat (Enhanced Enforcement Powers) (England) Regulations 2000
 Natural Mineral Water, Spring Water & Bottled Drinking Water Regulations 2007 (as amended)
 Official Controls (Animals, Feed and Food)(England) Regulations 2006
 Official Feed and Food Controls (England) Regulations 2009
 Quick-frozen Foodstuffs Regulations 1990
 Trade in Animals and Related Products Regulations 2011

Transmissible Spongiform Encephalopathies (England) Regulations 2010

- 50360922 (Senior) Environmental Health Officer (Environmental Protection)**
- 50360923 (Senior) Environmental Health Officer or (Senior) Environmental Protection Officer**
- 50360927 (Senior) Environmental Health Officer (Health Protection)**
- 50360930 (Senior) Environmental Health Officer (Health Protection)**
- 50360931 (Senior) Environmental Health Officer (Health Protection)**
- 50360925 Environmental Protection Officer**
- 50360924 Scientific Officer**
- 50360932 (Senior) Environmental Health Officer (Housing)**

Control of Pollution Act 1974 - Section 60 only

Environmental Protection Act 1990 – Part 3 only

Clean Neighbourhoods and Environment Act 2005 – Sections 77- 79 only

Public Health Act 1936 - Section 50 only

- (23) That the following post holders, who are qualified in accordance with the legislation, be appointed as Health and Safety Inspectors under Section 19 of the Health and Safety at Work etc Act 1974 and any other relevant statutory provisions.

50360920 Environmental Health Manager

50360918 Principal Environmental Health Officer (Environmental Protection)

50360919 Principal Environmental Health Officer (Health Protection)

50360927 (Senior) Environmental Health Officer (Health Protection)

50360930 (Senior) Environmental Health Officer (Health Protection)

50360931 (Senior) Environmental Health Officer (Health Protection)

50360922 (Senior) Environmental Health Officer (Environmental Protection)

50360923 (Senior) Environmental Health Officer or (Senior) Environmental

Protection Officer 50360928 (Senior) Health Protection Officer (Health Protection)

And that they be authorised to advise upon compliance with the legislation set out in the Health and Safety at Work etc. Act 1974 and subordinate legislation made there under and any amendments thereto, to formally notify contraventions of the legislation etc. as necessary, and to issue and serve Notices relating to contraventions of the legislation etc. or Notices seeking information relating to such contraventions, to bring proceedings [or lay information] in accordance with Section 38 of the Health and Safety at Work etc. Act 1974 and to exercise all available powers, including those listed in (a) to (e) below.

- (a) To carry out inspections, investigations and interviews as permitted under the relevant legislation.
- (b) To exercise the rights of entry permitted under the relevant legislation.
- (c) To undertake sampling, detection and seizure of goods and materials as permitted under the relevant legislation.
- (d) To inspect and obtain records as appropriate under the relevant legislation.
- (e) To make such records, sketches, and to take such photographs as are permitted under the legislation.

- (24) That the holders of the following posts who are qualified in accordance with the legislation be appointed as inspectors under the Animal Welfare Act 2006 and any other relevant statutory provisions.
- 50360920 Environmental Health Manager
 - 50360918 Principal Environmental Health Officer (Environmental Protection)
 - 50360919 Principal Environmental Health Officer (Health Protection)
 - 50360921 Animal Welfare Officer
 - 50360922 (Senior) Environmental Health Officer (Environmental Protection)
 - 50360923 (Senior) Environmental Health Officer or (Senior) Environmental Protection Officer
 - 50360927 (Senior) Environmental Health Officer (Health Protection)
 - 50360928 (Senior) Health Protection Officer
 - 50360930 (Senior) Environmental Health Officer (Health Protection)
 - 50360931 (Senior) Environmental Health Officer (Health Protection)
- (25) That the Environmental Health Manager (post holder 50360920) be authorised to request reviews of licences and certificates and to make representations to review hearings, pursuant to the Licensing Act 2003 and any subordinate legislation made thereunder and any amendments thereto.
- (26) That the Principal Environmental Health Officer (Health Protection) (post holder 50360919) be appointed as lead officer under and in accordance with the Food Law Code of Practice (England) 2017 and any amendment thereto.
- (27) To grant and vary licences under the Caravan Sites and Control of Development Act 1960 including appropriate licence conditions, and to authorise the necessary enforcement action under the Mobile Homes Act 2013.
- (28) That the holders of the following posts be nominated as appointed officers in respect of the statutory provisions set out below.
- 50360920 Environmental Health Manager
 - 50360918 Principal Environmental Health Officer (Environmental Protection)
 - 50360921 Animal Welfare Officer
 - 50360928 Senior Health Protection Officer
- Section 149(1) of the Environmental Protection Act 1990
- Regulation 11(2) of the Microchipping of Dogs (England) Regulations 2015.
- (29) That the Head of Housing and Environmental Health (where required, in consultation with the Portfolio Holder for Housing and Environmental Health) be authorised to approve requests for Designated Protection Area waivers in the circumstances set out in the table below:

Delegation Framework for formal support for DPA Waiver			
Type of Scheme	Decision	Reason	Delegated to
HARAH and Rural Exception Sites	Refuse	COM8 seeks affordable homes in perpetuity.	Head of Housing and Environmental Health
COM 9 sites (Community Led Development)	Refuse save in exceptional circumstances where it can be agreed SUBJECT TO inclusion of rural buy back clause upon stair-casing to 100% to the Council or its nominated provider.	COM9 seeks affordable homes in perpetuity but consideration to be given to availability of mortgage funding and viability of scheme	Head of Housing and Environmental Health in consultation with Portfolio Holder and Parish Council
MDA sites and Planned Urban Extension (e.g. Picket Twenty, Smannell) [previously designated as rural and included in DPA but now classed as urban where these restrictions would not apply]	Agreed	Planned urban extension – proposed development indicates shared ownership could be re-provided.	Head of Housing and Environmental Health
Permitted development sites in Rural Villages	Review on a site by site basis	COM7 – no requirement for perpetuity but consideration to be given to availability of further affordable homes, availability of mortgage funding and viability of scheme.	Head of Housing and Environmental Health in consultation with Portfolio Holder and Parish Council
Resale of existing restricted shared ownership home	Review on case by case basis	Ability of shared owners to sell the property at the restricted percentage and availability of mortgage funding	Head of Housing and Environmental Health in consultation with the Portfolio Holder and Parish Council
Any other requests for exemptions other than above	Review on a site by site basis	Consideration to be given for the reason for the request, availability of future affordable homes, mortgage funding and viability of scheme	Head of Housing and Environmental Health in consultation with Portfolio Holder and Parish Council

Delegation to Head of Legal and Democratic Services

Legal and Other Proceedings

- (1) The institution, prosecution, amendment or termination of any proceedings, which the Council is empowered to undertake, in or before any court, tribunal or inquiry.
- (2) The defence or settlement of any proceedings brought against the Council.
- (3) The taking of any action incidental or conducive to or which would facilitate any action under (1) or (2) above.
- (4) The obtaining of Counsel's opinion on any matter.

Notices

- (1) The issue of Notices on behalf of the Council under Section 112 of the Road Traffic Regulation Act 1984, requiring information to be given as to the identity of a driver alleged to be guilty of an offence.
- (2) The issue of Notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 330 of the Town and Country Planning Act 1990 where he/she deems it necessary to secure information about land to enable the Council to exercise its functions.

Miscellaneous

- (1) In all cases where a mortgagor is three months in arrears with payments under the mortgage, to obtain possession of the property and arrange for its sale and the recovery of all monies owed to the Council.
- (2) To give approval to the carrying out of all works to properties which are the subject of small dwellings mortgages or housing act advances provided the security of the Council is not thereby adversely affected.
- (3) To sign releases of mortgages granted by the Council provided such repayment has been made.
- (4) To make applications under Section 47 of the National Assistance Act 1948 and Section 1 of the National Assistance (Amendment) Act 1951 upon receiving representations from the Proper Officer.
- (5) To recover the cost of works in default under Section 193 and Schedule 10 of the Housing Act 1985 relating to repairs to privately rented dwellings.
- (6) To sign a waiver relating to House Renovation Grants limiting repayment to the nominal sum of 5p in the event of the lender having to exercise its power of sale subject to the payment to the Council of any proceeds of sale held by the lender after full repayment of outstanding mortgage debt and proper costs to a maximum of the grant repayment.

- (7) To transfer open space, landscaping and recreational facilities on private residential developments by way of adoption subject to the developer paying a capital sum for maintenance calculated by the Head of Community and Leisure Services and to the landscaping, open space or recreational facilities being completed to the satisfaction of the Head of Community and Leisure Services.
- (8) To enter into agreements in respect of applications to retain and maintain trees, shrubs, plants or grass in part of a highway verge.
- (9) To sign notices, orders or other documents made or issued by the Council.
- (10) To close streets for public processions, rejoicings or illuminations under Section 21 of the Town Police Clauses Act 1847.
- (11) After consultation with the Chairman of the appropriate Development Control Committee, to lodge an objection or representation as to the imposition of conditions on an application for an Operator's Licence in those cases where the operating centre would be unsuitable for use as such on environmental grounds in accordance with the provisions of the Goods Vehicles (Licensing of Operators) Act 1995.
- (12) To authorise the postponement of the Council's discount charge relating to former Council houses.
- (13) To complete legal agreements or legal charges pursuant to the Private Sector Housing Renewal Policy and to register such documents as appropriate at HM Land Registry.
- (14) To authorise the postponement of a legal charge created pursuant to the Private Sector Housing Renewal Policy.
- (15) To amend the listings of the Council's Publication Scheme produced in accordance with the Freedom of Information Act 2000, within the existing Information Classes.
- (16) To update the Data Protection Policy (DPP) as and when required.
- (17) To make minor amendments to the Corporate Surveillance Policy where they relate to changes in the legislation, directions or recommendations from an inspector appointed by the Office of the Surveillance Commissioner, or guidance from the Home Office.
- (18) To authorise Authorising Officers pursuant to the Corporate Surveillance Policy.
- (19) To establish an Independent Review Panel for a period of four years to review Members' Allowances and to pay consultancy fees to the Chairman of the Panel.
- (20) To authorise reimbursement of the cost of accommodation booked directly by Members in excess of the approved allowance in exceptional circumstances pursuant to the Members' Allowance Scheme.
- (21) To approve payments to co-opted Members pursuant to the Members' Allowance Scheme.

- (22) In consultation with the Chairman of General Purposes Committee, to grant dispensations to Members of Test Valley Borough Council in respect of Personal Interests in accordance with General Purposes Committee 6 January 2014 Minute 221 and to report such dispensations to the next meeting of the General Purposes Committee.
- (23) The holders of the following posts be authorised to grant dispensations to Members of Test Valley Borough Council pursuant to section 33(2)(a), (b) and (d) of the Localism Act 2011.
- | | |
|----------|---------------------------------------|
| 50361323 | Head of Legal and Democratic Services |
| 50361465 | Legal Services Manager (Corporate) |
| 50361468 | Legal Services Manager (Planning) |
| 50361467 | Principal Solicitor |
- (24) To convene meetings of working parties, panels and other meetings in which members are involved.
- (25) Following consultation with the Leader, to approve the attendance of Members at conferences and meetings including the payment of travelling and subsistence allowances.
- (26) In consultation with the Corporate Portfolio Holder, to appoint individuals to parish, town and community councils should circumstances mean that they are no longer quorate.
- (27) To amend the Licensing Committee and Sub-Committee Procedure Rules to give effect to legislative changes.
- (28) To determine all applications and decide all other matters in relation to the licensing functions set out in the Licensing Act 2003 and any amending legislation, save for those applications and matters expressly excluded from delegation to officers by that legislation.
- (29) To determine applications made pursuant to the Licensing Act 2003 and any amending legislation where the holding of a hearing has been dispensed with in accordance with Regulations made thereunder.
- (30) To reject representations under the Licensing Act 2003 or Gambling Act 2005 which he/she considers to be vexatious, frivolous or repetitious.
- (31) To make recommendations under the Licensing Act 2003 as to the restriction of admission of children to non-classified films, or a particular classified film, save always to his/her discretion to refer a film to a Licensing Sub-Committee for determination of the appropriate recommendation.
- (32) To serve Closure Notices under Section 19 of the Criminal Justice and Police Act 2001 in respect of premises used for the unlicensed sale of alcohol and to take action for the enforcement, cancellation and termination of such notices pursuant to Sections 19-28 of that Act.

- (33) To determine all applications and decide all other matters in relation to the licensing functions set out in the Gambling Act 2005 and any amending legislation, save for those applications and matters expressly excluded from delegation to officers by that legislation.
- (34) To determine applications made pursuant to the Gambling Act 2005 and any amending legislation where the holding of a hearing has been dispensed with in accordance with Regulations made thereunder.
- (35) To determine applications for Licensed Premises Gaming Machine Permits; Club Gaming Permits, Club Machine Permits, Prize Gaming Permits, and Small Lottery Registrations.
- (36) To cancel or vary Licensed Premises Gaming Machine Permits.
- (37) To revoke a Small Lottery Registration.
- (38) To remove automatic entitlement to gaming and/or to two gaming machines on alcohol licensed premises.
- (39) To administer the Hypnotism Act 1952 including the institution of proceedings for breaches of the Act and Section 12 of the Local Government (Miscellaneous Provisions) Act 1982.
- (40) To issue licences under Section 2 of the House-to-House Collections Act 1939, as amended after suitable attempts at liaison and after making such enquiries as may be necessary.
- (41) To allocate street collections.
- (42) To determine applications for sex establishment licences save for where objections to the grant, transfer or renewal of a licence have been received.
- (43) To grant, with or without conditions, or refuse applications for a licence to place tables and chairs on the highway in accordance with the Highways Act 1980, including the suspension of such licences.
- (44) To amend the scheme for the Licensing of Tables and Chairs on the highway, save for any significant amendments which shall be referred to the Cabinet.
- (45) In consultation with the Corporate Portfolio Holder, to approve increases in Hackney Carriage fares.
- (46) 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 and to issue notices exempting private hire vehicles from displaying the private hire vehicle plate under the provision of Section 75(3) of the Act.
- (47) To depart from Standard Private Hire Vehicle Licence Conditions regarding vehicle signage upon grant or renewal of a licence in any individual case where he/she considers it appropriate to do so.

- (48) To determine all applications and decide all other matters in relation to the licensing functions set out in the Scrap Metal Dealers Act 2013 and any amending legislation, save for the hearing of representations in cases involving the refusal, revocation or variation of a licence.
- (49) That the holders of the following posts be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto set out in the:
- Gambling Act 2005
 - Health Act 2006 Part 1 Chapter 1 (insofar as they relate to fixed penalty notices and associated matters pertaining to the smoke free requirements)
 - House to House Collections Act 1939
 - Hypnotism Act 1952
 - Licensing Act 2003
 - Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 - Police, Factories Etc. (Miscellaneous Provisions) Act 1916
 - Public Health Acts 1875 and 1936
 - Scrap Metal Dealers Act 2013
 - Town Police Clauses Acts 1847 and 1889

50361447	Licensing Manager
50361451	Senior Licensing and Local Land Charges Officer
50361449	Licensing and Local Land Charges Assistant
50361452	Licensing and Local Land Charges Assistant
50876924	Licensing and Local Land Charges Assistant

Delegation to Head of Planning and Building Services

- (1) To make decisions on all applications, notifications, consultations, negotiations, serving of notices, and other activities carried out under Town and Country Planning legislation, which are delegated to Head of Planning and Building Services, except as follows:-
- (a) Applications which are contrary to the provisions of an approved or draft development plan or other statement of approved planning policy where adverse representations have been received and which is recommended for approval.
 - (b) Applications (excluding notifications) where a Member requests in writing, with reasons and within the Application Publicity Expiry Date, that they be submitted to Committee. A Member can withdraw this request at any time prior to the determination of the application to enable its determination under delegated powers.
 - (c) Applications submitted by or on behalf of the Council, or any company in which the Council holds an interest, for its own developments except for the approval of minor developments.

- (d) Applications where the Head of Planning and Building Services recommends refusal of an application solely on the basis of failure to achieve nutrient neutrality where a Ward Member requests in writing, with reasons, within 72 hours of notification of the recommendation for refusal that they be submitted to Committee for determination. A Member can withdraw this request at any time prior to the determination of the application to enable its determination under delegated powers.
- (2) To determine applications (excluding applications for advertisement consent, certificates of lawfulness, listed building consent, and applications resulting from the withdrawal by condition of domestic permitted development rights; Schedule 2, Part 1, Classes B, C, D, E, F, G, and H of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended) on which a material planning objection(s) has been received within the Application Publicity Expiry Date and which cannot be resolved by negotiation or through the imposition of conditions and where the officer's recommendation is for approval, following consultation with the Ward Members, the latter having the right to request that the application be reported to Committee for decision.
- (3) To allocate and release Section 106 developer contributions for external projects up to a maximum of £25,000.00 per project, following consultation with the relevant Ward Members, Portfolio Holder and Head of Finance.
- (4) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Planning and Building from time to time, be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto, as set out in the:
- Anti-Social Behaviour Act 2003, Part 8
 Environment Act 1995
 Forestry Act 1967
 Planning (Hazardous Substances) Act 1990
 Planning (Listed Building and Conservation Areas) Act 1990
 Town and Country Planning Act 1990
- | | |
|----------|--|
| 50361136 | Head of Planning and Building Services |
| 50361139 | Development Manager |
| 50361140 | Development Manager |
| 50361200 | Principal Planning Officer |
| 50361216 | Principal Planning Officer |
| 50361212 | Senior Planning Officer |
| 50361213 | Senior Planning Officer |
| 50361217 | Senior Planning Officer |
| 50361218 | Senior Planning Officer |
| 50649303 | Senior Planning Officer |
| 50649304 | Senior Planning Officer |
| 50361330 | Senior Planning Officer |
| 50361204 | Planning Officer |
| 50361219 | Planning Officer |
| 50361220 | Planning Officer |

50360949	Planning Officer
50361201	Planning Assistant
50361202	Planning Assistant
50361203	Planning Assistant
50361222	Planning Assistant
50361226	Planning Assistant
50361246	Planning Enforcement Manager
50381163	Enforcement Officer
50361248	Enforcement Officer
50361249	Enforcement Officer
50361250	Enforcement Officer
50361063	Team Leader (Trees)
50361064	Arboricultural Officer
50361065	Arboricultural Officer
50361020	Team Leader (Design and Conservation)
50361022	Conservation Officer
50361066	Senior Landscape Architect
50361067	Landscape Officer

- (5) To issue notices pursuant to Sections 171C (Planning Contravention Notices) and 330 (Power to require information as to interests in land) of the Town and Country Planning Act 1990 (as amended).
- (6) That the following postholders, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Planning and Building from time to time, be authorised to issue authorisations pursuant to the Regulation of Investigatory Powers Act 2000.
- | | |
|----------|---------------------|
| 50361139 | Development Manager |
| 50361140 | Development Manager |
- (7) To discharge any of the Council's functions pursuant to the Anti-Social Behaviour Act 2003 Part 6 as amended by the Clean Neighbourhoods and Environment Act 2005 insofar as it relates to graffiti and fly posting.
- (8) To discharge any of the Council's functions pursuant to the Clean Neighbourhoods and Environment Act 2005 Part 2 insofar as it relates to nuisance parking and Part 4 insofar as it relates to graffiti, fly posting and advertisements.
- (9) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Planning and Building from time to time, be authorised:
- (a) To give fixed penalty notices pursuant to the legislation set out below and any subordinate legislation made thereunder and any amendments thereto.
 - (b) To enter land or premises and to carry out any act included in the legislation set out below and any subordinate legislation made thereunto and any amendments thereto.

Anti-social Behaviour Act 2003 Part 6 (insofar as it relates to graffiti and fly posting)
 Clean Neighbourhoods and Environment Act 2005 Part 2 (insofar as it relates

to nuisance parking) and Part 4 (insofar as it relates to graffiti and fly posting and advertisements).

50361246 Planning Enforcement Manager
 50381163 Enforcement Officer
 50361248 Enforcement Officer
 50361249 Enforcement Officer
 50361250 Enforcement Officer

- (10) To approve with or without conditions, or to reject, plans under Building Regulations.
- (11) To serve notices in respect of demolitions and dangerous structures.
- (12) To determine applications for relaxation of Building Regulations and, subject to being satisfied, to issue approval and report thereon to the next meeting of the relevant Development Control Committee.
- (13) To serve notices under Section 25 of the Land Drainage Act 1991.
- (14) To authorise proceedings under Sections 35 and 35A of the Building Act 1984.
- (15) To serve notices in connection with building works requiring either removal or alteration in accordance with Section 36 of the Building Act 1984.
- (16) To appoint consultants to undertake professional services on schemes included in approved capital or revenue estimates.
- (17) To be designated the "Appointing Officer" in accordance with Section 30 of the Party Wall etc. Act 1996.
- (18) In consultation with the Head of Finance, to set the levels of charges for building regulation applications.
- (19) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Planning and Building from time to time, who are qualified in accordance with the legislation are authorised to enter land or premises and to carry out any act included in the Building Act 1984 and the Land Drainage Act 1991 and subordinate legislation made thereunder and any amendments thereto:
 - 50361232 Building Control Manager
 - 50361234 Area Building Control Surveyor
 - 50361235 Area Building Control Surveyor
 - 50361236 Area Building Control Surveyor
 - 50361233 Area Building Control Surveyor
 - 50361237 Area Building Control Surveyor
 - 50361238 Technical Assistant
- (20) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Planning and Building from time to time, be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto:

Fire Safety and Safety of Places of Sport Act 1987
 Hypnotism Act 1952
 Licensing Act 2003
 Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 Town Police Clauses Acts 1847 and 1889
 Public Health Acts 1875 and 1936

50361232 Building Control Manager
 50361233 Area Building Control Surveyor
 50361234 Area Building Control Surveyor
 50361235 Area Building Control Surveyor
 50361236 Area Building Control Surveyor
 50361237 Area Building Control Surveyor
 50361238 Technical Assistant

- (21) To adjust and change charges for pre-application advice should the need arise including taking account of any changes in fee regulations or other legislation and the need for charging not to exceed the cost of service provision.
- (22) To issue updates of the Local Information Requirements Descriptions document as and when appropriate.
- (23) To make decisions on:
- (a) The making of provisional tree preservation orders; and to vary, modify or revoke such orders.
 - (b) The confirmation (with or without modifications) of tree preservation orders where no objections have been received or all objections which may have been received have been withdrawn.
 - (c) Decisions on action to be taken following service of notice on the Council under Section 211 of the Town and Country Planning Act 1990.
 - (d) All related applications, notices and matters under the Town and Country Planning Act 1990 as amended and regulations made thereunder.
 - (e) Matters and activities under relevant sections of the Environment Act 1995 and the Forestry Act 1967 and regulations made thereunder.
 - (f) All notifications, consultations, negotiations, serving of Notices, and other activities under the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations made thereunder.
- (24) To determine what action should be taken, if any, in relation to notices received pursuant to Section 23 Local Government (Miscellaneous Provisions) Act 1976 (power of local authorities to deal with dangerous trees) and to instruct the Head of Legal and Democratic Services to take such steps as he/she (Head of Planning and Building Services) considers appropriate in cases where, in the opinion of the Head of Planning and Building Services, significant public benefit furthering the Council's corporate objectives and priorities would result from such steps.
- (25) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Planning and Building from time to time, be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto as set out in the:

Local Government (Miscellaneous Provisions) Act 1976

50361063	Team Leader (Trees)
50361064	Arboricultural Officer
50361065	Arboricultural Officer

- (26) To deal with and determine all complaints and issue any notices in relation to high hedges pursuant to Part 8 of the Anti-Social Behaviour Act 2003.

Delegation to Head of Planning Policy and Economic Development

- (1) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Chief Executive from time to time, be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto, as set out in the:

Planning (Listed Building and Conservation Areas) Act 1990
Town and Country Planning Act 1990

50361050	Head of Planning Policy and Economic Development
50361059	Principal Planning Officer (Strategy)
50361056	Principal Planning Officer (Delivery)
50361062	Senior Planning Officer
50361061	Planning Officer
50813751	Planning Officer (Delivery and Neighbourhood Planning)
50895958	Planning Officer (Delivery)

- (2) In consultation with the Economic Development and Tourism Portfolio Holder and Planning Portfolio Holder, to apply for other Community Transport Schemes to be encompassed within the Concessionary Travel Scheme including Dial-a-Ride Service.
- (3) In respect of Neighbourhood Plans (including proposals for such plans):-
- a. To determine all matters relevant to the publication, designation and amendment of the Neighbourhood Area pursuant to Part 2 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”);
 - b. In consultation with the Planning Portfolio Holder, to submit the Local Planning Authority’s pre-submission consultation response;
 - c. Upon receipt of the draft Neighbourhood Plan, to check the submitted Plan meets the legislative requirements, secure the publication of the Neighbourhood Plan proposal;
 - d. In consultation with the Planning Portfolio Holder, to submit the Local Planning Authority’s submission consultation response ;
 - e. Appoint a person to carry out an examination of the Neighbourhood Plan and submit the Plan for examination pursuant to the Regulations;
 - f. In consultation with the Planning Portfolio Holder, to determine what action to take following receipt of the Examiners Report (including what modifications, if

- any, are to be made to the Plan and whether to allow the Plan to proceed to a referendum in accordance with the Regulations);
- g. To publish the Examiner's report and the Council's decision statement in accordance with the Regulations;
 - h. Where appropriate, to arrange a referendum to consider the Neighbourhood Plan;
 - i. If approved by the referendum, to make the Neighbourhood Plan, Issue the decision statement and publicise the Neighbourhood Plan in accordance with the Regulations.
- (4) To monitor and review the Council's commitments under the Climate Local Scheme.
 - (5) In consultation with the Economic Development and Tourism Portfolio Holder and the Head of Finance, to have authority to issue Business Incentive Grants of £500 to each qualifying persons.
 - (6) Day-to-day control and management of Council tourism facilities and associated activities an events provided by the Council.
 - (7) In consultation with the Economic Development and Tourism Portfolio Holder, to award grants from the £500,000 Section 106 contribution obtained from the developer of Andover Business Park.

Head of Property and Asset Management Service

- (1) To enter into licences for the assignment of leases and for sub-letting or under letting.*
- (2) To grant consent for the change of use of Council premises where such consent is necessary under the provisions of the lease and appropriate.*
- (3) In consultation with the Head of Finance, to authorise the lettings of Council property where the rent does not exceed £150,000 per annum.*
- (4) To authorise rent reviews and renewals of leases.
- (5) To be responsible for all aspects of overall Estate Management in relation to Council-owned properties, including the authorisation of proceedings against Council tenants for rent arrears or any other breach of lease covenants including forfeiture.
- (6) To be responsible for conducting negotiations on the Council's behalf in relation to the sale or acquisition of any property.
- (7) To select tenants for the Walworth Enterprise Centre and to grant them licences to occupy and to terminate their occupations if they do not prove suitable and to manage the Centre including contract cleaning, repairs/maintenance/alteration up to a value laid down by the Council from time to time, and the collection of rent/rate and gas/electricity bills.
- (8) To grant consent for alterations and additions to premises to tenants of Council sites and buildings.*

- (9) To authorise variations to the terms of leases, licences, easements, wayleaves, covenants, acceptance of surrenders and any other legal arrangement where the consideration for the variation does not exceed £50,000.00 per annum or a premium payment of £150,000.00 and where the Council's economic or financial interest is not harmed or disadvantaged.*
- (10) To give approval to applications from firms on the industrial estates to sublet, for periods of 21 years or less, small parts of their sites to electricity suppliers for substation sites to serve the firm's premises.
- (11) To agree the siting of electricity substations and gas governors with the appropriate authorities subject to the usual rent terms and, if necessary, contributions payable either in respect of screening and/or fencing, and to grant the relevant leases.
- (12) To sell sites to electricity suppliers for use as electricity substation sites.
- (13) To grant wayleaves to statutory undertakers and other third parties over and under land owned by the Council.*
- (14) To invite and accept tenders and negotiate suitable terms for the temporary use of any suitable area of land for hay crops and arable land and grant suitable short term licences and Farm Business Tenancies.
- (15) To review mowing, grazing licences, agricultural tenancies and farm business tenancies for further temporary periods.
- (16) To grant easements in, over or through Council land on terms to be agreed by the officers subject to consultation with other departments where appropriate.*
- (17) To let market pitches (save those administered by the Head of Community and Leisure) in accordance with the Council's policy, and the administration of markets, including the application process, setting of fees and granting of concessions, and the termination and determination of the conditions to be attached to lettings.
- (18) To serve Notice to Quit on market stallholders if they are not conforming with the terms of their Agreement.
- (19) To be the Authorised Market Officer for the purposes of the Food and Environment Act 1985 and any statutory enactment and to be responsible for all aspects of administering markets in Andover.
- (20) In consultation with the Finance Portfolio Holder and the Head of Finance, to dispose of land where the consideration is £75,000.00 or less.*
- (21) In consultation with the Finance Portfolio Holder and the Head of Finance, to authorise the acquisition or taking the letting of land and/or premises subject to the purchase price or annual rent per annum not exceeding £75,000.00.
- (22) To grant licences for temporary/short-term works on Council-owned land.*

* In the case of delegations (1), (2), (3), (8), (9), (13), (16), (20), and (23) above, any transaction involving the possible installation of one or more telecommunications masts

and/or associated ancillary equipment on Council-owned land or buildings shall be referred to the Council's Cabinet for consideration and approval.

- (23) In consultation with the Head of Finance, to approve appropriations between relevant function areas and statutory holding powers, except where public notice of the proposed appropriation is required and objections are received.
- (24) To exercise the powers and duties of the Council under the Landlord and Tenant (Covenants) Act 1995.
- (25) In consultation with the Head of Legal and Democratic Services, to approve occupation of Council-owned premises by a third party in the absence of completed formal documentation in cases of emergency.
- (26) Subject to the Council's Financial Regulations and Contract Standing Orders, to be responsible for the appointment of external consultants to advise and/or act for the Council in negotiations and/or transactions relating to any of the above matters.
- (27) In consultation with the Head of Planning and Building Services, to give consent to advertise on Council-owned property on such terms as he/she considers appropriate provided there is no cost to the Council and that the Head of Planning and Building Services be consulted before any advertisement is displayed by the Council.
- (28) In consultation with the Head of Community and Leisure Services, to issue licences for temporary buildings.
- (29) To permit the display of banners on Council buildings.
- (30) To let the Crosfield Hall, Romsey; Rendezvous, Andover; Upper Guildhall, Andover; and meeting rooms at Beech Hurst, Andover in accordance with the Council's booking policy.
- (31) In conjunction with the Human Resources Manager, to employ Premises Management staff on appropriate contracts up to a maximum of 2600 hours per annum in the north and 3000 hours per annum in the south.
- (32) To approve monuments and statues on highway land, after appropriate consultations and subject to the approval of the Highway Authority.
- (33) To buy electric, gas and water from the most competitive provider for the sites we own and operate.
- (34) In consultation with a panel of Members (appointed by Council, consisting of 5 Members, with a quorum of 3 Members for each decision), to consider property investments and authorise expenditure from a pre-approved capital budget allocation.
- (35) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Property and Asset Management Services from time to time, be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto, as set out

in the:

Planning (Listed Building and Conservation Areas) Act 1990
Town and Country Planning Act 1990

50361073 Engineering and Transport Manager
50361127 Senior Transport Engineer
50361129 Transport Engineer
50361130 Transport Engineer

- (36) To implement transport capital programmes.
- (37) General day-to-day operation of the Transport Services.
- (38) To install refuse or storage bins in streets under Section 185 of the Highways Act 1980.
- (39) To appoint consultants to undertake professional services on schemes included in approved capital or revenue estimates.
- (40) To select contractors for invitation to tender for approved schemes including those for principal authorities for which the Council acts as an agent in accordance with the Council's or the principal authority's procedures or Standing Orders as appropriate.
- (41) In consultation with the Head of Legal and Democratic Services, to enter into Agreements under Section 278 of the Highways Act 1980 with the Highway Authority to allow Test Valley Borough Council Capital Programme schemes on the Highway to be constructed.
- (42) To operate the Hampshire County Council/Test Valley Borough Council Agency Agreement for the enforcement of parking control.
- (43) To permit the use of car parks during charging hours for events of a charitable or non-profit making nature subject to consultation with the Finance and Planning Portfolio Holders.
- (44) To permit the use of the car parks outside the charging hours for events of a charitable or non-profit making nature.
- (45) To allow space within a car park to be used for the convenience of the public at large on such terms and conditions as he/she considers appropriate including the making of an appropriate charge and requiring suitable indemnity.
- (46) To negotiate agreements for advertising on car park tickets, ticket machine shelters and bus shelters on terms and conditions as he/she considers appropriate.
- (47) In consultation with the Head of Community and Leisure Services, to set an appropriate maximum duration of stay for non-permit holders using Leisure Centre Car Parks.

- (48) To authorise persons to act as Civil Enforcement Officers (Parking Attendants) under the Traffic Management Act 2004 and Section 63A of the Road Traffic Regulation Act 1984 and to undertake the functions of a Civil Enforcement Officer (Parking Attendant) under the provisions of those Acts together with the Road Traffic Act 1991 and any other enactment and any subordinate legislation made thereunder and amendments thereto.
- (49) To request information as to the identity of a driver of a vehicle where there is an alleged offence committed in relation to an Off Street Parking Places Order or Traffic Regulation Order pursuant to Section 112 of the Road Traffic Regulation Act 1984.
- (50) To instruct enforcement agents in connection with the recovery of unpaid parking debts.
- (51) To make changes to the Parking Enforcement Policy and Guidance in response to changes in legislation or operational procedures.
- (52) To determine Penalty Charge Notice appeals including appeal decisions, resetting of 14 day discount rates and/or removal of surcharges.
- (53) To determine if a penalty charge or parking permit debt is uncollectible and to write off such debts.
- (54) To discharge the functions given under the Traffic Management, Development Management and Capital Schemes Agency Agreement including the making and confirmation as appropriate of temporary and permanent Traffic Regulation Orders.
- (55) In consultation with the Planning Portfolio Holder, to make amendments to Off Street Parking Places orders by the making of a new order or the suspension of an old order in response to changes in legislation, guidance or operational reason other than changes to parking tariffs and maximum stay limits.
- (56) In consultation with the Planning Portfolio Holder, to consider objections to Traffic Regulation Orders and to decide whether the Order, as advertised or with amendments, be made/confirmed.
- (57) In consultation with the Head of Finance, to set the levels of charges for Traffic Regulation Orders with the objective of recovering the costs of making the Order.
- (58) To consider and implement the renumbering of houses and the naming and renaming of streets in accordance with the Council's policy.

ITEM 14 Scrap Metal Dealers Hearing Sub-Committee

Report of the Corporate Portfolio Holder

Recommended:

That the membership of the Scrap Metal Dealers Hearing Sub-Committee consist of three members drawn by the Head of Legal and Democratic Services from the membership of the Cabinet.

SUMMARY:

- To establish a Sub-Committee to deal with hearing representations regarding applications for Scrap Metal Dealers Licences.

1 Background

1.1 At its January 2014 meeting (Minute 238 of 15 January 2014 refers), Cabinet agreed to establish a Scrap Metal Dealers Hearing Sub-Committee. As a result it was also agreed:

- a) That a Committee of the Cabinet be established for the purposes of hearing representations regarding an application for a Scrap Metal Dealers Licence, and that such a Committee consist of three members drawn by the Head of Legal and Democratic Services from the membership of the Cabinet.
- b) That in the event of a member selected becoming unavailable, the Head of Legal and Democratic Services is authorised to select a replacement from the membership of the Cabinet.
- c) That the Committee undertake any hearing in accordance with the Procedure Rules attached as an Annex to the report to the Sub-Committee, subject to the Rules being amended to provide for the appointment of a Chairman by the Committee.

2 Conclusion

2.1 Cabinet is asked to re-confirm the membership of the Scrap Metal Dealers Hearing Sub-Committee on the basis set out above.

<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: Corporate) Councillor T Tasker			
Officer:	Karen Dunn	Extension:	8401
Report to:	Cabinet	Date:	26 May 2021

ITEM 15

Member Champions

Report of the Leader

Recommended:

That the Councillors as set out below be appointed to the following Member Champions roles for 2021/22:-

- **Councillor Matthews** **Armed Forces**
- **Councillor Gwynne** **Climate Emergency Member Champion**
- **Councillor P Lashbrook** **Community Safety and Resilience**
- **Councillor Baverstock** **Culture and Heritage**
- **Councillor Hamilton** **Equality and Diversity**
- **Councillor Donnelly** **Member Development/Community Councillor Role**
- **Councillor Andersen** **Voluntary and Third Sector**

SUMMARY:

- This report provides details of the work undertaken by Member Champions during the year 2020/21.
- The report proposes the appointment of Member Champions for 2021/22.

1 Introduction

- 1.1 In 2017 Cabinet approved the introduction of a Member Champions scheme in order that it could benefit from the experience, knowledge and interests of non-Cabinet members, in particular thematic areas.
- 1.2 The role of a Member Champion is to act in an advisory capacity to Cabinet in respect of specific areas of responsibility and, in particular, in the development of ideas that will help deliver the aims of the Council's Corporate Plan and Corporate Action Plan.
- 1.3 It was agreed that Cabinet would commission Member Champions on an annual basis within their particular area of responsibility to:
 - Research good practice in other Councils and organisations
 - Liaise with external bodies such as the Local Government Association (LGA) to identify relevant research and ideas that could help further the Council's corporate aims.
 - Consider what impact any proposed changes to Council policy and or, services might have on their specific area of responsibility. This might involve liaising with relevant groups within the Borough.

- 1.4 Cabinet members, in consultation with their Cabinet colleagues, have the ability to request that a Member Champion undertakes work, as described in paragraph 1.3 above, on behalf of Cabinet.
- 1.5 If a Member Champion wishes to instigate a piece of work, the matter will be first discussed with the Leader and the relevant Portfolio Holder. If they are in support of the proposal, the Portfolio Holder will discuss the merits of the proposal with the Head of Service and then present the idea to Cabinet members for consideration and discussion.
- 1.6 If endorsed by Cabinet Members the Member Champion, Portfolio Holder and relevant Head of Service will meet to discuss a way forward.
- 1.7 The Member Champions roles were established specifically to support Cabinet although the champions themselves need not necessarily come from the ruling group. The roles should not encroach on the independent scrutiny role of OSCOM or indeed into the role of Cabinet members. Member Champions do not have the authority to commit resources on behalf of the Council or to instruct officers to undertake work on their behalf.
- 1.8 The Member Champions are appointed by Cabinet on an annual basis. The role does not attract a Special Responsibility Allowance.

2 Background

- 2.1 In June 2020 the following Member Champions were appointed:
 - Councillor Matthews Armed Forces
 - Councillor P Lashbrook Community Safety and Resilience
 - Councillor Baverstock Culture and Heritage
 - Councillor Hamilton Equality and Diversity
 - Councillor Donnelly Member Development/Community Councillor Role
 - Councillor Andersen Voluntary and Third Sector
- 2.2 In addition to the appointments made in June 2020, at its meeting on 13 January 2021 Cabinet established a Climate Emergency Member Champion and appointed Councillor Gwynne to this role. The role of Climate Emergency Member Champion was established in order to further inform and assist with the on-going Climate Change work.
- 2.3 During the year 2020/21, Member Champions have actively participated in work in respect of their particular areas of responsibility to help in the development of ideas and to contribute to particular projects.
- 2.4 Armed Forces - Councillor Matthews
- 2.5 Councillor Matthews has led an OSCOM panel to review the Armed Forces Covenant with particular reference to Test Valley's obligations, commitment and identifying best practice. Following research and engagement with SME's across Test Valley, two recommendations were made to and agreed by Cabinet on 10 February 2021.

- 2.6 Following approval at Cabinet, Cllr Matthews chaired the first Civilian Military Forum on Friday 19 March which saw fourteen partners attend from a range of groups supporting Armed Forces communities across the borough. In addition the first stages of a single point of contact webpage for the Armed Forces community are in development.
- 2.7 Councillor Matthews has attended Armed Forces partnership meetings hosted externally such as Hampshire County Council's Civilian military Partnership Board where he has given a number presentations. Councillor Matthews represents the Council on the MOD South East Region Covenant Focus Group.
- 2.8 Climate Emergency Member Champion - Councillor Gwynne
- 2.9 In the limited time since his appointment, Councillor Gwynne has actively engaged in discussions with officers and the Portfolio Holder in seeking to ensure opportunities are taken to deliver on the Climate Emergency Action Plan and explore opportunities for further action. This has included making suggestions for additional initiatives and highlighting the role of additional metrics in reporting going forward.
- 2.10 Councillor Gwynne proposed at Council on 6 February 2021, a motion that resulted in a letter from the Council to the Minister of State for Housing and Planning concerning Future Homes Standard, and is chairing an Overview and Scrutiny Panel on TVBC's Climate Emergency Action Plan.
- 2.11 Community Safety and Resilience – Councillor Phil Lashbrook

Councillor Lashbrook has continued to act as the Chair of the Districtwide 'Community Resilience Forum', providing an opportunity for key stakeholders from Police, Fire, EA and HCC amongst others to link and engage with parish representatives to discuss and plan for local emergencies, though worked scenarios and advice. The forum also supports parishes in developing Local Emergency Plans in order to help prepare in the case of emergency. Test Valley currently has more local plans in place than any other Hampshire District. Cllr Lashbrook has also been active as part of the strategic group developing the local response to the pandemic, and in helping to establish and support the process of local based community groups, and in providing updates on local circumstances.

Councillor Lashbrook is also an active member of the 'Community Safety Management Group' which helps develop the co-ordinated local distinct approach to community safety planning and the sharing of intelligence amongst its strategic partners. The group oversees the district partnerships local priorities, action plans and produces the statutory annual Strategic Assessment. Councillor Lashbrook represents the district on the 'Hampshire Police and Crime Panel' through which he is able to raise key concerns and issues from the former group to the attention of the Police and Crime Commissioner, and helps to hold the commissioner to account.

2.12 Culture and Heritage – Councillor Baverstock

2.13 Councillor Baverstock has been supporting the Arts Officer to develop ideas and plans for supporting cultural and creative recovery post-pandemic.

2.14 This includes the potential for a Test Valley Creative conference which would celebrate the breadth of creative and cultural projects, initiatives and organisations across the Test Valley and explore subjects pertinent to our community and new ways of working following the Covid-19 pandemic. The conference would bring together creative practitioners and arts and cultural organisations from across the Test Valley and invite them to learn new skills, exchange and share ideas, develop new projects and new aspirations for a clear creative future.

2.15 Councillor Baverstock has been actively engaged with the Test Valley Arts Foundation in particular with regards to the Test Valley Borough of Culture and is a committee member for the Romsey Festival.

2.16 Equality and Diversity – Councillor Hamilton

2.17 Councillor Hamilton has continued to build upon her work as a member champion in helping the council to develop new models of engagement that ensures the voices of groups from across the protected characteristics are heard as part of an inclusive and evidence-led approach to decision making.

2.18 Covid has made direct engagement with groups from various protected characteristics more challenging, however Cllr Hamilton has continued to seek ways to engage with different communities virtually. In particular, attending virtual meetings with the Romsey Disabled Peoples Partnership, where Cllr Hamilton shared her knowledge and experience on disability awareness and understanding challenges for disabled residents as a result of the Covid-19 pandemic.

2.19 Initial plans to hold an equalities workshop have also been developed as an opportunity for meaningful conversation alongside various stakeholders. This was postponed due to the pandemic, however planning of this event will recommence soon and is hoped to take the form of a deliberative approach, which is something Cllr Hamilton is keen to explore the wider use of as a way of engaging people in the future. This comes after the pilot of the Citizens Assembly in Romsey provided a new and interesting format to enable people, with various protected characteristics, an opportunity to influence discussions and enable their lived experience to be shared in a more meaningful and inclusive way.

2.20 Member Development/Community Councillor Role – Councillor Donnelly

2.21 Councillor Donnelly has engaged in a number of discussions with officers throughout the year to consider various aspects of the role of the Councillor, providing insight and suggestions for further consideration in developing initiatives going forward.

- 2.22 Councillor Donnelly is a member of the Member and Community Development Group and has facilitated discussions with officers and member in considering the priority areas for the group. This has included developing a new action plan to steer the work being undertaken to help support Members in their role as community councillors and in identifying and taking forward opportunities for wider member training and development.
- 2.23 Voluntary and Third Sector – Councillor Andersen
- 2.24 The challenges of the pandemic have meant it has been difficult for Councillor Andersen to engage directly with third sector organisations to the extent she would otherwise like to, indeed many smaller organisations stopped meeting altogether for much of the pandemic. However, she has maintained regular briefings with both the Democratic Services Manager and the Community Manager and she has been proactive in keeping well informed of the challenges facing the third sector. She has drawn on her role as a Unity ambassador and the insight of her own experience of volunteering to foster informed debate with officers and offer suggestions for how the Council could work with partners to support volunteers and voluntary organisations.
- 2.25 A particular area of concern in the voluntary and third sector which Councillor Andersen has encouraged officers to find ways to support is the resilience and wellbeing of volunteers, whether those operating in direct response to the pandemic, people trying to volunteer within the restrictions of the pandemic, or who normally volunteer but have been unable to due to Covid-19 restrictions. To support volunteers in responding to this challenge the Council directed £20,000 of MHCLG to Unity to deliver a multi-faceted volunteer resilience project to support volunteers across the borough.

3 Corporate Objectives and Priorities

- 3.1 The role of a Member Champion is to act in an advisory capacity to Cabinet in respect of specific areas of responsibility and, in particular, in the development of ideas that will help deliver the aims of the Council's Corporate Plan and Corporate Action Plan.

4 Options

- 4.1 To not appointment Member Champions for the year 2021/22.
- 4.2 To appointment Member Champions for the year 2021/22. Following consultation with Cabinet Members, it is suggested that the following appointments be made for 2021/22:-
- Armed Forces Member Champion
 - Climate Emergency Member Champion
 - Community Safety and Resilience Member Champion
 - Culture and Heritage Member Champion

- Equality and Diversity Member Champion
- Member Development/Community Councillor Role Member Champion
- Voluntary and Third Sector Member Champion

5 Option Appraisal

- 5.1 Member Champions provide valuable insight into their thematic areas providing advice and support to Cabinet Members in particular areas of work and helping to shape and develop projects.
- 5.2 Member Champions ensure that non-Cabinet Members who have specialist knowledge and experience are able to contribute to policy development.

6 Risk Management

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

7 Resource Implications

- 7.1 There are no resourcing implications arising from this report.

8 Legal Implications

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

9 Equality Issues

- 9.1 No equality issues have been identified.

10 Other Issues

- 10.1 Community Safety -None
- 10.2 Environmental Health Issues - None
- 10.3 Sustainability and Addressing a Changing Climate – Wider issues being consider by the Climate Emergency Member Champion.
- 10.4 Property Issues - None
- 10.5 Wards/Communities Affected - All

11 Conclusion and reasons for recommendation

- 11.1 The introduction of Member Champions has involved more members in the process of policy development and at the same time has allowed Cabinet to benefit from the experience, knowledge and interests of non-Cabinet members.

- 11.2 It is proposed that Member Champions be reappointed for 2021/22 to allow the continued contribution of knowledge and experience from non-Cabinet Members.

<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: Leader) Councillor P North			
Officer:	Emma Horbury	Ext:	8001
Report to:	Cabinet	Date:	26 May 2021

ITEM 16

Corporate Action Plan 2019-23

Report of the Leader

Recommended:

That Cabinet approves the proposed updates to the Corporate Action Plan 2019-2023 (year three).

SUMMARY:

- A Corporate Plan for the period 2019-23 (*Growing Our Potential*) was approved by Council in April 2019.
- The Corporate Action Plan runs for the lifetime of the Corporate Plan and shows in detail the specific projects to be taken forward in pursuit of the Council's priorities.
- The Corporate Action Plan is reviewed and updated by Cabinet on an annual basis and plays an important role in enabling the allocation of resources to key projects from across the organisation.
- This report sets out proposals for updating the Corporate Action Plan 2019-23 for year three.

1 Introduction

- 1.1 The Corporate Action Plan (CAP) is the delivery document of the Council's Corporate Plan 2019-2023: *Growing Our Potential*. It shows in detail how the Council intends to make progress against its four strategic priorities of Town Centres, Communities, People and the Local Environment through the key projects to be taken forward over the four year period.
- 1.2 The CAP is updated on an annual basis and this report seeks Cabinet's approval of the proposed programme of projects to commence in year three.

2 Background

- 2.1 The Council approved its current Corporate Plan 2019-2023, '*Growing Our Potential*' in April 2019. It outlines the Council's vision and priorities for the four year period. It sets direction and provides a focus for activities and services. As a result it informs decision making and allocation of resources across the Council.
- 2.2 The Corporate Plan was developed using a robust evidence base which takes into account the views of local people, statistical information, and external influences such as government policy.

2.3 The Corporate Plan sets out four priority aims which focus on growing the potential of:

- **Town Centres** to adapt and be attractive, vibrant and prosperous places,
- **Communities** to be empowered, connected and able to build upon their strengths,
- **People** to be able to live well and fulfil their aspirations,
- The **Local Environment** for current and future generations.

2.4 The Corporate Plan is underpinned by the Corporate Action Plan (CAP) which runs for the lifetime of the plan. Each year a review is undertaken to update the CAP to ensure it continues to highlight the significant projects that the Council is taking forward in pursuit of its four corporate aims.

3 Corporate Action Plan 2019-2023 (Year three)

3.1 A draft updated CAP has been prepared for 2019-2023, year three (attached in Annex 1) and approval is sought from Cabinet for its adoption.

3.2 Fifteen projects form the amended CAP for 2019-2023, year three. Fourteen ongoing projects and one new project. One project has been recommended for removal from the CAP.

3.3 Given that the CAP is a four year programme and reflects the major projects that the Council is delivering, it is expected that most projects that feature on the CAP will do so for multiple years given their scale and scope.

3.4 The update for year three only recommends the removal of one existing project, Town Mills Riverside Park. This first major piece of regeneration work for Andover town centre is to be completed early in the 2021-22 financial year. Going forwards, the ongoing work for this project focuses on increasing the footfall to the area and the commissioning of public art for the park. Both of these objectives are within the remit of Andover Vision therefore, this project area will be incorporated into the CAP project 'Work with partners to take forward delivery of the Andover Vision Action Plan'.

3.5 Each of the projects proposed to remain on the CAP in year three have been updated to reflect their ongoing focus. This will demonstrate current and ongoing progress since their inclusion in year one.

3.6 There is one new project that is recommended for inclusion on the CAP in year three. This is in respect of the Council's response to the ongoing Covid-19 pandemic and the delivery of the Recovery Plan.

- 3.7 Throughout the pandemic, the Council has proactively worked with community partners to respond to the needs this has placed on the Borough's residents and businesses. A key part of this work was the formulation of the Council's Covid-19 Recovery Plan, which was approved by Cabinet in July 2020, early in the recovery phase as the country emerged from the first lockdown. Since then, the Plan has guided the Council's response to the subsequent phases of lockdown and recovery. As the country begins the journey toward normality, as laid out in the Prime Minister's roadmap on 22 February, it will continue to guide the Council's approach in over the coming months and years. It is proposed therefore that the following project is added to the CAP:

Delivery of the Covid-19 Recovery Plan

- *Ongoing work to ensure that the safety of our population and workforce are front and centre of the council's recovery work;*
 - *Providing a sustainable mechanism of recovery through place-based and community focussed approach;*
 - *Review the future of working practices for the organisation, prioritising the needs of our communities and how they can be best supported with new ways of working;*
 - *Identifying opportunities to do things differently and taking an asset based approach to enable us to do this effectively;*
 - *Adapting to the changing situation and recognising that recovery will come in multiple phases.*
- 3.8 Monitoring of the CAP will be undertaken through the Council's performance management system. The Leader of the Council will present an annual update to the Council's Overview and Scrutiny Committee and an Annual Report will be published on the Council's website to demonstrate progress against the project areas.
- 3.9 The next update of the CAP is due in May 2022.

4 Corporate Objectives and Priorities

- 4.1 The CAP is the delivery document of the Council's Corporate Plan and sets out in detail how the Council will make progress across each of the four corporate priorities.

5 Consultations/Communications

- 5.1 As part of the development of the Corporate Plan, the Council undertook a wide ranging public consultation which resulted in the views of more than 2000 local people being gathered. This went on to form part of a robust evidence base for shaping the Council's new strategic priorities.

- 5.2 Many of the CAP projects are outward facing in their nature and as a result the Council engages with the community on a regular basis through these projects where it is appropriate to do so.

6 Options

- 6.1 The options facing the Cabinet are to approve the update of the CAP, make amendments or to decide not to approve.

7 Risk Management

- 7.1 An evaluation of the risks associated with the matters in this report indicate that a further risk assessment is not needed because the issues covered have previously been considered by Councillors at the Cabinet Meeting 13 March 2019 under Item 297 – Corporate Plan for 2019-23.
- 7.2 Consideration of risks associated with individual projects will form part of the project management arrangements for each project.

8 Resource Implications

- 8.1 The Corporate Plan guides the allocation of resources over the lifetime of the Council. The CAP itself has no direct resourcing implications, as the individual projects that form the CAP are each scoped and delivered using the Council's project management framework.

9 Legal Implications

- 9.1 None

10 Equality Issues

- 10.1 A separate EQIA for the Corporate Action Plan is not needed because the issues covered have previously been considered by Councillors at the Cabinet Meeting 13 March 2019 under Item 297 –Corporate Plan for 2019-23.
- 10.2 As part of the council's project management framework all projects that form the CAP will be required to consider equalities issues on an individual basis and undertake the appropriate screening.

11 Other Issues

- 11.1 Sustainability and addressing a Changing Climate
- 11.1.1 Delivery of the year 3 CAP will directly support many aspects of the Councils Climate Emergency Action Plan. Sustainability and mitigating the impacts on climate change are issues which each project on the CAP will seek to take into account, and address as relevant.
- 11.2 Wards/Communities Affected – All

12 Conclusion and reasons for recommendation

- 12.1 The Corporate Action Plan shows in detail how the Council intends to make progress by focusing on the projects it will take forward against each of the priorities of the Corporate Plan. As a result it informs decision making and allocation of resources across the Council.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u> It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	1	File Ref:	N/A
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Report to:	Cabinet	Date:	26 May 2021

Corporate Action Plan 2019-2023: Year 3 Update

Projects recommended to be removed from the CAP:

Town Mills Riverside Park – this first major piece of regeneration work for Andover town centre is expected to be completed early in the 2021-22 financial year. Going forwards, the ongoing work for this project focuses on increasing the footfall to the area and the commissioning of public art for the park. Both of these objectives are within the remit of Andover Vision therefore, this project area will be incorporated into the CAP project ‘Work with partners to take forward delivery of the Andover Vision Action Plan’.

Projects to be retained on the CAP with amended descriptions:

Project	Description	Priorities
Progressing actions in the Climate Emergency Action Plan	<p>As part of the implementation and ongoing review of the Climate Emergency Action Plan, progress key areas of work including:</p> <ul style="list-style-type: none"> Reducing the Council’s emissions as we work towards becoming a carbon neutral organisation – this includes considering our buildings, wider estate, fleet vehicles, travel, employment and procurement; and Through service delivery and partnership work to supporting and influencing carbon reduction across the Borough. 	Local Environment Communities
Working in partnership to increase recycling	<ul style="list-style-type: none"> Continuing to work with both the Hampshire Waste Partnership and Project Integra partnership to influence emerging national strategy where possible. Seeking to provide an integrated approach to the collection, treatment and disposal of municipal 	Local Environment Communities

ANNEX 1

	<p>waste in Hampshire;</p> <ul style="list-style-type: none"> • As part of Project Integra, continue working with Hampshire County Council on their behaviour change pilot scheme to tackle recycling contamination; • Working with Solent University to implement and evaluate a pilot scheme using behaviour change to tackle recycling contamination across the Borough; • Monitor and respond to changes to the Environment Act. In particular, those focused on introducing a consistent approach to recycling; and • Progress waste and recycling actions highlighted in the Climate Emergency Action Plan. 	
<p>Review and develop the Council's housing and homelessness strategies</p>	<p>Following adoption of the new Housing Strategy 2020-2025 and Preventing Homelessness and Rough Sleeping strategy 2020-2023 this programme of work will develop through delivering against the respective action plans, and bring forward activities that will contribute to the Council's corporate aims, including through meeting identified need.</p> <p>Completion of the Affordable Housing Supplementary Planning Document (SPD) sets out a clear expectation to developers and housing associations about the councils aims in the context of affordable housing delivery, supporting delivery of the housing strategy.</p> <p>Changing and adapting to new and emerging policies in relation to Covid-19 as part of the annual update process in light of new world we're operating in. Much of the focus has been, and will continue to be</p>	<p>People Communities</p>

ANNEX 1

	on front line work to prevent and relieve homelessness in the context of the pandemic, whilst we continue to actively encourage the delivery of new affordable housing.	
Continue to develop the Council's innovative approach to preventing and relieving homelessness.	<p>This programme of work will include the following:</p> <ul style="list-style-type: none"> • Following successful delivery of the Private Rented Sector Access Fund project with Winchester City Council, relaunch the scheme with a sole focus on Test Valley for 2021-22; • Following delivery of the Rapid Rehousing Pathway and Rough Sleeping Initiative projects, continue to work with relevant partners and MHCLG to co-produce future bids for funding; • Continue to develop strengths based approaches to support people in housing need; • Continue to engage and support people through the establishment of an in house resettlement service; and • Changing and adapting to new and emerging policies in relation to Covid-19 as part of the annual update process in light of new world we're operating in. 	<p>People Communities</p>
Work with partners to take forward projects agreed as part of the Romsey Future Delivery Plan.	<p>This CAP programme reflects the direct role the Council will play in key RF projects such as:</p> <ul style="list-style-type: none"> • Work with partners to refresh the vision document; • Refresh and review of Romsey Future work stream priorities following public consultation; • Continue to develop activities and attractions focussed on 	<p>Communities Town Centres Local Environment People</p>

ANNEX 1

	<p>increasing the tourism offer;</p> <ul style="list-style-type: none"> • Supporting the development of work relating to the natural environment including taking forward the Rewilding Romsey project; • Support the South of Town Centre project; and • Support research and activities related to the Smart towns initiative. 	
Romsey South of Town Centre	<p>Following the preparation and adoption of the masterplan, this phase of the project, in partnership with Romsey Future, will focus on planning for the implementation of the regeneration proposals including considerations around Crosfield Hall as a community facility. The appointment of a regeneration manager to lead this area of work will support progress of the project and working with key partners including HCC and the LEP. A key part of this work will be to consider the appropriate phasing, funding and timeline for achieving the aspirations for the town centre.</p> <p>Following the RF winter event to progress with the feasibility work on public realm improvements at Fishlake Stream and linking Sterling Walk with Broadwater Rd.</p>	Town Centres Communities
Andover Town Centre Masterplan	<p>Following the preparation and adoption of the masterplan, the council will move into the implementation and delivery of the regeneration proposals. This involves assessing the options for delivery and working with partners, such as HCC and LEP, to ensure that Andover can best meet the changing roles of town centres. This includes looking at further public realm and environmental enhancements which will be supported by a public realm strategy produced jointly with AV.</p>	Town Centres Communities

ANNEX 1

	Following the impact of covid-19, encouraging customer confidence through events and activities in the high street, Andover BID and Chantry Centre.	
Work with partners to take forward delivery of the Andover Vision Action Plan	<p>This programme reflects the direct role the Council will play in key AV projects such as:</p> <ul style="list-style-type: none"> • Climate Day of Action 2021; • Four Fun Fridays 2021; • Working with colleagues from the NHS and across the voluntary sector to develop a healthier communities project through the Vision; • Public consultation about the accessibility and use of Vigo Rec; • Looking at over events to encourage footfall & customer confidence in High street; and • Town Mills riverside project – This will focus on encouraging footfall through events and activities. Additionally undertaking community engagement to inform a public art offer for the area and a programme to utilise the new park area to provide an event space for the town centre. 	<p>Communities Town Centres Local Environment People</p>
The Local Plan	<p>Continuing to progress on the development of a new Local Plan as well as driving community-led neighbourhood planning.</p> <p>This stage will reflect the comments received from previous consultations, the outcomes of the refresh of the evidence base and the implications of the Governments proposed changes to the planning system. The completion and approval of the affordable housing SPD</p>	<p>Town Centres People Communities Local Environment</p>

ANNEX 1

	will provide clarity for developers and housing associations regarding TVBC housing requirements.	
Delivery of New Communities	<p>Following the completion of the evaluation of new communities lessons learned, work with statutory consultees and other organisations to implement the recommendations made in the delivery of our new communities.</p> <p>Continue to deliver the affordable homes targets in Housing Strategy through the local plan and affordable housing SPD.</p>	<p>People Communities Local Environment</p>
Empowering Communities	<p>This programme will continue to strengthen the Council’s approach to enable communities to be able to do more for themselves. In particular during 2020/21 the programme will focus on:</p> <ul style="list-style-type: none"> • Ongoing development for Councillors in their role as Community Councillors, supporting their communities in growing their potential. Linking to a range of informal and formal member training and development opportunities through the ongoing Member development programmes; • Supporting the continuing work of the cross-party Member and Community Development Group including; community focussed decision making, Member development and promoting local democracy; • Strengthening the approach to Community Planning by working with parishes in rural communities and through Romsey Future and Andover Vision in our urban communities; 	<p>Communities</p>

	<ul style="list-style-type: none"> • Working collaboratively with the Test Valley Association of Town and Parish Councils. Supporting events and peer learning activities to strengthen partnership working; and • Taking learning from the Citizen’s Assembly to shape future engagement with communities, supporting the promotion of local democracy and providing opportunities for communities to engage in more deliberative democracy. 	
<p>Working in partnership to attract investment, develop skills and strengthening productivity in Test Valley.</p>	<p>To support the local economy through the delivery of the actions contained within the economic development interim strategy. Specific projects include supporting:</p> <ul style="list-style-type: none"> • Kickstart Programme; • Continuing apprenticeship programme; • Using some of Additional Restrictions Grants for business support. Supporting business to develop an online presence; • Continuing to work in partnership with Kier to rejuvenate the Walworth Business Park; • Working with Eastleigh, Winchester and the New Forest to develop a Youth hub to support young people claiming Universal Credit; • Support the catalyst programme at the University of Southampton Science Park; and • Support the delivery of infrastructure to enable our businesses to work online e.g. broadband and wifi. 	<p>People Town Centres Communities Local Environment</p>

ANNEX 1

<p>Enhancing access to green spaces and countryside</p>	<ul style="list-style-type: none"> • Implement new strategies for Green space; • Work with landowners to bring forward green spaces across Test Valley to support delivery of key development projects; • Continue to explore the delivery of other open spaces to provide both ecological mitigation and health & wellbeing benefits; • Explore opportunities for nitrate neutrality and carbon offsetting; and • Develop an action plan for delivery of the Access to the countryside project. 	<p>Local Environment Communities</p>
<p>Promoting wellbeing and active lifestyles</p>	<ul style="list-style-type: none"> • Open new sports facilities at Ganger Farm; • As part of the ongoing £19m investment to refurbish leisure facilities, focus is now on delivering facilities at Charlton Lakes. Work with HCC and other key partners to deliver Cycling & Walking strategies focusing on both infrastructure and developing community-led projects.; • Support post Covid recovery of facilities across Test Valley such as leisure centres and recreational spaces; and • Implement and monitor action plans (including those within the Sports Facility Strategy, Playing Pitch Strategy, Green Space Strategy) and regular updates with partners. 	<p>Communities Local Environment People</p>

New for 2021-22 (year 3)

<p>Delivery of the Covid-19 Recovery Plan</p>	<ul style="list-style-type: none"> • Ongoing work to ensure that the safety of our population and workforce are front and centre of the council’s recovery work, adapting to the changing situation as necessary; • Providing a sustainable mechanism of recovery through place-based and community focussed approach; • Review the future of working practices for the organisation, prioritising the needs of our communities and how they can be best supported with new ways of working; and • Continuing to work with communities on resilience planning 	<p>Communities Local Environment People Town Centres</p>
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