

Minutes of the **Council**  
of the **Test Valley Borough Council**  
held virtually by Microsoft Teams  
on 7 April 2021 at 5.30 pm

Attendance:

**Councillor M Hatley (Chairman)**

**Councillor M Cooper (Vice-Chairman)**

Councillor N Adams-King  
Councillor I Andersen  
Councillor G Bailey  
Councillor D Baverstock  
Councillor C Borg-Neal  
Councillor Z Brooks  
Councillor P Bundy  
Councillor T Burley  
Councillor J Burnage  
Councillor D Coole  
Councillor N Daas  
Councillor C Donnelly  
Councillor A Dowden  
Councillor D Drew  
Councillor C Ecclestone  
Councillor M Flood  
Councillor S Gidley  
Councillor N Gwynne

Councillor K Hamilton  
Councillor V Harber  
Councillor I Jeffrey  
Councillor A Johnston  
Councillor L Lashbrook  
Councillor P Lashbrook  
Councillor N Lodge  
Councillor N Matthews  
Councillor R Meyer  
Councillor K North  
Councillor P North  
Councillor J Parker  
Councillor R Rowles  
Councillor T Tasker  
Councillor C Thom  
Councillor A Ward  
Councillor A Warnes

471

**Prayers**

Prayers were led by Reverend John Wharton.

472

**Apologies**

Apologies were received from Councillor Cross and Councillor C Dowden.

473

**Public Participation**

There was no public participation.

474

### **Declarations of Interest**

Councillor Parker declared a personal interest in item 7.2.1.3 Community Infrastructure Levy (CIL) – Allocation of CIL Funds as he was the interim Chairman of the Trustees of King John’s House. He left the meeting whilst this item was considered.

Councillor A Dowden declared a personal interest in item 7.2.1.3 Community Infrastructure Levy (CIL) – Allocation of CIL Funds as he was the Chairman of Valley Park Parish Council. He remained in the meeting and spoke and voted thereon.

### **475 To approve the minutes of the meeting of the Council held on 26 February 2021**

#### **Resolved:**

**That the minutes of the meeting held on 26 February 2021 be confirmed and signed as a correct record.**

476

### **Mayor's Announcements**

The Mayor thanked all members of the Council for their support during his year as Mayor.

The Mayor reminded members that the Annual Council meeting will now be held on Wednesday 19 May at a venue to be confirmed.

477

### **To receive and adopt Committee reports**

#### **477.1 Minutes of Meetings**

#### **Resolved:**

**That the minutes of the following Committees and Cabinet meetings be received.**

To receive the minutes of the following meetings:

Overview & Scrutiny Committee – 17 February 2021

Northern Area Planning Committee – 18 February 2021

Southern Area Planning Committee – 23 February 2021

Cabinet – 10 March 2021

Northern Area Planning Committee – 11 March 2021

Southern Area Planning Committee – 16 March 2021

Overview & Scrutiny Committee – 17 March 2021

Licensing Committee – 18 March 2021

Southern Area Planning Committee – 6 April 2021

**477.2 To adopt Recommendations from the following:**

477.2.1 Cabinet – 10 March 2021

477.2.1.1 Andover Public Art Programme

**Resolved:**

1. **That £27,000 be added to the Capital Programme for on-site public art in respect of the public art commission for Picket Piece in Andover, to be fully funded by Section 106 developer contributions.**
2. **To award the contract for Picket Piece to Svetlana Kondakova.**
3. **That £69,000 be added to the Capital Programme for on-site public art in respect of the public art commission for Picket Twenty in Andover, to be fully funded by Section 106 developer contributions.**
4. **To award the contract for Picket Twenty to Tim Ward of Circling the Square.**
5. **That £50,000 be allocated from Section 106 contributions for off-site public art in respect of the public art programme for Andover Town Centre.**

477.2.1.2 Hurstbourne Tarrant Village Design Statement Supplementary Planning Document

**Resolved:**

1. **That the Hurstbourne Tarrant Village Design Statement (attached as Annex 1 to the report) to the report be adopted as a Supplementary Planning Document to provide design guidance for the Parish of Hurstbourne Tarrant.**

2. **That the Head of Planning Policy and Economic Development, in consultation with the Planning Portfolio Holder be delegated to carry out amendments of a minor nature to improve the presentation of the document and correct any typographical errors.**

477.2.1.3 Community Infrastructure Levy (CIL) – Allocation of CIL Funds

**Resolved:**

**That the following projects are approved for CIL funding:**

- **Stockbridge Travel to School Plan – £95,000**
- **King John’s House and Signage – £36,500**

478

**Questions under Rule 11.1**

There were no questions under rule 11.1.

479

**Questions under Rule 11.2**

**Councillor Ecclestone submitted a question ‘Can the portfolio holder please advise what historical style the new furniture & fittings in the Riverside redevelopment could be classified as?’**

The Planning Portfolio Holder explained that it could be described as Contemporary – the site and its environs are not characterised by one particular historical style in architecture or otherwise.

The Contemporary furniture is designed to meet the needs of a diverse population with the design of the benches responding to previous issues raised regarding metal seating in the town centre being too hot/cold/wet.

The design team worked with Conservation Officer on the correct approach to street furniture here. It is a simple, natural palette of materials, and colours with an overall coherence within the design.

They are a simple and unobtrusive design, not detracting from the heritage assets – and a good quality contemporary design that does not draw the eye to one particular item.

The Lamp columns are the same style as previous.

**Councillor Ecclestone asked ‘Can he please point out to the councillors and the public which buildings in the Conservation Area that these articles match or are consistent with?’**

The Planning Portfolio Holder referred to the answer to the previous question. The site does not adhere to a particular style of period character.

As per discussions with the Conservation Officer – street furniture items would indeed not need to match a particular heritage building, just not visually compete with them.

Public space design is not intended to create a pastiche and as the Town Mills at the centre of the scheme was a working building, there would not be an appropriate ‘matching’ style of bench suitable.

The design uses a circular motif within the paving and echoed in the bike racks to visually link the old pocket park and the new riverside park, giving the park some distinction and character.

**Councillor Ecclestone asked ‘Why does planning document 19\_01263\_FULLN-Landscape\_layout-1568644 bear only a tenuous resemblance to what was actually built at Town Mills park?’**

The Planning Portfolio Holder reported that the drawings were re-drawn by HCC engineering for contract, a small number of technical changes were made none of which affect the overall working or function of the scheme.

A large proportion of the works were carried out without the need for planning permission by the Highways Authority and this includes the following: closing off of road to vehicular traffic, new vehicular access, alterations to the car parking layout, new signage, resurfacing, new shared pedestrian/cycle path, installation of lighting columns, installation of benches, new bins, installation of cycle stands, installation of bollards.

Some of the works are not considered to be development such as the planting of new trees and new grassed areas. The installation of boundary treatment is also considered to be permitted development that does not require additional Planning consent.

Some small changes were addressed by Non Material amendment applications and were dealt with by the Planning Officer and department as appropriate

As ever, on a scheme of this scale, uncharted utilities and uncovered items within the ground require amendments to be accommodated; for example one tree could not be planted due to utilities within the tree pit area and there was not a suitable replacement area within the scheme.

Councillor Ecclestone asked a supplementary question about the plans. The willow that had fallen down has not been replaced however is shown in the plans. This would be consistent with climate emergency and good water management to have this replaced. The table tennis table shown in the plan was missing in the reorganisation of the park and not added.

The Planning Portfolio holder advised Councillor Ecclestone that there were many additional trees planted in that area however he and will look into the issue of the willow tree and the table tennis table and let Councillor Ecclestone know.

#### 480 **Councillor approval under s85 (1) of the Local Government Act 1972**

Consideration was given to a report of the Corporate Portfolio Holder which considered approving Councillor Cross's reason for non-attendance under Section 85 of the Local Government Act 1972 to allow him to continue in his role as a Borough Councillor.

Section 85 (1) of the Local Government Act 1972 states that "if a member of a local authority fails throughout a period of six consecutive months from the date of his/her last attendance to attend any meeting of the authority, he/she shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a Member of the authority".

Councillor Cross has been unable to attend meetings of Test Valley Borough Council for a period of 6 months due to illness. In accordance with Section 85 of the Local Government Act 1972 it is proposed that Council approves the reason for his non-attendance at meetings for a six month period to the 11 October 2021.

The Mayor suggested that a letter be sent to Councillor Cross to convey the good wishes of the Council and this was supported by all members.

#### **Resolved:**

**That Council approves the waiver of the six month attendance rule provided for at section 85 (1) of the Local Government Act 1972 to Councillor Cross for the reason set out in the report for a period of six months to the 11 October 2021.**

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#### **Notice of Motion - Rule 12**

##### **Motion 1**

Council considered the following motion moved by Councillor Coole and seconded by Councillor Meyer.

That in accordance with the amended Constitution adopted in April 2019, the Council:

Instructs the Section 151 Officer to effect the retrospective payment of the SRA allowance due to the Minority Opposition Group Leader since May 2019 and in accordance with Council Resolutions passed since January 2019 and the amended Constitution adopted in April 2019.

**Upon being put to the vote the motion was lost**

### Motion 2

Council considered the following motion moved by Councillor Coole and seconded by Councillor Meyer

In response to the UK Government's commitment to the British National (Overseas) residents of Hong Kong, Council Resolves to:

Write to the Secretaries of State for the Home Office and the Foreign, Commonwealth and Development Office, informing them that Test Valley Borough Council both invites and welcomes Hong Kong British National (Overseas) residents who wish to take up residency in Test Valley and contribute towards its multicultural and economic development.

Promote and support the multicultural and economic opportunities this immigration will bring to Test Valley.

The UK Government has recognised the political and security turmoil in the former British Colony of Hong Kong, following the Chinese imposition of its national security legislation, which constitutes a clear breach of the 1984 Sino-British Joint Declaration, undermining the "one country, two systems" framework. The UK Government has responded with its "path to citizenship" initiative, which is open to more than five million Hong Kong residents. Anyone holding a British National (Overseas) Visa and their dependents, have the right to move to the Britain and eventually apply for permanent residency.'

The Housing and Communities Portfolio Holder responded that TVBC is, and always has been, a welcoming area for people hailing from all backgrounds. It has a good track record of supporting initiatives such as the Syrian Vulnerable Persons Resettlement Scheme, working in partnership with the County Council and other agencies, in order to meet the housing and support needs of people arriving from refugee camps under the scheme.

We have recently received a letter from the Secretary of State for Housing, Communities and Local Government setting out that the MHCLG will now lead on work across government to support people coming to the UK from Hong Kong, where they have British Nationals Overseas status, to settle into their new lives and communities in the UK.

TVBC will work with Hampshire County Council and colleagues across the county to play our ongoing part in the welcoming and supporting of migrants and refugees to the UK as may be appropriate, and we know that MHCLG plans to set out further information with regard to the arrival of residents of Hong Kong in the coming weeks. Therefore, at this stage, it doesn't seem necessary for TVBC to undertake to write such a letter and our track record already speaks for itself.

**Upon being put to the vote the motion was lost**

Under Rule 17.5 and in accordance with Schedule 2 of the Local Authorities (Standing Orders) Regulations 1993, Councillor Coole requested that it be recorded that he voted for the motion.

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**Exclusion of the Public**

**Resolved:**

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

**Estates Property Matters**

**Paragraph 3**

**It is considered that this report contains exempt information within the meaning of paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended. It is further considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because the report and annex necessarily disclose commercially sensitive financial information, relating to the Council and its partners and may fetter the Council's ability to achieve best value from the project.**

**Strategic Land Purchase**

**Paragraph 3**



**It is considered that this report contains exempt information within the meaning of paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended. It is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because the information relates to the financial or business affairs of the Council and a third party.**

**Nitrate Mitigation**

**Paragraph 3**

**It is considered that this report contains exempt information within the meaning of paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended. It is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because the information relates to the financial or business affairs of the Council and a third party.**

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**Estate Property Matters**

Consideration was given to a report of the Finance Portfolio Holder which dealt with an estate property matter.

**Resolved:**

- 1. That the Council approves the projects described in the report and authorises officers to take all steps necessary to complete the projects.**
- 2. That funding for the projects be approved as described in paragraphs 8.5 and 8.6 of the report.**
- 3. That the Head of Property and Asset Management, in consultation with the Finance Portfolio Holder and Head of Finance & Revenues, be authorised to dispose of the completed development by entering into a long-lease for the plot.**

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**Strategic Land Purchase**

Consideration was given to a report of the Finance Portfolio Holder which considered a strategic land purchase.

**Resolved:**

- 1. That the Head of Property and Asset Management in consultation with the Head of Finance & Revenues and the Finance Portfolio Holder be authorised to undertake all necessary work to complete the purchase of the land identified in Annex 1 to the report, including settling terms of purchase.**

2. **That funding be included in the Capital Programme for the land purchase and capital works, to be funded from a S106 contribution received for this purpose as described in Section 8 of the report.**
3. **That funding be added to the revenue budget for the maintenance of the land, to be funded from a S106 contribution received for this purpose as described in Section 8 of the report.**

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### **Nitrate Mitigation**

Consideration was given to a report of the Planning Portfolio Holder which detailed the purchase of nitrate credits in order to help secure mitigation for residential development within the Borough.

#### **Resolved:**

1. **That the Council releases funding from the unallocated New Homes Bonus Reserve, up to the amount described in paragraph 8.1 for the purpose of purchasing nitrate credits from the land shown in Annexes 1 & 2 to the report.**
2. **That authority is delegated to the Head of Planning Policy and Economic Development in consultation with the Head of Finance and Revenues, the Head of Legal and Democratic Services, the Finance Portfolio Holder and the Planning Portfolio Holder to enter into appropriate agreement(s) under S106 of the Town and Country Planning Act 1990 and Allocation Agreement(s) securing the purchase and delivery of the nitrate credits from the land shown in Annexes 1 & 2 to the report.**

(The meeting terminated at 8.38 pm)