

Minutes of the **Council**  
of the **Test Valley Borough Council**  
held in Upper Guildhall, High Street, Andover, Hampshire SP10 1NT  
on 16 November 2022 at 5.30 pm

Attendance:

**Councillor A Dowden (Chairman)**

**Councillor P Lashbrook (Vice-Chairman)**

Councillor N Adams-King  
Councillor I Andersen  
Councillor G Bailey  
Councillor C Borg-Neal  
Councillor Z Brooks  
Councillor J Budzynski  
Councillor P Bundy  
Councillor T Burley  
Councillor J Burnage  
Councillor D Coole  
Councillor Cooper  
Councillor M Cooper  
Councillor C Donnelly  
Councillor C Dowden  
Councillor D Drew  
Councillor C Ecclestone  
Councillor M Flood

Councillor S Gidley  
Councillor N Gwynne  
Councillor K Hamilton  
Councillor V Harber  
Councillor A Johnston  
Councillor L Lashbrook  
Councillor N Lodge  
Councillor M Maltby  
Councillor R Meyer  
Councillor J Neal  
Councillor P North  
Councillor J Parker  
Councillor R Rowles  
Councillor T Swain  
Councillor T Tasker  
Councillor A Warnes

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**Prayers**

Prayers were led by the Reverend Bradish.

The Worshipful The Mayor of Test Valley thanked Reverend Bradish and his team for the support provided at the Andover Remembrance Commemorations on Sunday 13 November.

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**Apologies**

Apologies for absence were received from Councillors D Baverstock, N Daas, I Jeffrey, K North, C Thom and T Ward.

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**Public Participation**

No members of the public had registered to speak.

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### **Declarations of Interest**

Councillor P North declared a personal interest, as an employee of the Secretary of State for Environment, Food and Rural Affairs, in respect of Item 18 – Notice of Motion - Rule 12 and left the room during consideration of the item.

### **311 To approve the minutes of the meeting of the Council held on 7 September 2022**

#### **Resolved:**

**That the minutes of the meeting of the Council held on 7 September 2022 be confirmed and signed as a correct record.**

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### **Mayor's Announcements**

The Worshipful The Mayor of Test Valley noted that since the Council had last met, Her Late Majesty Queen Elizabeth II had sadly passed away and he had attended a number of commemorative events. The Mayor had the honour of reading the proclamation of King Charles III in Andover with the Deputy Mayor reading the proclamation in Romsey.

The Mayor's Showcasing event had taken place at Sir Harrold Hillier's Arboretum on Thursday 22 September. Positive feedback had been received from Civic Heads across Hampshire. The Mayor thanked officers for their support.

On 1 October the Mayor had attended the Romsey Male Voice Choir Concert at the Abbey, Romsey which had been a very special experience.

The Worshipful The Mayor had attended the Pride of Andover Awards on 25 October and had been impressed with all those nominated for awards. The Mayor thanked Councillor Hamilton and her team for hosting the event.

On 11 November the Mayor had handed a wreath to Great Western Railway at Romsey Train Station as part of a number of wreaths collected along the train line and displayed at Paddington Station for their Remembrance Commemorations.

The Mayor had also attended a Remembrance Concert hosted by Andover Town Brass at Andover Baptist Church on 11 November which he commended.

The Mayor announced that he would be meeting with the Countess of Wessex on 17 November at an event in Test Valley.

The Mayor was pleased to confirm that the official opening of the Ganger Farm Sports Pavilion would take place on 19 November.

On 26 November the Mayor would be attending the Romsey Winter Carnival.

The Mayor invited all Councillors to join him from 4pm at Beech Hurst on Thursday 15 December for his Christmas drinks.

The Mayor advised that he and the Mayoress would be visiting a number of homes and hospices in the lead up to Christmas and on the day itself.

**313                    To receive and adopt Committee reports**

**313.1                Minutes of Meetings**

**Resolved:**

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

**Licensing Committee – 18 August 2022**

**Southern Area Planning Committee – 30 August 2022**

**General Purposes Committee – 7 September 2022**

**Southern Area Planning Committee – 20 September 2022**

**Overview and Scrutiny Committee – 21 September 2022**

**Audit Committee – 26 September 2022**

**General Purposes Committee – 29 September 2022**

**Cabinet – 29 September 2022**

**Northern Area Planning Committee – 6 October 2022**

**Southern Area Planning Committee – 11 October 2022**

**Licensing Committee – 20 October 2022**

**Cabinet – 26 October 2022**

**Northern Area Planning Committee – 27 October 2022**

**Southern Area Planning Committee – 1 November 2022**

**Overview and Scrutiny Committee – 2 November 2022**

**313.2                To adopt recommendations from the following:**

**313.2.1            Cabinet – 26 October 2022**

313.2.1.1 Medium Term Financial Strategy 2023/24 – 2025/26

**Resolved:**

1. **That the Medium Term Financial Strategy (MTFS) for 2023/24 to 2025/26 be approved.**
2. **That the Medium Term Financial Forecast, as shown in Annex 5 to the report, be noted.**

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**Questions under Rule 11.1**

Councillor Gidley asked a question in relation to the minutes of the Employment Appeals and Ethics Sub-Committee held on 6 December. Councillor Gidley asked why these minutes were being received by Council so long after the date of the meeting and whether the recommendations set out under recommendation 3 had been completed.

The Head of Legal and Democratic Services advised that the minutes were being received now as there had not been an ordinary meeting of General Purposes since that date for them to be approved. With regards to the recommendations the Head of Legal and Democratic confirmed that actions identified in the recommendations were not compulsory and had not been undertaken by the individual to date.

Councillor Gidley asked a question in relation to page 146 of the Minute Book, minute number 241 – Cost of Living. Councillor Gidley asked for an update on the Cost of living Grant scheme.

Councillor P North advised that there had been a good take up of the grant scheme to date with a variety of different organisations applying for and receiving grants that were having a real impact for those struggling with the cost of living.

Councillor Gidley further asked whether the total funding allocation would be kept under review and whether details of the schemes being supported would be promoted to residents

Councillor P North responded to confirm that the Council was already publicising the schemes being supported as well as sign posting to a range of other cost of living support through press releases, social media and the Council's website. He encouraged all Councillors to share the details with their local networks to further promote the support available. He advised that the funding allocated for the scheme would be kept under review and consideration of additional funding would take place if necessary.

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**Questions under Rule 11.2**

Councillor Gidley asked the Strategic Regeneration and Partnerships (South) Portfolio Holder the following question:

*“What assessment has been made of the impact of the closure of Barclays Bank in Romsey, and the potential closure of any bank in Andover?”*

Councillor Adams-King thanked Councillor Gidley for her question and responded to say that it was unfortunate that branches are closing around the country, but that Members would appreciate that the Council has no control over those decisions made by private business and as such, no assessment has been undertaken.

Whilst the closure of Barclays will have an impact on all those residents and businesses which use that branch, it is those who do not have the ability to access on-line banking that will be most affected.

There already exists the ability to use branches of the Post Office, including the one in Romsey, to access a range of Barclays bank services including the withdrawal and depositing of cash. Customers may also wish to change banks, because of Barclays decision, to one of the alternative banks and building societies that remain. However, that is clearly a matter for the customer. Should the Andover branch close, and I am not aware that this is the case, then there are similar options available to residents and businesses.

I wish to also highlight to Council that officers actively work with the Test Valley Partnership to ensure good access to a range of services for our most vulnerable members of the community.

Councillor Gidley asked a supplementary question enquiring whether the Council would investigate any cash pilot schemes to support residents?

Councillor Adams-King responded that the circumstances would be kept under review and that work to look at the services available for the residents of Romsey and local issues were considered by the Romsey Future Group. Councillor Adams-King encouraged Councillor Gidley to participate in the work of Romsey Future.

Councillor Warnes asked the Waste, Recycling and Car Parking Portfolio Holder the following question:

*“I was very pleased to hear that we have a strong relationship with Solent University in understanding the impact of food waste recycling on residents. It is great to be proactive but could the Councillor inform us of what is the working relationship with the University? This is with regards to what sort of contract do we have with them and are we part funding the work, this could be officers time not just funding and also what is the relationship with them regarding Intellectual Property and ownership of data?”*

Councillor Adams-King responded to say that the Council has developed a positive partnership with Solent University over recent years to help access academic insights and research. The primary purpose of this partnership has been to develop cooperation in research, innovation, and knowledge exchange. Our collective work could be applied to specific joint projects, exchange visits for TVBC and Solent staff to develop their knowledge and understanding of relevant topics and widen horizons as well as exchange information and materials where there is a mutual interest.

The Council signed a Memorandum of Understanding (MoU) with Solent back in 2020 which is due to run until 2025. It is purely a partnership document to foster beneficial cooperation, it does not provide the framework for any legal relationship or financial or resource obligations. There is no funding provision set out as part of the MoU and any specific costs would have to be set out as part of a specific project brief.

In term of the Intellectual property and ownership of data, the council and Solent recognise that they have a strong interest in the maintenance of the confidentiality and Intellectual Property Rights in their data both published and unpublished, and agree not to supply such data to a third party without the written agreement of the originating signatory unless required by law. Both the Council and Solent agree that, if they wish to use the copyright material of the other, they will seek prior approval for its use and give the required acknowledgements.

Councillor Warne asked a supplementary question to note that understanding the use of data and intellectual property were important considerations and that contracts would likely be needed for specific projects.

Councillor Adams-King advised that the relationship with Solent University developed from the Council's work on Citizen Assemblies and through Romsey Future and allowed mutual learning sharing of insight. If the Council were to undertake a specific project with Solent then an appropriate agreement with regards to date would be agreed.

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### **Public Sector Decarbonisation Scheme**

Consideration was given to a report of the Finances and Resources Portfolio Holder which outlined the proposed project at Bourne House, submitted as part of an application for funding through Phase 3b of the Public Sector Decarbonisation Scheme.

In order to decarbonise the heating system at Bourne House, it is proposed that the gas system is replaced by air source heat pumps. To reduce the demand for heating, supporting works are recommended to improve the insulation of the building. While an air source heat pump would remove the use of gas at the site, it would increase the use of electricity. As such, further proposals were identified to reduce the electricity consumption. Additionally, it is recommended that a Building Management System is installed to enable smarter operation of the heating system.

It was noted that all aspects of the project would need to be reviewed as part of a detailed design stage that would be undertaken if the application for funding is successful.

The proposed project would support the implementation of the Council's Climate Emergency Action Plan through moving away from a fossil fuel powered heating system and installing other measures to improve the energy and thermal performance of this asset.

**Resolved:**

1. **That the submission of an application for funding through Phase 3b of the Public Sector Decarbonisation Scheme for Bourne House, Romsey be endorsed.**

**And, if the application is successful:**

2. **That the Council contribution up to £217,800 towards the cost of project delivery, as set out in paragraph 8.1 and 8.3 of the report, be approved.**
3. **That delegated authority be given to the Head of Property & Asset Management in consultation with the Finance & Resources Portfolio Holder, the Head of Legal & Democratic Services and the Head of Finance & Revenues to enter into the necessary agreements to enable the delivery of the project outlined.**
4. **That the estimated cost of the works, contingency provision and external funding contribution be added to the Capital Programme.**

**317 Cross-Local Authority Boundary Arrangements for Securing Nutrient (nitrate and phosphate) Neutral Development**

Consideration was given to a report of the Planning Portfolio Holder regarding securing nutrient neutral development.

The Council has received a number of requests to consider cross-local authority boundary Nutrient Neutral Development schemes. The current Scheme of Delegation does not provide officers with the necessary authority to enter into legal agreements and undertakings to provide and monitor such arrangements.

**Resolved:**

**In order to facilitate cross-local authority boundary arrangements for securing nutrient (nitrate and phosphate) neutral development:**

1. **The Head of Planning and Building be authorised to conclude agreements under s106 of the Town and Country Planning Act 1990 in relation to mitigation land within its administrative area required by other local planning authorities as listed in 2 below.**
2. **The exercise of monitoring and enforcement functions under s106 of the Town and Country Planning Act 1990 in relation to nutrient mitigation land within the Council's administrative area be delegated to:**

- (i) Basingstoke and Deane Borough Council;**
- (ii) BCP (Bournemouth Christchurch Poole) Council;**
- (iii) Dorset Council;**
- (iv) East Hampshire District Council;**
- (v) Eastleigh Borough Council;**
- (vi) New Forest District Council;**
- (vii) New Forest National Park Authority;**
- (viii) South Downs National Park Authority;**
- (ix) Southampton City Council;**
- (x) West Berkshire Council;**
- (xi) Wiltshire Council; and**
- (xii) Winchester City Council.**

**subject to:**

- a. the relevant authority having entered into an appropriate s106 (of the Town and Country Planning Act 1990) agreement with the Council in relation to the nutrient mitigation land; and**
  - b. that authority having suitably indemnified the Council in respect of any costs and expenses incurred in consequence of failure properly to discharge monitoring and enforcement functions.**
- 3. The Head of Planning and Building be authorised to conclude agreements under s106 in relation to nutrient mitigation land required by the Council outside its administrative area and to exercise monitoring and enforcement functions under s106 where such functions have been properly delegated to the Council by the relevant local authority.**
  - 4. The Head of Planning and Building be authorised to conclude agreements under s33 Local Government (Miscellaneous Provisions) Act 1982 and in particular to enter into such agreements in relation to nutrient mitigation land required by the Council outside its administrative area and to exercise monitoring and enforcement functions under s33 in relation to such land.**
  - 5. The Head of Legal and Democratic Services be authorised to make such amendments to the Constitution as may be necessary in consequence of 1-4 above.**

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### **Regeneration Resourcing**

Consideration was given to a report of the Finances and Resources Portfolio Holder setting out proposals for funding to enable increased resource requirement to support the delivery of the two town centre masterplans.

To maximise the ability to progress with both masterplans simultaneously, a need has been identified for additional resources that will build upon the existing resource within the Council.

#### **Resolved:**

**That the funding as set out in section 8 of the report be approved.**

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### **Amendments to the Head of Planning and Building's Delegations**

Consideration was given to a report of the Democracy and Governance Portfolio Holder which set out details of a proposed amendment to the Head of Planning and Building's Delegations.

An application for a lawful development certificate must be determined purely on the basis of the factual evidence and applying any relevant law. As the planning merits of such applications are not open for discussion it is not considered that planning committees are an appropriate forum to examine and evaluate the evidence required for determination.

#### **Recommended:**

**That the scheme of delegation to the Head of Planning and Building be amended as shown in the Annex to the report.**

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### **Amendments to the Council's Constitution**

Consideration was given to a report of the Democracy and Governance Portfolio Holder which set out proposed amendments to the Council's Constitution in respect of the scheme of delegations to officers to reflect changes in legislation and working practices.

The report also set out amendments to the Contract Standing Orders made by the Head of Legal and Democratic Services under delegated authority to reflect legislative changes.

The proposed changes to the Constitution as set out in the report and annexes would ensure that the Council was able to continue to operate in an effective and efficient manner.

**Resolved:**

1. That the scheme of delegation to the Head of Finance and Revenues be amended as shown in Annex 1 to the report.
2. That the scheme of delegations to the Chief Executive be amended as shown in Annex 2 to the report.
3. That the scheme of delegation to the Head of Property and Asset Management be amended as shown in Annex 3 to the report.
4. That the scheme of delegation to the Head of Legal and Democratic Service be amended as shown in Annex 4 to the report.
5. That the amendments to the Contract Standing Orders made by the Head of Legal and Democratic Services under her delegation in consultation with the Democracy and Governance Portfolio Holder as set out in Annex 5 of the report, be noted.
6. That the scheme of delegation to Chief Executive, Deputy Chief Executive and Heads of Service be amended as shown in Annex 6 to the report.

321 **Amendments to the Council's Financial Procedure Rules**

Consideration was given to a report of the Democracy and Governance Portfolio Holder which set out proposed changes to the Council's Financial Procedure Rules (FPR) contained within the Constitution.

Following a review of the FPR, a number of minor changes to make the rules more easily understood by those who use them and to reflect changes in working practices such as electronic invoices now being standard practice were suggested.

**Resolved:**

**That the changes to the Council's Financial Procedure Rules, as set out in the annex to the report, be approved.**

322 **Appointments to Committees**

Consideration was given to a report of the Democracy and Governance Portfolio Holder which set out changes to the membership of a number of the Council's Committees which were necessary following a change in the political make-up of the Council and the resignation of Councillor Matthews.

The appointments were required in order to ensure that, as far as is possible, each of the committees' reflect the overall political balance of the Council and vacancies are filled which will allow the committees to operate in an effective manner.

**Resolved:**

1. That Councillor Andersen be appointed to the Northern Area Planning Committee to replace Councillor Harber.
2. That Councillor Harber be appointed to the General Purposes Committee to replace Councillor Donnelly.
3. That Councillor Burnage be appointed to the Licensing Committee to replace Councillor Johnston.
4. That Councillor Hatley be appointed to the Licensing Committee.
5. That Councillor Donnelly be appointed to the Overview and Scrutiny Committee to replace Councillor Hatley.
6. That Councillor Maltby be appointed to the Overview and Scrutiny Committee.
7. That Councillor Tasker be appointed as the Council's Representative to Miss Gale's Education Foundation Trust.

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**Reporting of Urgent Decisions**

Consideration was given to a report of the Democracy and Governance Portfolio holder which set out details of a number of urgent decisions taken.

The need had periodically arisen for urgent decisions to be taken by the Chief Executive in consultation with the Leader in order to facilitate and implement a number of government schemes and grants which provided financial support for various groups.

**Resolved:**

**That Council notes the urgent decisions set out in the Annex to this report, which were taken by the Chief Executive, in consultation with the Leader.**

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**Notice of Motion - Rule 12**

Councillor P North declared a personal interest, as an employee of the Secretary of State for Environment, Food and Rural Affairs, in respect of Item 18 – Notice of Motion – Rule 12 and left the room during consideration of the item.

Council considered the following motion moved by Councillor Gwynne and seconded by Councillor Burnage:

This Council notes that:

Protecting the River Test;

- Every river in England is now polluted beyond legal limits.
- In 2019 the Environment Agency rated just 14% of rivers as 'Good'.

- Some 36% of English rivers have been damaged by water companies. They released untreated human waste into our waterways over 400,000 times to a total of 3 million hours in 2020 alone. In that same year just 3.6% of pollution complaints made to the Environment Agency resulted in penalties.
- Government funding to the Environment Agency to monitor river quality and regulate farms and water companies, has dropped 75% since 2010/11.
- Consequently farms are now rarely inspected, water quality is rarely tested, and water companies can pump raw sewage into rivers with virtual impunity.

To protect the River Test – the very basis for the existence of TVBC - this Council resolves to request the Chief Executive write to:

- 1) The Secretary of State for Environment, Food and Rural Affairs calling for the Government to urgently address these issues.
- 2) The Chairperson of the Parliamentary Environmental Audit Committee to advocate for greater enforcement of existing regulatory powers.
- 3) Both of the Borough's Members of Parliament, asking for their support in this matter.
- 4) The Chief Executive of Southern Water, calling for urgent action to address the impact of waste-water discharges on our local rivers – and the river Test in particular.
- 5) The Regional Director of the National Farmers' Union requesting clarification on the action being taken locally by farmers to prevent nutrient run-off.
- 6) The charities River Action and The Rivers Trust expressing this Council's support for their campaign to restore the health of Britain's rivers.

Councillor Adams-King proposed, and Councillor Johnston seconded, an alteration to the Motion as set out below:

This Council notes that:

- Every river in England is now polluted beyond legal limits.
- In 2019 the Environment Agency rated just 14% of rivers as 'Good'.
- Some 36% of English rivers have been damaged by water companies. They released untreated human waste into our waterways over 400,000 times to a total of 3 million hours in 2020 alone. In that same year just 3.6% of pollution complaints made to the Environment Agency resulted in penalties.
- Government funding to the Environment Agency to monitor river quality and regulate farms and water companies, has dropped 75% since 2010/11.
- Consequently farms are now rarely inspected, water quality is rarely tested, and water companies can pump raw sewage into rivers with virtual impunity.

So to protect the Rivers Anton, Blackwater, Dun and Test– and their

tributaries this Council resolves to request the Climate Emergency and Countryside Portfolio Holder write to:

- 1) The Secretary of State for Environment, Food and Rural Affairs calling for the Government to urgently address these issues through the Environment Act 2021.
- 2) The Chairperson of the Parliamentary Environmental Audit Committee to advocate for greater enforcement of existing regulatory powers.
- 3) Both of the Borough's Members of Parliament, asking for their support in this matter.
- 4) The Chief Executive of Southern Water, calling for urgent action to address the impact of waste-water discharges on our local rivers – and the river Test in particular.
- 5) The Secretary of State for Environment, Food and Rural Affairs, Environment Agency and the Regional Director of the National
- 6) Farmers' Union requesting clarification on the action being taken locally by farmers to prevent nutrient run-off.
- 7) The charities River Action and The Rivers Trust expressing this Council's support for their campaign to restore the health of Britain's rivers.
- 8) Additionally, that officers report any instances or complaints of pollution in Test Valley's waterways and rivers to the Portfolio Holder for Climate Emergency and Countryside and that OSCOM be asked to review such reports, including requesting the appropriate agencies account for their actions.

Upon being put to the vote the amendment was carried.

**Upon being put to the vote the Motion was carried.**

(The meeting terminated at 7.45 pm)