

Notice of Meeting

Council

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

Date: Wednesday 25 October 2023

Time: 5.30 pm

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

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



Head of Legal and Democratic Services

For further information or enquiries please contact:

Emma Silverton - 01264 368000
esilverton@testvalley.gov.uk

Legal and Democratic Service

Test Valley Borough Council,
Beech Hurst, Weyhill Road,
Andover, Hampshire,
SP10 3AJ

www.testvalley.gov.uk

PUBLIC PARTICIPATION SCHEME

*If members of the public wish to address the meeting they should notify the
Legal and Democratic Service at the Council's Beech Hurst office by noon
on the working day before the meeting.*

Council

Wednesday 25 October 2023

AGENDA

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

- 1 Prayers**
- 2 Apologies**
- 3 Public Participation**
- 4 Declarations of Interest**
- 5 Minutes of the previous meeting 4 - 10**

To approve as a correct record the minutes of the meeting of the Council held on 13 September 2023.
- 6 Test Valley Arts Foundation picture presentation**

A presentation of a painting from the Test Valley Arts Foundation as a commemoration of the support Test Valley Citizens have given to the people of Ukraine.
- 7 Mayor's Announcements**
- 8 To receive and adopt Committee reports 11**

To receive and, where necessary, adopt reports of Committees.
- 9 Questions under Rule 11.1**
- 10 Questions under Rule 11.2**

ITEM 5

Minutes of the **Council**
of the **Test Valley Borough Council**

held in Crosfield Hall, Broadwater Road, Romsey, Hampshire SO51 8GL
on 13 September 2023 at 5.30 pm

Attendance:

Councillor P Lashbrook
(Chairman)

Councillor G Bailey (Vice-Chairman)

Councillor N Adams-King
Councillor I Andersen
Councillor C Borg-Neal
Councillor K Brooks
Councillor Z Brooks
Councillor J Budzynski
Councillor P Bundy
Councillor J Burnage
Councillor D Cattell
Councillor G Cooper
Councillor M Cooper
Councillor N Daas
Councillor C Donnelly
Councillor A Dowden
Councillor C Dowden
Councillor D Drew
Councillor K Dunleavey
Councillor M Flood
Councillor A Ford
Councillor S Gidley

Councillor L Gregori
Councillor N Gwynne
Councillor S Hasselmann
Councillor R Hughes
Councillor I Jeffrey
Councillor A Johnston
Councillor R Kohli
Councillor L Lashbrook
Councillor M Leech
Councillor N Lodge
Councillor L Matthews
Councillor J Neal
Councillor K North
Councillor P North
Councillor J Parker
Councillor J Sangster
Councillor T Swain
Councillor A Warnes
Councillor S Yalden

177

Prayers

Prayers were led by the Reverend Perrott.

178

Apologies

Apologies for absence were received from Councillor S MacDonald.

179

Public Participation

Ms Bartholomew and Ms Davis had registered to speak in accordance with the Council's Public Participation Scheme under item 14 – Notice of Motion – Rule 12.

The Democratic Services Manager passed on the apologies of Ms Davis who was not able to attend the meeting to speak.

180 **Declarations of Interest**

There were no declarations of interest.

181 **Minutes of the previous meeting**

The minutes of the Council meeting held on 21 June 2023 were proposed by Councillor P North and seconded by Councillor Adams-King.

Council noted that the minutes from the meeting on 21 June 2023 stated that Councillors had been advised that information about outside bodies had been circulated. It was confirmed that this had not been correct and at that time, those details had not yet been sent. Details of outside body appointments had subsequently been sent to all representatives and an update presented in the Councillor Bulletin to clarify.

Resolved:

That the minutes of the meeting of the Council held on 21 June 2023 be confirmed and signed as a correct record.

182 **Mayor's Announcements**

The Worshipful The Mayor of Test Valley advised that he had attended numerous engagements throughout the summer and thanked the communities and organisations who had been involved in the positive and successful events.

The Mayor took a moment to reflect on the tragedy in Morrocco and asked those present to support the victims of the earthquake as well as continuing to provide support for those impacted by the war in Ukraine.

The Mayor advised that there were two upcoming events taking place for his Charity Appeal. A *Call my Wine Bluff* event on Friday 10 November in the Andover Guildhall and a *Pig Racing* event on Friday 13 October at the Weyhill Fairground Village Hall.

183 **Notice of Motion - Rule 12**

In accordance with the Council's Public Participation Scheme, Ms Batholomew made a statement on the motion as set out in the agenda in relation to the Council setting aside a reserve to fund actions taken from the Climate Emergency Action Plan

Council considered the following motion move by Councillor Gwynne and seconded by Councillor Gregori:

Test Valley Borough Council undertake to set aside £1m from its reserves in order to fund actions taken from the Climate Emergency Action Plan. Those actions to be identified and initiated in the current financial year.

Councillor M Cooper proposed that a recorded vote be undertaken which was supported by more than 10 Councillors present at the meeting. Councillors voted as follows:

For	Against	Abstained
Burnage	Adams-King	Andersen
G Cooper	Bailey	
M Cooper	Borg-Neal	
Daas	K Brooks	
A Dowden	Z Brooks	
C Dowden	Budzynski	
Dunleavy	Bundy	
Ford	Cattell	
Gidley	Donnelly	
Gregori	Drew	
Gwynne	Flood	
Hughes	Hasselmann	
Kohli	Jeffrey	
Parker	Johnston	
Sangster	L Lashbrook	
Warnes	P Lashbrook	
Yalden	Leech	
	Lodge	
	Matthews	
	Neal	
	K North	
	P North	
	Swain	

Upon being put to the vote the motion fell.

184

To receive and adopt Committee reports

Minutes of Meetings

The minutes of meetings were proposed by Councillor P North and seconded by Councillor Adams-King.

Resolved:

That the minutes of the following Committees and Cabinet meetings be received:

Cabinet - 7 June 2023

Southern Area Planning Committee - 13 June 2023

Overview and Scrutiny Committee - 14 June 2023

Audit Committee - 19 June 2023

Northern Area Planning Committee - 29 June 2023

Southern Area Planning Committee - 4 July 2023

Overview and Scrutiny Committee - 19 July 2023

Northern Area Planning Committee - 20 July 2023

General Purposes Committee - 24 July 2023

Southern Area Planning Committee - 25 July 2023

Special Northern Area Planning Committee - 1 August 2023

Southern Area Planning Committee - 15 August 2023

Cabinet - 23 August 2023

185

Questions under Rule 11.1

There were no questions under Rule 11.1.

186

Questions under Rule 11.2

Councillor A Dowden asked the Community and Leisure Portfolio Holder the following question:

“The very successful Knightwood Woodfair at Valley Park has now not taken place for several years. Please can I ask the Executive Member for Community & Leisure to see that next year this event is reintroduced? Residents in Valley Park have been disappointed by it not taking place this year now that Covid is not a major issue.”

Councillor Swain responded that following the adoption of the woodlands in 1998, the first Woodfair was organised to engage with residents about how the woodlands might be managed with their help. There were no plans currently for the Council to re-instate the Woodfair. The event was initially funded using developer contributions however the funding had long been spent.

A sustainable programme of activities and work parties had been developed in partnership with volunteer groups, which offered targeted and impactful engagement throughout the year. In other areas, community events would more typically be run by parish councils, community, or volunteer groups and the Council would be happy to work with Councillor A Dowden to explore how the Council might continue to support such community events going forward.

Councillor A Dowden asked a supplementary question enquiring as to why the Council would not wish to continue with a successful event which over 3,000 people visited from both within and outside of Test Valley. Councillor A Dowden noted that the important woodland had, for 14 years, been awarded green flag status and asked the Council to reconsider the event.

Councillor Swain confirmed that she would be happy to work with the community to explore how they might be able to manage the event going forward and offered to discuss the matter further with Councillor A Dowden outside of the meeting.

Councillor Gidley asked the Finance and Resources Portfolio Holder the following question:

“Given that council officers increasingly work from home what considerations are being given to the long-term future of the Beech Hurst council offices?”

Councillor Flood responded to confirm that the Council ran an agile working pilot from July to December 2021 and a new agile working policy went live from 1 April 2022. That policy stipulated that staff should be in the office for a minimum of two to three days a week. This was important for a whole of host of reasons including team development and training and therefore it was not strictly true to say that Council officers were increasingly working from home.

Councillor Flood advised that the long-term future of Beech Hurst was under early consideration by officers. A Council presence in Andover town centre could provide potential regeneration partners with the confidence to invest in any future development and that a town centre location, like that of the FMC in Romsey, was a better option for the public.

The Chief Executive was committed to working with staff on a potential relocation and working to understand the requirements of Beech Hurst partners to ensure the future provision of those services in Andover.

Councillor Flood confirmed that Beech Hurst Park itself, would always remain a public open space and would be outside of any future development on the site.

Councillor Gidley asked a supplementary question requesting that all Borough Councillors be kept fully apprised of any potential relocation plans as she had not been aware of any proposals and had learnt about the potential proposal via her role on an outside body.

Councillor P North responded that Andover Vision members had received an update but would ensure that all Councillors were kept up to date on any future work in this area.

187

Staff Pay Award

Consideration was given to a report of the Finance and Resources Portfolio Holder which considered the budget implications of a pay award to council staff in respect of the 2023/24 financial year.

At its meeting on 4 September 2023, the General Purposes Committee approved a pay award for the 2023/24 financial year of 6% for all staff, with the exception of the Chief Executive. The award exceeded the amount set aside in the revenue budget and therefore it was necessary for Council to consider the budgetary implications.

The recommendation was proposed by Councillor Flood and seconded by Councillor P North.

Resolved:

That a draw from Budget Equalisation Reserve of £477,000 be approved for the purposes of funding a staff pay award for 2023/24.

188

To appoint to the Project Enterprise Board

Consideration was given to a report of the Democracy and Governance Portfolio Holder which sought to appoint Councillors to the Project Enterprise Member Panel to fill vacancies, and set out a proposal for an amendment to the capital budget allocation for Project Enterprise investments.

The recommendations were proposed by Councillor Lodge and seconded by Councillor P North.

Resolved:

- 1. That Councillors A Dowden, Flood, Gwynne, Johnston and P North be appointed to the Member Panel to be consulted by the Head of Property & Asset Management in respect of proposed property investments.**
- 2. That capital budget allocation for Project Enterprise investments be reduced to a maximum of £1M.**

189

Appointment to Outside Bodies

Consideration was given to a report of the Democracy and Governance Portfolio Holder which proposed the appointment of Council representatives to a number of outside bodies.

The recommendations were proposed by Councillor Lodge and seconded by Councillor P North.

Resolved:

- 1. That Councillor Cattell be appointed as the Council's representative to Finding Freedom from Abuse.**
- 2. That Dorothy Baverstock be appointed as the Council's representative to Unity.**

190

Calendar of Meetings 2024/2025 and 2025/2026

Consideration was given to a report of the Democracy and Governance Portfolio Holder which set out proposed calendars of ordinary meetings for the municipal years 2024/2025 and 2025/2026.

The recommendation was proposed by Councillor Lodge and seconded by Councillor P North.

Resolved:

That the Calendar of Meetings for the municipal years 2024/2025 and 2025/2026, as set out in Annex 1 and Annex 2 to the report, be approved.

(The meeting terminated at 7.14 pm)

ITEM 8 To receive minutes and, where necessary, adopt reports of Committees

(Some reports may involve the disclosure of exempt information. If the Council wishes to debate them, for each individual case the Council will need to adopt a suitable motion).

8.1 To receive the minutes of the following meetings:

- 8.1.1 [Overview and Scrutiny Committee](#) – 30 August 2023
- 8.1.3 [General Purposes Committee](#) – 4 September 2023
- 8.1.4 [Southern Area Planning Committee](#) – 5 September 2023
- 8.1.5 [Northern Area Planning Committee](#) – 21 September 2023
- 8.1.6 [Audit Committee](#) – 25 September 2023
- 8.1.7 [Southern Area Planning Committee](#) - 26 September 2023
- 8.1.8 [Licensing Committee](#) – 28 September 2023
- 8.1.9 [Cabinet](#) – 4 October 2023
- 8.1.9.1 [Medium Term Financial Strategy](#)

Consideration was given to the report of the Finance and Resources Portfolio Holder which set out the framework within which the 2024/25 budget will be prepared. It also set out the Medium Term Financial Forecast for the General Fund income and expenditure, which will form the basis of the 2024/25 budget.

The strategy considered the potential impact of macro-economic factors such as inflation and interest rate forecasts and the effects they will have on budget planning in the medium term.

Having considered the options and for the reasons set out in the report, the recommendations were proposed by Councillor Flood, seconded by Councillor P North and Cabinet agreed to the following:

Recommended to Council:

- 1. That the Medium Term Financial Strategy (MTFS) for 2024/25 to 2026/27 be approved.**

ITEM 11 Release of Developer Contributions in North Baddesley

Report of the Planning and Building Portfolio Holder

Recommended:

- 1. That Section 106 developer contributions secured for improvements to Sports Ground/Formal recreation in the locality, up to the value of £156,372, received from developments granted planning permission within the parish of North Baddesley be used to fund North Baddesley Parish Council's proposal for installing new land drainage on the cricket field side of North Baddesley recreation ground to provide two additional football pitches and an improved outfield for cricket.**
- 2. That the expenditure and funding be added to the Council's capital programme.**

SUMMARY:

- The Council is required to use developer contributions secured through the grant of planning permission by means of s106 (planning obligations) from development in North Baddesley to fund the provision and/or improvement of public open space in the parish of North Baddesley. This report recommends the allocation of up to £156,372 to fund new land drainage on the cricket field side of North Baddesley recreation ground to provide two additional football pitches and an improved outfield for cricket

1 Introduction

- 1.1** As part of granting planning permission it is appropriate for certain types of new development to contribute to the improvement of local infrastructure required to mitigate the effects of that development in line with the Community Infrastructure Levy Regulations 2010. The mitigation is often in the form of financial contributions from developers which are secured through the planning process by means of planning obligations under Section 106 of the Town and Country Planning Act 1990. These contributions are transferred to the council to use directly, or allocate to other bodies to deliver improved infrastructure as is recommended in this case, or are given directly to other infrastructure providers such as Hampshire County Council.
- 1.2** The developments included in the Annex and related contributions towards public open space improvements are recommended to be used for new land drainage on the cricket field side of North Baddesley recreation ground to provide two additional football fields and an improved outfield for cricket. A full list of contributions and their purpose is displayed within the Annex.

2 Background

- 2.1 North Baddesley Parish Council has applied for developer contributions secured through a number of planning permissions in the parish, by means of Section 106 agreements, to install new land drainage on the Cricket field side of North Baddesley recreation ground.
- 2.2 Officers from Planning and Building responsible for managing Section 106 agreements (planning obligations), and Community Infrastructure Levy (CIL) along with members of the Community Engagement team met with the Parish council on site in May 2023. It was understood from these discussions that the land in question needed drainage improvements to make it suitable for new football pitches and an improved cricket outfield. This was the funding the Parish were seeking.
- 2.3 The parish council was advised that if they were pursuing external funding from the council to deliver the project, Section 106 contributions were the most suitable form of funding of these works. This is because there is sufficient developer contributions available to cover the whole costs of the project, which would satisfy the requirements of the relevant planning obligations, and it would meet the Sports Ground/Formal recreation description from the local plan.

3 Corporate Objectives and Priorities

- 3.1 The proposal meets Sustainability, Connection and Environment priorities as set out in the 2023 – 2027 Corporate Plan as shown below.
- 3.2 Sustainability – Using developer contributions in this way would bring forward additional/improved public open space/recreational facilities that will benefit the local community in the form of enhanced sports provision.
- 3.3 Connection – Providing additional and improved space for organised sports should help to promote the potential development of additional teams and the expansion of existing teams. This encourages more people to become involved in sports in their local communities thereby supporting shared interests and the many connections that bring people together.

4 Consultations/Communications

- 4.1 As per the Council procedure, consultation has been carried out with officers in Planning Policy, Community and Leisure and Finance as well as the Planning and Building Portfolio holder and North Baddesley Ward Members.

5 Options

- 5.1 Option 1 – The council agrees to fund the works proposed by the parish council using financial contributions secured by planning obligations relating to developments permitted in the parish. . This will provide improved drainage to the recreation ground and, as a result, two new football pitches will be available as well as an improved cricket field.
- 5.2 Option 2 - Not approve the funding sought by the Parish Council to improve local recreational facilities.

6 Option Appraisal

- 6.1 Option 1 - Agree to fund the works requested – This will greatly benefit the local community of North Baddesley as well as communities further afield. It will provide new and improved public open space sports facilities funded from contributions taken from developments in the area with the purpose of mitigating the impact of that development and improving infrastructure in the locality. There are no disadvantages which have been identified through option 1. There are no other projects the Parish has requested funding to support, and no other bodies or agencies have come forward and asked for funding to deliver these types of new or improved recreational facilities in the area.
- 6.2 It is also worth noting that the council is required, as per the terms of Section 106 agreements relating to the developments permitted in this area, to spend or commit the contributions within a 10 year period. Some of the contributions highlighted for release in this case are nearing this time (Annex). If these are not committed or released to appropriate projects then this money is at risk of being returned to the developer. This means that it is appropriate to allocate this funding to the project now, to avoid this issue arising, and deliver mitigation required when these developments were permitted. If the contributions are not used to support these works, it would be necessary to look at identifying other suitable projects that could be delivered in the timeframe. However, at present, there are no other schemes that have come forward.
- 6.3 Option 2 – Do not agree to allocate the funds - If this project is not funded through Section 106 the parish council will need to explore alternative funding options and there is a risk that the improvements to the recreation ground would not be realised or would at least be significantly delayed. It would be possible, as one alternative, for the parish council to pursue a bid for the Community Infrastructure Levy funding. However, there is no assurance that such a request would be successful at this point and, if such funding were subsequently agreed, it would potentially reduce or remove opportunities for the council to support other projects in other communities that could only be funded by the council through CIL.
- 6.4 The recommended option in this case is Option 1. This is because the contributions in the requisite Legal Agreements specify that the use of the contributions are to support the provision of Sports Ground/Formal Recreation in the parish of North Baddesley and the scheme, subject of this funding request, is considered to meet these requirements.

7 Risk Management

- 7.1 No risks identified to the council as a result of approving the recommendations.

8 Resource Implications

- 8.1 Funding for the whole project will come from Section 106 funds and no other resources would be used.

9 Legal Implications and Statutory Authority

- 9.1 We are required legally to ensure the contributions are spent/committed in line with the wording of the legal agreement. This has been checked and confirmed by the council's Policy Officer to be the case.

10 Equality Issues

- 10.1 An EQIA is not needed because the issues covered do not raise any equality concerns, therefore a full EQIA has not been carried out.

11 Sustainability and Addressing a Changing Climate

- 11.1 This will provide local and accessible outdoor public open space facilities for residents of Test Valley to use and benefit from.

12 Other Issues

- 12.1 Wards/Communities Affected – North Baddesley will be main beneficiary if given approval; however wider residents of Test Valley and beyond will also be able to use and enjoy the enhanced recreational facilities. As mentioned the Section 106 developer contributions are to be used towards the provision and/or improvement of public open space within the parish of North Baddesley.

13 Conclusion and reasons for recommendation

- 13.1 It is recommended that council approve the use of appropriate developer contributions secured from developments in the locality up to £156,372 to fund the project to install new land drainage on the Cricket field side of North Baddesley recreation ground to provide two new football pitches and an improved cricket outfield. It is considered that this would be an appropriate use of these funds to enhance the recreational offer on North Baddesley for the benefit of the local community and beyond.

<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 and Building) Councillor P Bundy			
Officer:	Owen Carine	Ext:	8222
Report to:	Council	Date:	25 October 2023

ANNEX

SUMMARY OF S106 SPORTS GROUND / FORMAL RECREATION CONTRIBUTIONS - NORTH BADDESLEY

Applic No.	Agrmt Date	Development Site	Parish	Ward	Purpose	Amount Available	Date Rec'd	Recommended to utilise	Repayment upon request deadline
06/01425/FULLS	03-Aug-07	18 and 19 Rosslyn Close	North Baddesley	North Baddesley	Sports Ground / Formal Recreation	6,377.49	06/05/08		None
09/02019/FULLS	08-Dec-09	15 Upper Crescent Road	North Baddesley	North Baddesley	Sports Ground / Formal Recreation	4,432.50	25/10/10		None
10/01246/FULLS	01-Oct-10	Seefields Nutburn Road	North Baddesley	North Baddesley	Sports Ground / Formal Recreation	2,292.91	09/08/11	2,292.91	09/08/21
07/03559/FULLS	21-Feb-08	Land At 53 Rownhams Lane	North Baddesley	North Baddesley	Sports Ground / Formal Recreation	1,865.37	13/09/11		None
12/00404/FULLS	17-Apr-12	40 Crescent Road	North Baddesley	North Baddesley	Sports Ground / Formal Recreation	780.27	20/04/12	780.27	20/04/22
12/00748/FULLS	24-May-12	Victory Gospel Church Nutburn	North Baddesley	North Baddesley	Sports Ground / Formal Recreation	5,923.73	24/05/12		None
13/01780/FULLS	26-Sep-13	Victory Gospel Church Nutburn	North Baddesley	North Baddesley	Sports Ground / Formal Recreation	1,641.60	27/09/13		None
10/01907/FULLS	02-Aug-11	Land At Street End	North Baddesley	North Baddesley	sports ground/Formal recreation	9,469.65	18/02/14	9,469.65	18/02/24
13/00094/FULLS	11-Mar-13	88 - 92 Botley Road	North Baddesley	North Baddesley	Sports Ground/Formal recreation	4,113.63	25/03/14	4,113.63	25/03/24
12/02121/FULLS	20 Nov 12	St John's Centre, 112-116 Botley Road, North	North Baddesley	North Baddesley	Sports Ground/Formal recreation	4,996.94	29/05/14	4,996.94	29/05/24
11/01253/OUTS	03-Nov-11	Land Off Nutburn Road And Botley Road	North Baddesley	North Baddesley	Sports Ground/Formal Recreation (50%)	45,050.51	24/07/15	45,050.51	24/07/25
11/01253/OUTS	03-Nov-11	Land off Nuburn Road And Botley	North Baddesley	North Baddesley	50% Sports Ground/Formal Recreation	47,086.40	02/08/17	13,719.19	02/08/27
13/00727/OUTS	17-Mar-14	Land at Baddesley Close, North Baddesley	North Baddesley	North Baddesley	Sports Ground/Formal Recreation	75,948.90	24/12/15	75,948.90	24/12/25

Total	209,979.90
--------------	-------------------

156,372.00

ITEM 12

Reporting of Urgent Decision

Report of the Democracy and Governance Portfolio Holder

Recommended:

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

SUMMARY:

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

1 Introduction

- 1.1 The need has arisen for an urgent decision to be taken by the Chief Executive in consultation with the Leader to grant authority to the Head of Housing and Environmental Health in consultation with the Portfolio Holder for Housing and Environmental Health, the Portfolio Holder for Finance and Resources and the Head of Finance and Revenues to;
- make decisions associated with the targeting and spending of the second and any subsequent tranches of the Local Authority Housing Fund,
 - make decisions associated with the targeting and spending of S106 affordable housing contributions, and
 - that the grant and any required S106 affordable housing contributions be added to the Council's capital programme.
- 1.2 This decision must be reported back to Council and this report fulfils that requirement.

2 Background

- 2.1 Under the Constitution, the Chief Executive in consultation with the Leader is delegated power to take urgent decisions.
- 2.2 Delegation (2) of the "Delegations to Chief Executive" reads:
- "To do anything, in consultation with the Leader, which is calculated to facilitate, or is conducive or incidental to the discharge of the Council's functions subject to:

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

2.3 The requirement to make decisions associated with the targeting and spending of the second and any subsequent tranches of the Local Authority Housing Fund and S106 affordable housing contributions in a timely fashion can properly be considered an “emergency or urgent situation” for the purposes of the above delegation.

2.4 This decision was by its very nature urgent as the Council was required to sign up to the Memorandum of Understanding by 23 August 2023 to receive funding and there was no Council meeting to which it could be brought.

2.5 A copy of the Written Statement of Decision is attached as an Annex to this report. The Statement sets out the full details of the decision made and the reasons for that decision.

2.6 All decisions are available on the Council’s website.

3 Corporate Objectives and Priorities

3.1 The appended decision is necessary to enable the Council to continue to fulfil its functions, cutting across all of the Council’s corporate objectives and priorities at a time of national emergency.

4 Consultations/Communications

4.1 No consultation has taken place on this report. Any consultation undertaken was recorded in the Statement of Decision.

5 Options and Option Appraisal

5.1 This report is for noting only. The decision to delegate authority to the Head of Housing and Environmental Health in consultation with relevant Portfolio Holders and Officers has been agreed. The decisions made pursuant to the urgency delegation are required to be reported to Council.

6 Risk Management

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

7 Resource Implications

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

8 Legal Implications

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

9 Equality Issues

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

10 Other Issues

- 10.1 No other issues are apparent.

11 Conclusion and reasons for recommendation

- 11.1 This document reports to Council the urgent taken by the Chief Executive in consultation with the Leader. Council is asked to formally note this report.

<u>Background Papers (Local Government Act 1972 Section 100D)</u> Written Statements of Decision as Annexed to this report.			
<u>Confidentiality</u> It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	1	File Ref:	N/A
(Portfolio: Democracy and Governance) Councillor N Lodge			
Officer:	Karen Dunn	Ext:	8401
Report to:	Council	Date:	25 October 2023

WRITTEN STATEMENT OF DECISION BY CHIEF EXECUTIVE

SECTION A

DATE OF DECISION: 17 August 2023
PORTFOLIO AREA: Housing & Environmental Health Portfolio
SUBJECT TITLE: Local Authority Housing Fund (LAHF 2nd tranche)

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

SECTION B – IDENTITY OF THE “DECISION-MAKER”

Name of Officer: Andrew Ferrier
Title: Chief Executive

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

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

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

SECTION C – SUMMARY**Background**

On 22 February, 2023, the Chief Executive exercised his delegated powers to authorise various decisions and actions in connection with Government funding provided by DLUHC to provide accommodation to families who are homeless, threatened with homelessness, or otherwise living in unsuitable temporary accommodation arrangements, and who arrived in the UK via Ukrainian and Afghan resettlement and relocation schemes. This funding was known as the Local Authority Housing Fund (LAHF) and Test Valley Borough Council was awarded funding of £1,817,776 comprised of £1,560,000 (intended to provide 13 homes) and £257,776 (intended to provide 1 larger four (+) bedroomed home for Afghan households residing in Home Office bridging accommodation.

Since that award, DLUHC have expanded the LAHF to provide a second round of funding (£250m), and this time the majority of the funding will be for housing those on the Afghan resettlement schemes (ARAP/ACRS) currently in bridging accommodation and the rest used to ease wider homelessness pressures.

Test Valley was originally allocated £656,000 from this second round for the provision of 3 homes for the resettlement scheme, together with 1 home for temporary accommodation. The outcomes from this second tranche must be completed by 29 March 2024.

Initially a Validation Form was submitted by the Council to confirm its commitment to delivering the number of homes required. Since the submission of the Validation Form discussions have taken place between TVBC and Vivid, but due to capacity and resource issues Vivid are no longer able to assist. TVBC has subsequently entered into discussions with Aster who have committed to delivering 2 homes for the resettlement scheme, rather than the full allocation. It is Aster’s preference that the two homes will be identified from existing stock which had been earmarked for disposal, but if that is not possible they would be expected to seek to acquire new build homes on new developments, or suitable existing homes for sale on the open market, securing them as affordable homes for the long term.

DLUHC have agreed to this amendment and have issued a revised Memorandum of Understanding (MoU) which reflects the revised funding of £328,000, and which needs to be signed by TVBC by 31st August 2023.

Following submission of the signed Memorandum of Understanding, payment of the grant will be made in tranches as follows:-

Tranche 1 – 30% of allocation – paid September 2023 - £98,400

Tranche 2 – 70% of allocation – paid December 2023 - £229,600 (The local authority must have spent at least 60% of tranche 1 payment (£59,040) before receiving tranche 2).

This decision notice therefore seeks approval for the revised proposals in connection with the second tranche of funding, together with any further tranches (in the event that the scheme is extended by the Government).

SECTION D – THE DECISION

“That authority is given to the Head of Housing & Environmental Health:-

1. In consultation with the Portfolio Holder for Housing & Environmental Health, the Portfolio Holder for Finance & Resources, and the Head of Finance & Revenues, to make decisions associated with the targeting and spending of the second and any subsequent tranches of the Local Authority Housing Fund, in accordance with the requirements of the funding prospectus, to enable the delivery of affordable homes for the eligible cohort in the short term, with a view to those homes adding to the existing affordable housing stock in the borough.
2. In consultation with the Portfolio Holder for Housing & Environmental Health, the Portfolio Holder for Finance & Resources, and the Head of Finance & Revenues, to make decisions associated with the targeting and spending of S106 affordable housing contributions towards delivery of these homes, in accordance with the conditions set out in the relevant S106 agreements.
3. That the grant and any required S106 affordable housing contributions be added to the Council’s capital programme.”

SECTION E – REASONS FOR THE DECISION

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

The LAHF does not fall within the scope of existing delegated authority and the government timelines are incredibly ambitious and pressing. The Council must sign up to the revised Memorandum of Understanding by 31st August 2023 to receive the first tranche of funding set out in this decision notice. The Council is discussing already working with a Registered Provider who is actively seeking suitable properties, and the ability to spend funds by 29 March 2024 is essential. Therefore, appropriate authority is urgently required to enable officers to proceed.

There is no convenient meeting of the Council to which this decision could be brought. Waiting to bring the decision to a full Council or Cabinet meeting would cause unacceptable delay and could result in the Council failing to meet DLUHC milestones. This could ultimately result in funds being returned to DLUHC and re-distributed to other local authorities.

SECTION F – DETAILS OF ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The options are:

1. to give delegated authority to the Head of Housing & Environmental Health (in consultation with specified members and the Head of Finance & Revenues where appropriate); or
2. to refer decisions around how this funding is targeted (or the issue of giving delegated authority) to Committee.

Option 2 would result in delays in acquiring properties and spending the grant within the required timeframe and could ultimately lead to the funds being returned to DLUHC. It would also delay the rehousing of vulnerable refugee households, some of whom are currently residing temporarily in bed and breakfast accommodation, and in the case of the Afghan refugee cohort, still residing in a bridging hotel. Delays in targeting this funding may also cause damage to the Council's reputation. Option 2 is therefore rejected.

SECTION G – OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

SECTION H – BACKGROUND PAPERS

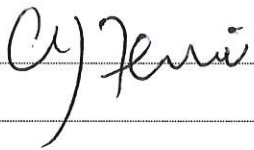

The following background papers were taken into consideration when making the decision:

1. Local Authority Housing Fund Prospectus

SECTION I – Any Conflict of Interest Declared and Dispensation Granted

None.

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

Chief Executive:		Dated:	23/8/23
The Leader of the Council		Dated:	23/08/2023

ITEM 13

Notice of Motion – Rule 12

Councillor Andersen will move that:

About the disposable Vapes

For us not to have fancy wrapping on these vapes and to ask manufacturers not to make it so appealing for the young people. In a Chartered Trading Standards Institute survey 60% of Local Trading Standards Services said High Street shops, selling illicit vapes or vaping products to children was the enforcement issue that most concerned them. It is costing us £2 million a year to dispose of these vapes, which is causing problems in the recycling centre. My proposal would be that we don't have disposable vapes, for what it is going to do in the environment. We should be looking after our environment.

Making vapes dearer, not three for ten pounds. And more to the issue of looking after the generation of young people with their health. They are saying that vaping helps their anxiety. Maybe more money should be put into helping anxiety problems with young people as it is quite a tough world out there and has been since Covid and after. Vapes should only be used as an aid to quit smoking. This is why I would like to see tougher and stricter regulations of vaping products to tackle the growing cases of children getting hold of them.

Motion

This Council calls upon the Government to:

- **Regulate the supply of disposable vapes.**
- **Prohibit immediately wrapping which is fancy and designed to attract young people and increase the price to discourage purchases by younger people.**
- **Eventually prohibit the sale of disposable vapes altogether for environmental and health reasons.**

Resolves to write to:

- a) **The Department of Health and Social Care asking them to open the planned consultation on restricting disposable vapes as soon as possible.**
- b) **Local MPs to ask them to ensure the government takes action.**

Councillor Linda Lashbrook will second the motion