

## Notice of Meeting

# Overview and Scrutiny Committee

**Date:** Wednesday 19 April 2023

**Time:** 5.30 pm

**Venue:** Upper Guildhall, High Street, Andover, Hampshire SP10 1NT

**For further information or enquiries please contact:**

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**Legal and Democratic Service**

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SP10 3AJ

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The recommendations contained in the Agenda are made by the Officers and these recommendations may or may not be accepted by the Committee.

**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 Overview and Scrutiny Committee

### MEMBER

### WARD

Councillor N Lodge (Chairman)	Andover Downlands
Councillor J Neal (Vice-Chairman)	Andover Millway
Councillor G Bailey	Blackwater
Councillor D Baverstock	Romsey Cupernham
Councillor C Borg-Neal	Andover Harroway
Councillor Z Brooks	Andover Millway
Councillor T Burley	Andover Harroway
Councillor D Coole	Anna
Councillor G Cooper	North Baddesley
Councillor C Donnelly	Andover Downlands
Councillor N Gwynne	Romsey Cupernham
Councillor K Hamilton	Andover Harroway
Councillor M Maltby	Chilworth, Nursling & Rownhams
Councillor J Parker	Romsey Tadburn
Councillor R Rowles	Andover Winton
Councillor J Sangster	Andover Romans
Councillor T Swain	Chilworth, Nursling & Rownhams
Councillor A Warnes	North Baddesley

## Overview and Scrutiny Committee

Wednesday 19 April 2023

### **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 1 March 2023**
- 6 Call in Items**
- 7 Urgent decisions taken since last meeting**
- 8 Enforcement Panel final report **5 - 45****  
  
To consider the Planning Enforcement Panel's final report (20 minutes)
- 9 Rural Sustainability**  
  
A presentation by the Climate Emergency and Countryside Portfolio Holder on Rural Sustainability (30 minutes)
- 10 Climate Emergency Action Plan Update **46 - 65****  
  
To provide an update on the implementation of the Climate Emergency Action Plan (2020) and related projects that have been identified subsequently (20 minutes)

**11 Chairman's Annual Report 66 - 75**

To consider the Chairman's Annual Report prior to being report to Council on 21 June 2023 (15 minutes)

**12 Updates on Panels**

Lead Members to update the Committee on the progress of their Panels (10 minutes)

**13 Programme of Work for the Overview and Scrutiny Committee 76 - 88**

To enable Members to keep the Committee's future work programme under review (10 minutes)

## **ITEM 8 Enforcement Panel Final Report**

Report of the Head of Planning & Building on behalf of the Planning Enforcement Panel.

### **Recommended:**

**That Overview and Scrutiny Committee note and endorse the findings of the Enforcement Panel and including the actions recommended as set out below:**

- **A new panel is appointed in the new corporate year to oversee a review of the Council's Local Enforcement Plan 2019 with a view to new Plan being put in place by the end of 2023.**
- **The Head of Planning & Building arranges a report for members relating to current enforcement cases or, as an alternative, will explore the possibility and appropriateness of providing on-line access for members to see enforcement cases.**
- **Head of Planning & Building considers what information it might be possible to share with parish councils regarding enforcement activity in their areas.**
- **Members are informed in advance of enforcement cases in their wards where the Council intends to take formal enforcement action.**
- **Settings on the Council's website be changed so details remain accessible to the public once planning appeals have been determined.**
- **Head of Planning & Building arrange for enforcement to be included in new member induction training.**
- **Head of Planning & Building arrange for parish/town council training on planning enforcement in 2023.**
- **Planning Enforcement Manager to up-date the standard non-expediency report to include all relevant case dates and to ensure interested parties are informed when an enforcement investigation is closed.**
- **Enforcement Officers, when communicating with parties responsible for alleged breaches of planning control, will consider the individual circumstances of a case and adopt a balanced, proportionate and consistent approach explaining why an investigation is being undertaken in the first instance and enforcement action is being considered where appropriate. This accords with the approach recommended for other TVBC official communications by the OSCOM Communications Panel.**
- **Head of Planning & Building to look at reintroducing quarterly enforcement monitoring reports.**

## SUMMARY:

- In 2021 OSCOM agreed to set up a panel to look at how the Council was delivering its planning enforcement service taking into account a range of factors including the policy and legislative framework of enforcement and the Local Enforcement Plan 2019, the application of public interest/expediency tests, performance, and to see how the Council's resourcing of the service compares to other authorities. A copy of the full scope of the work to be undertaken is attached at Annex A.
- Six sessions of the panel were held to look at the matters included within the scoping document. It is considered that the panel were able to generally gain a good understanding of how the Council provides its planning enforcement service, including the wider context, based upon the limited information available from other authorities and the statutory framework.
- The panel considered that a number of actions should be taken which would help to improve the way the service is delivered, and its performance, as set out in the above recommendations. These actions cover a number of topics including better means of communication with stakeholders, and particularly members and parishes, and specialist training for members and parish councils. A further key conclusion reached by the panel was that the Council's Local Enforcement Plan dating from 2019 should be reviewed. This is fundamental to the enforcement process because it sets out the way the service is delivered by the Council, including prioritisation of planning breaches, and it can also identify performance standards.

## 1 Introduction

- 1.1 In 2021 OSCOM agreed to appoint a panel to review how the Council delivers its planning enforcement service. The panel has now met on six occasions since August 2021 and is in a position to report its findings and to identify a number of actions to revise how the enforcement service operates, designed to improve its performance and effectiveness, whilst also recommending that further work should be undertaken in the form of a review of the current Local Enforcement Plan with a panel appointed in the new corporate year to oversee this process.

## 2 Background

- 2.1 The full scope of the review was agreed by the panel at its first meeting held on 11 August 2021 and is attached at Annex A. The key points of focus were to understand the legislative and policy framework in which the service operates, including when it is expedient to take enforcement action and how the public interest test is considered in each case. The panel also looked at how the Council's service compares to other local authorities in terms of measuring performance, resourcing and costs, as well as going on to consider the effectiveness of the service in relation to communications with members, parish councils and other stakeholders. Training opportunities and support for parties interested in the planning enforcement were also considered.

- 2.2 The panel considered a substantial amount of information relating to both how the Council provides its service locally, and how this compared to the wider context, and took into account feedback provided by parish councils and agents across its six meetings which collectively has informed the recommendations set out above.

### **3 Corporate Objectives and Priorities**

- 3.1 Enforcement is a key and sometimes high-profile element of the Council's planning service. Delivering effective enforcement is important because it supports development management and, by extension, influences confidence in the planning system locally. Providing good enforcement underpins the Council's adopted Local Plan, aligns with National Planning Policy Framework and practice guidance and reinforces our values set out in Corporate Plan, particularly in regard to accountability and integrity, as well as ensuring the Borough's environment is protected from harmful development.

### **4 Consultations/Communications**

- 4.1 As part of the panel's review consultation took place with parish councils.
- 4.2 The Planning service also runs an agent's forum which is comprised of a number of professional practitioners and practices that have an interest in planning matters in Test Valley. They were given an opportunity to provide comments regarding how the Council provides planning enforcement by completing an on-line questionnaire but only two responses was received. This feedback has been considered by the panel.

### **5 Review Findings**

- 5.1 The panel considered a wide range of information presented by the Heads of Planning & Building, Legal and Democratic Services and Strategy & Innovation as well as the Planning Enforcement Manager and other officers which covered the topics identified in the scoping document. In summary the following key areas were looked at by the panel and a series of actions suggested which are incorporated in the recommendations set out above
- 5.2 Legislative and Policy framework:
- 5.3 The council operates its enforcement service in the wider setting of national regulation (town & country planning and other acts/statutes) and policy in the form of the NPPF/PPS which provides guidance about how local authorities should approach enforcement. Locally, the way which the Council delivers this service is set out in our Enforcement Plan 2019 and enforcement case decisions take into account the policies included in adopted Local Plan.
- 5.4 Generally speaking, it was considered that the Local Enforcement Policy which articulates how we provide this service by setting out the Council's approach, prioritisation of different types of planning breaches relating to their severity/impact and overall performance based on closing 80% of investigations within 42 days of receipt is in line with the national guidance and policy.

- 5.5 However, the plan was adopted in 2019 and the panel considered that it would be opportune to review the document to see if it could be updated and improved. Whilst only a small number of responses were received to the on-line consultation undertaken with planning agents the representations made were critical of some aspects of enforcement including a perceived lack of consistency of approach and in relation to how the Council decides whether or not it is expedient to take action. The full written response received, with permission to publish as part of the report, is attached at Annex B along with a completed survey questionnaire. As a result, the panel agreed that the plan should be reviewed and the process overseen by the appointment of a panel in the new corporate year (bullet point 1 within the Recommendation). The review should involve extensive stakeholder/public consultation enabling all interested parties to have an input into the formulation of a new plan prior to its adoption. This would enable the Council to develop a plan that takes into account a variety of local views which would be useful in finalising a new document.
- 5.6 The panel were also interested to explore how enforcement case decisions are made in terms of expediency and public interest. This was specifically addressed at the panel's fifth meeting but it was established that this is not a straightforward matter. The way planning breaches are assessed before deciding whether enforcement action is appropriate has to be considered on a case-by-case basis taking into account a range of factors including the Local Enforcement Plan and national policy/guidance, local planning policy and any other relevant planning issues. This means it is difficult to be too prescriptive as every case is different, but the Local Enforcement Plan attempts to address this as far as possible. However, there may be opportunity to revisit this in the context of the review of the plan. The panel were also keen to see that when officers make decision on cases, including those where no further action is being taken, the non-expediency reports are used in all cases so the reasons for the decision are clearly recorded, as is now the practice within the Enforcement team, but with all dates included (bullet point 8 within the Recommendation). Also, relevant parties need to be informed of the outcome.
- 5.7 The panel also looked at the drafting of enforcement notices as there had been some instances where notices needed to be withdrawn by the Council and re-issued. Since 2019 the Council has issued some 30 enforcement notices (please see Annex C for case data) and, in 3 cases, it was necessary for the Council to withdraw the original notices, because of technical issues raised, and new notices were subsequently issued. This can happen when notices are subject to appeal and the Planning Inspector dealing with the cases is unable to correct a notice without injustice to an interested party. It is therefore important to ensure that notices are carefully produced in the first instance to minimise the risk of any issues after it has been issued. Invariably however, there may be cases where further information comes to light, after a notice is issued, and occasionally the only way to address the problem is to withdraw and re-issue the notice suitably amended.
- 5.8 There are particular legal tests that need to be applied when the Council is considering certain formal actions, like court prosecutions, and this includes planning breaches. As such, the Head of Legal and Democratic Services will review each case where such action is being contemplated before a decision is made to proceed.



## 5.9 Performance & Resources

- 5.10 Another session considered the Council's performance and resourcing both in terms of how it measures itself and the wider context looking at other comparable councils that were prepared to share their data. What was established is that currently there are no national KPIs so each council decides how to deliver its service. However, Government is considering whether to introduce such metrics based around average number of weeks taken to respond to suspected breaches of planning and determine the appropriate course of action, average number of weeks to take action where a breach of planning has occurred, having decided it is expedient to do so and total number of cases over 6 months old as percentage of all open cases. An overview of enforcement activity since 2019 is included at Annex C which covers the various types of notices issued by the Council in this time period.
- 5.11 The Local Enforcement Plan stipulates that overall the Council aims to register new complaints in 3 working days, visit sites within 1- 10 working days , depending whether the breach is in category 1, 2 or 3, and to close 80% of cases inside 42 days. What was clear from looking at the data for the last few years is that despite the number of complaints remaining fairly steady between 2017/18 and 2021/22 (between c570 and 670) the service has struggled to meet the 42 day target (60-70%).
- 5.12 This being the case it seems sensible, as part of the review of the plan, to look again at these targets to see if they are appropriate and align with the overall aims of the service and levels of resourcing available taking into account any national KPI's introduced by Government. The panel also investigated how the service undertakes monitoring of development. Currently, there is no specific post dedicated to compliance and monitoring within Planning and Building so this work is generally picked up by the Enforcement team and planning officers in number of teams in Planning & Building and Planning Policy and Economic Development Again, this is a matter that can usefully be looked at as part of the review of the plan and is already being considered by the Head of Planning & Building including how this activity might be resourced moving forwards.
- 5.13 Councils across the country take various approaches to enforcement both in terms of their policy and resources. Only three other authorities responded to our request for information; Harborough, Sevenoaks and Stratford-Upon-Avon. The size of enforcement teams varied from only 3 officers in the case of Harborough to 6 at Stratford –Upon- Avon. Caseload also varied from around 440 per year to 680. The make-up of team was not uniform with some including chartered town planners and support staff whilst others had no dedicated administration officers in their teams.
- 5.14 Currently, Test Valley has an Enforcement Team consisting of a Manager, 4 Planning Enforcement Officers and support officer. None are chartered town planners and therefore planning advice is provided by officers in the North and South Area teams.

- 5.15 There are pros and cons with including chartered town planners in enforcement teams as is the case in some councils. Whilst this enables those teams to undertake planning assessments within the team, when deciding on appropriate courses of action for each breach including expediency, the advantage of the Test Valley structure is that the Enforcement Team has a large pool of planners that are available to provide them with support for their work. Broadly speaking, when fully staffed, officers are content that the enforcement resource is adequate to deal with the typical workload. However, there has been significant turnover of staff in the team over the last couple of years. This will affect performance and it is acknowledged that the type of staff that have tended to join the service may not have direct previous experience of planning let alone planning enforcement. This means new joiners will require support and training which takes time and other resources. However, this issue is not peculiar to enforcement and is a broader corporate issue, particularly relating to areas of activity which involve specialist expertise, and the Council is looking at ways to address this.
- 5.16 Training and Support
- 5.17 During the course of the panel's consideration of a number of areas within the scope of the review it became apparent that given the sometimes complex nature of planning enforcement, taking into account the statutory and policy framework mentioned above at 5.3 to 5.7, specialist training for members and parish councils would be beneficial to increase understanding of how enforcement works and is delivered locally by the Council. The panel therefore recommended that dedicated enforcement training should be provided for members as part of their induction and parishes in 2023 (bullet point 6 and 7 of the Recommendation).
- 5.18 Role of Members
- 5.19 As recognised above at 3.1 enforcement is sometimes high profile for the Council and is often of interest to members particularly where cases are located in their ward. Consequently, the panel considered the role of members in enforcement and concluded that it could be improved by better communications which would keep them informed of progress. It was therefore recommended that ward members be informed of the intention of officers to pursue formal enforcement action in respect of a case before this action is taken (bullet point 4 of the Recommendation) and that the Head of Planning & Building be asked to look at reinstating regular up-date reports or whether, as alternative, it might be possible/appropriate to provide member access to enforcement information held on the Council's system (bullet point 2 of the Recommendation).
- 5.20 Communications
- 5.21 Given the fact that enforcement can be of wider interest, and parish councils are a key stakeholder in the planning process across the Borough, the panel asked officers to look at how they could be kept informed of cases in their area (bullet point 3 of the Recommendation). This may be possible but recognising that enforcement information is often sensitive and includes details should not be shared more widely outside the council. Furthermore, officers will look at reinstating the former quarterly report which was published on the Council's

website that provided an overview of enforcement activity and performance across the Borough (bullet point 10 of the Recommendation).

- 5.22 The panel also considered that the content of the Council's enforcement and other planning webpages be reviewed and up-dated as appropriate, and in particular, maintaining public cases to cases where appeal decisions have been made (bullet point 5 of the Recommendation).

## 6 Conclusions

- 6.1 The panel has undertaken an extensive review of enforcement and how the Council's delivers this important service. They have identified a number of actions reflected in the recommendations set out above which are intended to improve how this activity is provided by Planning & Building.
- 6.2 However, there was a consensus of the panel that there were still some areas relating to enforcement that would benefit from further consideration and work. The panel considered how best this might be progressed and concluded that much of the areas that warrant additional consideration could be dealt with as part of a review of the Local Enforcement Plan (bullet point 1 of the Recommendation) as this document defines how we will provide this service in future and creates opportunity for all our stakeholders to express their views as part of the process. This feedback can be used to inform the new version of the plan.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Local Enforcement Plan 2019 <a href="https://www.testvalley.gov.uk/planning-and-building/guidance/enforcement-planning-control">https://www.testvalley.gov.uk/planning-and-building/guidance/enforcement-planning-control</a>			
Technical consultation: Stronger performance of local planning authorities supported through an increase in planning fees Published 28 February 2023 <a href="https://www.gov.uk/government/consultations/increasing-planning-fees-and-performance-technical-consultation/">https://www.gov.uk/government/consultations/increasing-planning-fees-and-performance-technical-consultation/</a>			
<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:	Annex A Scoping document, Annex B Survey responses, Annex C Enforcement data		
Author:	Simon Finch	Ext:	8186
File Ref:	N/A		
Report to:	Overview and Scrutiny Committee	Date:	19 April 2023

**Appendix A Scoping Form**

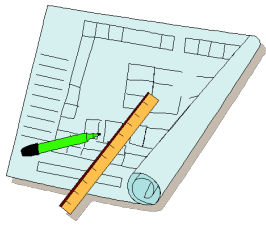
**Test Valley Borough Council Overview & Scrutiny Committee**

**Panel Reviews - Scoping Template**

1	<p><b>Corporate Priority/Service Area (may be more than one)</b></p> <p>Planning Enforcement</p>												
2	<p><b>Lead Member(s)/Chairman of Panel</b></p> <p>Cllr Tony Burley</p> <p><b>Panel members</b></p> <p>(To be confirmed)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"></td> <td style="width: 35%; text-align: center;">North</td> <td style="width: 35%; text-align: center;">South</td> </tr> <tr> <td style="text-align: center;">Panel members</td> <td style="text-align: center;">Burley</td> <td style="text-align: center;">C Dowden</td> </tr> <tr> <td></td> <td style="text-align: center;">Brooks</td> <td style="text-align: center;">Parker</td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">Warnes</td> </tr> </table>		North	South	Panel members	Burley	C Dowden		Brooks	Parker			Warnes
	North	South											
Panel members	Burley	C Dowden											
	Brooks	Parker											
		Warnes											
3	<p><b>Portfolio Holder(s)</b></p> <p>Cllr Nick Adams-King</p>												
4	<p><b>Key Areas of Focus</b></p> <p>A. To understand the legislative and policy framework that planning enforcement works within.</p> <p>B. To understand key questions such as how is it determined when it is expedient to take action?</p> <p>C. To understand how the <i>public interest test</i> is applied</p> <p>D. To gain an understanding of the overall performance of the planning enforcement function at TVBC</p> <p>E. What are the service standards applied to the team's performance?</p> <p>F. What does "good" look like in enforcement terms?</p> <p>G. Has "performance" of the TVBC enforcement function improved and/or changed over the years?</p>												

	<p>H. How does our performance compare to other local authorities in our CIPFA audit family?</p> <p>I. Are there any areas where our performance could be improved?</p> <p>J. To understand the costs involved in running an effective planning enforcement function</p> <p>K. To understand any key challenges and issues that the enforcement function faces.</p> <p>L. To gain an understanding of how the local enforcement policy (2019) is used.</p> <p>M. Does the council's website provide enough information and guidance relating to enforcement?</p>
5	<p><b>What will be developed or reviewed?</b></p> <p>A review will be undertaken based on the areas of focus (above) and will result in a report to OSCOM outlining any key recommendations for consideration. If the panel identifies any further areas for consideration which it feels will add value to the review then it will seek approval from OSCOM if these fall out of the scope that has been agreed.</p>
6	<p><b>Rationale – Why now/why at all?</b></p> <p>This review will give assurance to our residents, planning professionals and councillors that this important service is fit for purpose.</p>
7	<p><b>Anticipated Benefits</b></p> <p>Enforcement is one of the most complex parts of the planning system and is an issue that concerns many members of the public, given the need to ensure that appropriate action is taken against unacceptable development in the wider public interest.</p>
8	<p><b>Resource Implications</b></p> <p>None</p>
9	<p><b>Are there any Partner Organisations involved in the Project? If so, which?</b></p> <p>It is not expected that other partner organisations will be involved in the review.</p>

1 0	<p><b>Will you require external partners to attend the Panel?</b></p> <p>External partners will not be expected to attend the panel, the panel may seek to gain information from external bodies such as other LA best practice to be considered as part of the research of the panel.</p>
1 1	<p><b>Does the Project require Public Involvement?</b></p> <p>Some public involvement shall be required as a minimum to gain feedback on this function as part of the broader evidence-base to ensure that planning enforcement is being conducted professionally, consistently, efficiently and expediently. Engagement is likely to include members of the public who have used the service as well as agents of residents who have had enforcement issues. It is anticipated that this will take the form of a survey around some targeted questions with the option for additional comments welcome.</p>
1 2	<p><b>How will the Project assist the achievement of a Corporate Priority or Priorities?</b></p> <p>The council's Corporate Plan 2019-2023: Growing our potential, talks about the importance of establishing attractive, sustainable and vibrant communities for people to live, work and enjoy that also preserves and enhances the natural environment of the borough.</p>
1 3	<p><b>What do you want OSCOM to do now?</b></p> <p>OSCOM is asked to either approve the scope, approve with amendments or not approve.</p>



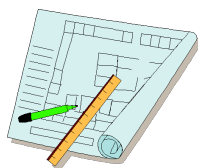
# A REVIEW INTO TEST VALLEY BOROUGH COUNCIL'S PLANNING ENFORCEMENT



Prepared By: Inter County Surveys  
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Hants  
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Ref: Enforcement Review

Date: 29<sup>th</sup> March 2023



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## Section One

### Foreword

We have run our architectural practice in Andover for more than 40 years, so have a fairly good understanding of the area in which we operate, including counties across Southern England.

Over the years, and probably the last 15 years or so we have witnessed a marked change in practices, procedures and quality in the planning, building and enforcement departments. A lot of the changes are a natural progression based on progress, or the lack of it at times. However, even taking this into account there are a number of very concerning operation 'matters' that are going terribly wrong in our view.

This report set out our thoughts, opinions, effectiveness and fairness of the Local Authorities planning enforcement policy, procedures, practices and operations within this particular department.

It is the intention of this document (Section One) to set out 'good practice' in regard to the consideration of enforcement, and how the LPA's existing Local Enforcement Plan 2019, 'measures up' to these good working practices, and procedures.

At the end of this review we will make a number of observations and recommendations to be implemented into the LPA's new and updated Planning Enforcement Plan moving forward.

Successful planning relies on three essential areas of work by our local authorities: visionary plan-making which sets out the policies and proposals for the area; efficient and effective development management, which applies to those local and national policies in the determination of planning applications; and well-resourced and effective enforcement. These three aspects go hand-in-hand.

To achieve great development, planning relies on the energy and imagination of planners, decision-makers, developers, designers and investors. Each of these contributes to bringing ideas through the system to delivery – but without enforcement, our places, our environment and our quality of life would all be the poorer. At its heart, the planning system relies on trust and our enforcers provide the backbone of this trust. Trust that those who flout our planning laws (and often other laws at the same time) will be brought to account; trust that those who strive for high quality will not be undermined by those who would deliver ill-planned and ill-designed development; and trust that the high quality schemes that achieve planning permission will be delivered with that same quality that planning will deliver what is promised.

### Introduction

Parliament has given Local Planning Authorities (LPA's) the primary responsibility for taking whatever enforcement action they consider necessary in the public interest in their area. Enforcement action is discretionary, however a LPA's duty to investigate an alleged breach of planning control is not. As set out within the National



## **A REVIEW INTO TEST VALLEY BOROUGH COUNCIL'S PLANNING ENFORCEMENT**

Planning Policy Framework, LPA's should consider publishing a Local Enforcement Plan to manage enforcement proactively, in a way that is appropriate to their area. NAPE strongly advocates for the adoption of Local Enforcement Plans which will assist LPA's in the prioritisation, consideration and determination of enforcement cases.

Enforcement action is intended to be remedial rather than punitive and should always be commensurate with the breach of planning control to which it relates. All enforcement cases should be investigated properly, and the following key questions answered:

- Is there development?
- Is there a breach?
- Can the breach be resolved through negotiation?
- Is the breach causing harm?
- Is enforcement expedient?
- Any decisions made should be accompanied by a report addressing all of the issues and kept on file.

### Requests for Information

Before serving an enforcement notice, the LPA must take steps to ensure, as far as possible, that all available and relevant information has been obtained. There are three tools available to gather such information:

#### Notice served under Section 171C Town and Country Planning Act 1990

The LPA may serve a Planning Contravention Notice (PCN), instructing the recipient to provide requested information about activities on land for enforcement purposes.

The notice may be served on the owner or occupier of the land or on a person who has any interest in the land. It may also be served on any person carrying out operations on or using the land for any purpose (regardless of their interest in the land). The notice must contain the following:

- A description of the land to which it refers, referenced by a red edged site plan
- Details of the alleged breach
- What is required (i.e. the questions)
- The time for compliance (i.e. 21 days)
- A warning regarding non-compliance and providing false information
- Additional information regarding further action and compensation in respect of a stop notice.

Sections 171 C(2) & C(3) set out the type of information that can be obtained via a PCN. The LPA can also ask other questions it considers necessary. Such questions should be kept clear and straightforward, requiring simple specific responses (wherever possible) relating to the breach of planning control. A PCN cannot be used speculatively.

## **A REVIEW INTO TEST VALLEY BOROUGH COUNCIL'S PLANNING ENFORCEMENT**

It must be apparent to the LPA that there has been a breach of planning control before this notice can be served. However, at this preliminary information gathering stage, there need not be definitive proof on all aspects of the alleged breach, including the "planning unit", or whether the activity is subordinate or ancillary to the principal land use purpose.

A PCN cannot be used to obtain information in relation to suspected planning control breaches of listed buildings, conservation areas, hazardous substances, or protected trees.

### Notice served under Section 330 Town and Country Planning Act 1990

A Section 330 notice can be served on the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of that premises. The notice must specify the time by which the person(s) served must respond - i.e. at least 21 days after the date the notice was served.

As can be seen from Section 330(2), the range of questions which can be asked through this notice is limited. Consequently, the notice is only useful to ascertain current land use and ownership details. Failure to comply with a notice served under Section 330 is an offence, as is knowingly making any misstatements in respect of it. The penalties on summary conviction are currently £1000 & £5000 respectively. If all that is required is information regarding the ownership of land, enforcement officers may find it more useful to serve a Requisition for Information.

### Requisition for Information

Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 enables a LPA to obtain information for the purpose of exercising its powers under the Town and Country Planning Act 1990. If the LPA "considers that it ought to have information connected with any land" it may serve a requisition on any of the following:

- a) the occupier of the land; and
- b) any person who has an interest in the land either as freeholder, mortgagee or lessee, or who directly or indirectly receives rent for the land; and
- c) any person who, in pursuance of an agreement between himself and a person interested in the land, is authorised to manage the land or to arrange for the letting of it

A requisition can therefore be served on a bank or building society etc.

The requisition must specify "the land and the function and enactment conferring the function". The requisition must also specify the period by which the recipient must provide the LPA with the following information (at least 14 days commencing from the day the notice was served): ...the nature of his interest in the land and the name and address of each person whom the recipient of the notice believes is the occupier of the land and of each person whom he believes is, as respects the land, such a person as is mentioned in the provisions of paragraphs (b) and (c) above.

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Surveillance

Any surveillance undertaken by planning enforcement officers should be overt.

The LPA's focus should therefore be to ensure that overt surveillance does not inadvertently become covert. Surveillance is covert if, and only if, it is carried out in a manner calculated to ensure that any persons who are subject to the surveillance are unaware that it is, or may be, taking place.

Section 2: Site visits and entry

Planning enforcement officers are expected, in the course of their duties, to visit building sites, derelict buildings and wasteland. However, officer safety is vital during site visits and employers must know exactly where they are in case of an emergency, particularly since most enforcement officers work by themselves without close or direct supervision (i.e. they are 'lone workers'). All LPA's should maintain a database of individuals who are classed as dangerous or vulnerable. This should be reviewed prior to any visit to ensure that officers are not going alone to a site which requires back up. If an officer has to visit a site that is known to be dangerous, then they should take all necessary precautions, including visiting the site with at least one other work colleague.

If any persons encountered whilst on a site visit become aggressive, it is good practice to walk away from the situation and return to the office. Officers must not, at any time, risk their personal safety unnecessarily. When returning to the office, officers must ensure that the incident is reported in order that required steps can be taken when revisiting the site in the future.

Prior to undertaking a site visit, planning enforcement officers should complete a booking out record setting out:

- Where they are going
- Who they are with
- Expected time of arrival on site
- Duration of the site visit
- Expected time of return to the office (or expected time to report-in via telephone if not returning to the office).

If visiting more than one site, the record should be put in order of the sites the officer is visiting; earliest to latest. If for whatever reason an officer is delayed on-site, then the officer should contact the office to keep them informed of the new expected time of return to the office. Somebody in the office should have access to the booking out record so that contact can be made with an officer who has not returned or reported in as expected ascertain the reason for any delay. An officer who uses their own car for site visits has a distinct advantage, in that all equipment and clothing required for site safety can be kept permanently to hand. There is no definitive list of equipment, as roles vary, but most enforcement officers will be expected, in the course of their duties, to visit a variety of sites. Below is a list of equipment that should be a basic requirement when undertaking site visits:

- Mobile telephone
- Safety shoes/boots

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- Hard hat
- High visibility jacket
- Waterproofs

### Rights of entry

Planning enforcement officers are given extensive powers to enter land for enforcement purposes under Section 196 of the Town and Country Planning Act 1990.

Section 196A of the Act gives any person, duly authorised in writing by a LPA, the right to enter any land at any reasonable hour provided there are reasonable grounds for believing that entrance is required to “ascertain whether there is or has been any breach of planning control on the land or any other land”.

24 hours' notice must be given to the occupier of any building used as a dwellinghouse before admission to the premises can be obtained.

In the majority of occasions, officers will not need to utilise their powers of entry under the Act. Officers should always, however, be in a position to produce a power of entry card if requested. The power of entry card should be provided by the LPA and must be duly signed by an authorised person. It must include a photograph of the officer, and detail their power of entry.

In some cases officers may find that although they have the right to enter land to investigate alleged breaches of planning control, individuals may refuse entry and obstruct access. Officers should not engage in arguments on site. Instead, officers can use their powers under Section 196B of the Act to obtain a warrant from the local Magistrates' Court.

If a warrant is obtained, this will authorise entry on one occasion only which must be undertaken at a reasonable hour within one month from the date of issue of the warrant. Only the officer who obtained the warrant can execute that warrant. A copy of the warrant should be left with the owner or occupier of the land. If they are not present, a copy of the warrant should be clearly displayed on the land.

A warrant is normally obtained if entry to the land has been refused, or if a refusal is anticipated. It is therefore advisable when executing the warrant, to contact the local police and ask them to attend to deal with any potential breach of the peace.

If any person wilfully obstructs an officer in the exercise of their rights of entry, then they are guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### Establishing breaches & expediency

#### Development defined

The starting point for determination as to whether something constitutes “development” (and is therefore subject to planning control) is Section 55(1) of the

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Town and Country Planning Act 1990, which sets out that “development” means: the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. Section 55(1A) states that “building operations” includes

- a) demolition of buildings;
- b) rebuilding;
- c) structural alterations of or additions to buildings; and
- d) other operations normally undertaken by a person carrying on business as a builder.

The Act also specifies what does not constitute development such as:

- a) the carrying out for the maintenance, improvement or other alteration of any building of works which
  - i. affect only the interior of the building, or
  - ii. do not materially affect the external appearance of the building.

The term ‘material change of use’ is not defined in the Act. However, two instances of what constitutes a material change of use are given, these being the use of a previously single dwellinghouse as two or more dwellinghouses and the deposit of refuse or waste material on land. In some instances, determining what constitutes a material change of use is not straight forward but should always be judged as a matter of fact and degree taking into account the individual merits of the case. When assessing the materiality of a change of use two things should be considered:

- any change in the character of the use itself, including the land where it is located
- the effects of the change upon neighbouring uses and the locality.

Always bear in mind that for a change to be material, the new use must be substantially different from the preceding use. Some operations or uses may be considered as ‘de minimis’, meaning that they are so minor as to have no legal consequence. Again, determining whether something is de minimis is a matter of fact and degree.

### Permitted Development

#### General Permitted Development Order

We don't intend to set out the GDO in its full version at this point, suffice to say we are referring to:-

Town and Country Planning (General Permitted Development) (England) Order 2015, and the Procedures are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

The GPDO has the effect of granting planning permission for those classes of development described as permitted development within Schedule 2, subject to various exclusions set out in the Order.

When considering enforcement action, it should not be forgotten that permitted development rights may be granted by means other than by the GPDO.

### Expediency

Section 172(1) of the Town and Country Planning Act 1990 sets out that a LPA can issue an enforcement notice where:

- a) there has been a breach of planning control; and
- b) it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.

In relation to Section 172(1)(b) above, expediency applies equally to decisions not to take enforcement action or to underenforce.

Forming the judgement that it would not be expedient to take action requires as much care and argument as deciding to take action. Expediency, along with determining that something is de minimis, is not a route to reduce the workload of enforcement officers or to avoid making difficult decisions.

Public opinion can bring pressure to take enforcement action. In particular, where a development has been granted consent following objections from local residents, it is to be expected that they will police the development. Care must be taken in such cases to ensure that expediency remains a planning decision and is not influenced by public opinion. In addition, care must also be taken to ensure that the issues that were raised and dealt with during the planning application (and appeals) process, are not allowed to be resurrected.

Further pressure can be brought by threats to involve the Ombudsman, a local councillor or MP. Notwithstanding the nature or the extent of complaints, expediency is still a matter for the LPA and if it decides to exercise its discretion and take no action, its reasons for doing so should be explained in detail to all complainants.

An adopted local enforcement plan can also assist in such circumstances, (for example) the types of breaches on which a LPA will concentrate its resources, including that breaches which do not cause planning related harm are unlikely to be enforced against. Complainants can then be directed to this document.

### Enforcement Notices

The power to issue an Enforcement Notice is given by Section 172(1) of the Town and Country Planning Act 1990, which states that the LPA may issue a notice if they consider it expedient to do so. A breach of planning control (Section 171A(1)) may only relate to either:

- a) carrying out development without the required planning permission; or

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- b) failing to comply with any condition or limitation subject to which planning permission has been granted.

The notice must be properly authorised by the appropriate LPA Officer or Committee. The person or Committee responsible for authorising enforcement action will be set out in the Council's constitution.

#### Content of an Enforcement Notice

“does the notice tell [the person on whom it is served] fairly what he has done wrong and what he must do to remedy it?”

The statutory requirements for enforcement notices are listed in Section 173 of the Act. They include the following:

- The Breach – Ensure the breach is described fully and accurately so the recipient knows exactly what it is. If a mixed use is alleged, ensure all elements that make up the breach are included (remember Section 173(11)). Refer to plans or other documents to assist with identification of the breach and its location within the planning unit.
- Reasons – State what the relevant immunity period is. Set out why the unauthorised development causes harm and is contrary to planning policy. Make clear whether the notice is seeking to remedy the breach or to remedy any injury to amenity caused by the breach (s173(4)) (and make sure it is the former).
- Specify the requirements – The steps required to remedy the breach must be clearly specified. Precision is important because criminal liability is at stake. vague or ambiguous requirement could result in the notice being rejected as invalid. A Material Change of Use notice may lawfully require removal of integral operational development even if immune or not development . The requirements of a notice must relate to the breach. The express requirements of an enforcement notice should not be drafted in such a way as to abrogate pre-existing rights, including but not limited to existing use rights.
- Date it takes effect – This must be more than twenty eight days following service, and the notice must specify a calendar date on which it takes effect. An appeal, if made, must be made before the notice takes effect. If made on the date it takes effect it will be turned away by the Planning Inspectorate. Ensure that ample time is left for the notice to arrive if serving by post.
- Time for compliance – Commences on the day the notice takes effect. Different times may be specified for different requirements. The time can be extended even after the notice takes effect in accordance with Section 173A.
- Additional Information – Every copy of an enforcement notice must also be accompanied by an explanatory note explaining:
- that there is a right of appeal to the Secretary of State

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- that an appeal must be received by the Secretary of State, in writing, before the date on which the Notice takes effect
- the grounds on which the appeal may be made
- Relevant fees for any appeal
- A list of those served with the notice.

### Service of an Enforcement Notice

Section 172(2) of the Act sets out that an enforcement notice must be served:

- a) on the owner and on the occupier [even if they don't have the right to be there] of the land to which it relates; and
- b) on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice.

### Section 188 Register (Enforcement Register)

Every District Planning Authority (DPA) and the council of every metropolitan district or London Borough must keep an Enforcement Register. Details of all enforcement notices, stop notices, enforcement orders and breach of condition notices issued in respect of land in their area must be entered in the register. Every entry must be made within fourteen days of the occurrence to which it relates. The details required to be entered are stipulated by the DMPO.

If a County Planning Authority (CPA) issues an enforcement notice, a stop notice or a breach of condition notice, it shall supply the relevant information listed above to the DPA to enable that Authority's register to be brought up to date. This information must also be entered into the register within fourteen days of the occurrence. So, although the CPA has fourteen days in which to supply the information, it must do so in time to allow the DPA to enter it into the register within the stipulated fourteen days.

The register must be available for inspection by the public at all reasonable hours and indexed to allow a person to trace any entry by reference to the address of the land to which the notice relates. It is important to ensure the register is updated as soon as possible and is kept up to date if a notice is withdrawn or quashed or, in the case of an Enforcement Order, is rescinded or expires. Section 215 Notices and PCN's are not required to be entered into the Section 188 register.

## Appeals

### Who can appeal?

Section 174 Town and Country Planning Act 1990 lists those who may appeal. They are:

- a person who has an interest in the land; or
- a relevant occupier



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### Grounds of appeal

An appeal may be made to a Planning Inspector on one of the grounds set out in Section 174 Town and Country Planning Act 1990.

These are:

#### Ground (a)

Planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged

In effect then, this is a planning application for the matters stated in the notice, or part of them. There is no power to grant permission for a different scheme. A fee (double the normal planning application fee) must be paid in order to run this ground of appeal. The permission will be considered on the basis of the policies before the inspector.

#### Ground (b)

That [the matters stated in the notice] have not occurred This is the ground under which matters of fact relating to the allegation (including its description of the breach) will be challenged. Examples might be that an alleged dwelling is in fact a store room, or that stationing of a residential caravan was in fact construction of a building, or that the alleged change of use did not take place or was misdescribed.

#### Ground (c)

That [the matters stated in the notice] (if they occurred) do not constitute a breach of planning control This ground might include claims that the matters alleged do not constitute development, or that they are within the appellant's permitted development rights. It is common for ground (c) appeals to involve hidden ground (b) appeals.

#### Ground (d)

That, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by [the matters stated in the notice] It is too late if enforcement action may not be brought due to the time limits in Section 171B.

#### Ground (e)

That copies of the enforcement notice were not served as required by Section 172 There is power under Section 176(5) to discount failed service if neither the appellant nor the person not served have been substantially prejudiced. Where there is prejudice, the notice must be quashed.

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Ground (f)

That the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.

Ground (g)

That any period specified in the notice in accordance with Section 173(9) falls short of what should reasonably be allowed. There is no tariff of reasonable periods but factors might include the need to evict occupiers or the need to specify and tender work. The need to raise finance is not usually accepted as a factor.

Planning Inspectorate procedure

Information in regard to planning appeals either for planning decisions or enforcement purposes, is something outside the scope and purposes of this particular document.

Immunity

Section 171B sets out the time limits for taking enforcement action. These are:

- the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land – **four years from substantial completion.**
- the change of use of any building to use as a single dwellinghouse – **four years from the date of the breach.**
- any other breach of planning control – **10 years from the date of the breach.**

These limits are construed strictly against the appellant. Considerable care must be exercised by appellants seeking to rely on them. Points for LPA's to consider include:

- Substantial completion is not always clear and is a matter of fact and degree. A building is complete when it is complete for the purposes for which it was intended. Where a building has been built in stages, each stage may open a new chapter in its planning history; if lawfulness of a previous stage has not been accrued and demonstrated, this will restart the clock.
- Construction of a building as a dwellinghouse is not a change of use; the time limit in such cases is 10 years. Conversion to something other than a dwellinghouse (e.g. a mixed use) is not within Section 171B(2). However, conversion to a number of dwellinghouses (eg flats) may be within Section 171B(2) as a "building" includes parts of a building.
- Section 171B(3) is the catch all limit. If not squarely within (1) or (2), the limit in (3) applies.

## Listed Building Enforcement Notices

Planning (Listed Building and Conservation Areas) Act 1990

The system of Listed Building Enforcement Notices (LBEN's) is similar to that for enforcement notices under the Town and Country Planning Act 1990, although there are some material differences, arising from the focus on heritage considerations. A further distinction is that immediate criminal liability can arise for certain works to listed buildings (in addition to criminal liability for failure to comply with the requirements of a LBEN). Because of the immediate criminal liability attaching to certain works to listed buildings, there is no equivalent regime within the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBA) to the stop notice/temporary stop notice regime.

LPA's may issue a LBEN where:

- It appears to them that unauthorised works have been (or are being) executed to a listed building; and
- That those unauthorised works are:
  - for the demolition of a listed building.
  - for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest; or
  - in relation to a listed building under a listed building consent which fail to comply with any condition attached to that consent.

In addition, it must be expedient to issue the LBEN having regard to the effect of the works on the character of the building as one of special architectural or historic interest. This involves balancing the advantages and disadvantages of issuing an LBEN, having regard to the provisions of the development plan and any other material planning consideration.

There is no limitation period on the issuing of a LBEN. A current owner may therefore be susceptible to enforcement action by way of a LBEN in respect of historic unauthorised works undertaken by a previous owner or occupier. Liability for breach of an extant LBEN rests with the owner at the relevant time of the breach.

## Advertisement enforcement

Town and Country Planning (Control of Advertisements) (England) Regulations 2007 & Town and Country Planning (Control of Advertisements) Regulations 1992

Section 220 of the Town and Country Planning Act 1990 provides for control of advertisements to be governed by regulations discrete from the Act. Advertisement control in the hands of planning authorities extends to restricting or regulating the display of advertisements as appears expedient in the interests of amenity or public

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safety (Section 220(1) of the Act). Planning permission is not required for advertisements which comply with the relevant regulations (Section 222 of the Act).

In England the relevant regulations are the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (the 2007 Regs). "Advertisement" is a defined term within the Act at Section 336(1):

*any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition), includes any hoarding or similar structure used, or adapted for use, for the display of advertisements, and references to the display of advertisements shall be construed accordingly*

Various classes of advertisements are excluded from operation of the Regulations. These are defined at Schedule 1 to the 2007 Regs (Classes A to I). A variety of forms of advertisements benefit from deemed consent – there is no need to obtain an express grant of consent, however consent may be removed by direction or a discontinuance notice. The classes of advertisement, which benefit from deemed consent (and any conditions or limitations applied to the same) are set out at Schedule 6 to the 2007 Regs (Classes 1 to 17).

Advertisements which are neither excluded from the operation of the regulations, nor which benefit from deemed consent, require an express grant of consent. An express grant of consent is ordinarily for a period of five years unless some other period is specified in the grant. Express grants of consent may also be made subject to conditions by the planning authority.

**Enforcement of Advertising Controls - Discontinuance Notices**

In relation to advertisements displayed with deemed consent, a planning authority may serve a discontinuance notice.

In England, Regulation 8 of the 2007 Regs requires only that a discontinuance notice be served on "the advertiser" however this is defined in Regulation 2 of the 2007 Regs as:

"advertiser", in relation to an advertisement, means— (a) the owner of the site on which the advertisement is displayed; (b) the occupier of the site, if different; and (c) any other person who undertakes or maintains the display of the advertisement; and any reference in these Regulations to the person displaying an advertisement shall be construed as a reference to the advertiser.

## Section Two

As we have mentioned, all of the above sets out an understanding of good practice, procedures and polices for any local authority planning enforcement department.

Currently Test Valley Borough Council operate within and comply with their Local Enforcement Plan dated 2019.

This document extends over some 13 pages, and gives general guidance in terms of planning enforcement. This document is out of date, and unfit for purpose in regard to the aspects of any potential enforcement action, and how the LPA considers potential breaches of planning are dealt with on a daily basis.

Like planning in general terms, any LPA's planning enforcement should be clearly understood, transparent with clear and concise procedures, evidence gathering, and reporting. It should provide a detailed and precise understanding of why and how the LPA comes to any particular decision it may or may not take. In the situation where the LPA does not take action, their non actions should be explained in detail, and assessed against a predetermined set of criteria.

This criterium should be set out, in a series of measured test. For example:-

The words of 'expedience' and 'in the public interest' 'commensurate' 'seriousness of the breach' 'harm caused' or 'harm that it may cause'. These are words that are referred to in the current enforcement plan. There are no explanation, as to what is meant by these words and statements.

What level, or degree of test is being used by the LPA when considering enforcement or non enforcement action. There is no guidance on how these decisions are being made. Now, this may be very intentional, as it would allow any LPA to make decisions that are far removed from the most basic planning law and planning acts.

We know from personal experience that, (we can provide case evidence ) there have been and still are situations that the LPA are making decisions on planning enforcement based on political aspirations, and political conflict.

Enforcement reports (Expediency Reports)

I'm afraid that this particular subject matter requires a whole policy document on its own. The LPA's quality and thoroughness is frankly shocking in every degree. There is no standardisation across the enforcement department, officers rely on their own individual understanding on what should be included, and what material considerations should be given to any particular investigation.

The expediency report should refer to and commentate on any and all collective parties involved with any potential planning breach. These may include (not exhaustive) Design and Conservation, Highways, Planning Officers, Planning Policy, Representations, Complaints, Local Plan, and the GPDO, to name but a few.

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It is disappointing that a great many expediency reports are very lacking in any informative information in regard to how any decision has been formalized.

We suggest that the format of an expediency report follows a similar format of a planning officer report, and include, information on the site, the proposal/breach, the relevant constraints, the consultation process that had been conducted, the representations (complaints) that had been received and an assessment of the key planning issues. It also included a recommendation that member/s approve or be invited to express their thoughts on the subject matter.

There also needs to be a concise and clear understanding of the words and expressions used in expediency reports as we set out above, namely:-

#### Discretionary

There is no statutory requirement for the council to take enforcement action against alleged breaches of planning control. Enforcement action is based on planning merit which requires a planning judgement as to whether or not formal action is appropriate. In some cases, the council may decide that enforcement action will not be taken and that an alternative approach is more appropriate (for example a retrospective application, further negotiation, no further action etc).

#### Expedient/Expediency

When assessing whether formal action should be taken, the council will ensure that the action is reasonable, proportionate and is in the public interest in order to achieve a satisfactory result. The council will consider what the effect of formal action will be and if it will have a meaningful outcome. The term expedient or expediency in planning enforcement relates to the 'planning balance' for taking action, not convenience.

Now, there should be a number of test to which this 'Expediency' should be set against, for example:- Not in any particular order.

- How many complaints have there been?
- The location of the alleged breach.
- Its relationship with a Conservation Area
- The prominence of the breach.
- The actual effect on a listed building for example.
- The duration of the breach.
- When did the first breach occur.
- Departure (the item/matter in breach) from any other published reference document prepared by the authority. For example, the Shop Front Design Guide.

#### Harm

- When considering the expediency and subsequent proportionality of formal enforcement action, the council give significant regard to the planning harm associated with a breach of planning control.

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Planning harm is the collective term used to describe the negative impacts of a development.

Now, what is the collective harm?

Again there should be number of tests, or matters to consider this harm!

In terms of a listed building for example:-

- 1) Is the harm the actual damage to the fabric of the building.
- 2) Is the harm related to the wording in the formal 'listing' of the building, or part of another part of a building or structure attached to the listing section of the building.
- 3) Is the harm, the use of inappropriate materials used in relation to (2) above.

#### Public Interest

Now, this is probably the most difficult to define. We suspect it has nothing to do with the general public most of the time. The only real exception to this really is when planning conditions must be complied with, as the conditions would make planning proposals acceptable in planning terms.

The only time 'public interest' gets a mention is the provisions of the European Convention on Human Rights Article 1 of the First protocol, Article 8 and Article 14, are relevant when considering enforcement action. There is a clear public interest in enforcing planning law and planning regulation in a proportionate way.

In deciding whether enforcement action is taken, local planning authorities should, where relevant, have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control.

So, I would welcome the understanding of the LPA, in why this statement is used so many times for taking or not taking enforcement action.

#### Test Valley Borough Council Enforcement Plan 2019

As we have commented on, the LPA document is very wanting in a great many areas, and is far too vague in the most part. We have taken a number of the parts of the document (not all) that we consider want amending:-

*1.4 This document is intended for all users and providers of the service, including members of the public, interested parties, Town and Parish Councils and Borough Councilors.*

Yes, this is correct, however for it to be effective and or a meaningful tool, it needs to be far more informative and concise in terms of a balanced approach and understanding for all to follow.

*2.2 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) make it clear that the powers provided by the Act are discretionary and should only be used when it is expedient to do so. Any action taken should be commensurate with the seriousness of the breach of planning control and the harm caused or harm that may be caused:*

Yes, but as we have set out above, this needs to be expanded so it is understood that action is 'commensurate' and or 'expedient', not just words to fit the overall narrative of the LPA.

*3.1 The Council aims to provide an efficient and effective planning enforcement service within the resources available, whilst treating all of our customers with courtesy, respect and fairness.*

Yes, this is applaudable, but neither The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG), give guidance or allowances for 'within the resources available'. This wording should be removed.

The effectiveness of the LPA due to insufficient resources must not be an excuse for not enforcing planning control effectively, and is not a route to reduce the workload of enforcement officers or to avoid making difficult decisions.

*3.3 The Council will, when it is considered appropriate and proportionate to do so, take a robust approach to enforcing against confirmed breaches of planning control.*

Yes, but again 'appropriate and 'proportionate' must be set out as to what this means.

*6.2 The Government has made it clear through legislation and guidance that the response to an alleged breach of planning control is a matter for the discretion of the local authority. Not every breach of planning control justifies the taking of enforcement action.*

Yes, but again the reasoning 'discretion' need to be set out and explained in the Enforcement Plan, otherwise like the other comments above any of this can be politicised or weaponised.

*6.5 In exercising planning functions, the Council is required to consider whether enforcement action is in the public interest. At the same time, it is also under an obligation to act consistently with the European Convention on Human Rights (in particular, Article 8 – the Right to Respect for Home, Privacy and Test Valley Borough Council Enforcement Plan 2019 August 2019 Family Life, Article 14 – Prohibition of Discrimination, and Article 1 of the First*



*Protocol – Right to the Enjoyment of Property). Regard must also be had to the Public Sector Equality Duty as contained in the Equality Act 2010.*

*6.6 Any one or a combination of these factors may mean that the Council will decide not to take formal action in any particular case where there has been a breach of planning control. It will however take action where a breach causes significant harm.*

Yes, this statement is applaudable, but a measure or test needs to be used to equate 'significant harm', like, the location of the breach, is it very visible from a significant position or location within a conservation area, a getaway entrance/route into a town or village, has it a very high prominence. Again these 'throw away words' can be used as an excuse either to do or in the more likely case not to do.

The whole point of an effective Enforcement Plan is that if any decision by a LPA either to do or not do can be directly related back to the Plan. It can't be relied on as just that particular enforcement officer opinion on that particular day or hour.

### How to report an alleged breach of planning control

The LPA mechanism for reporting potential breaches of planning control on line works well in terms of ease and the time it takes. However, the online mechanism is very user unfriendly. The online form in itself is ok, but once completed the reporting process only send back a received message containing a reference number, and nothing else in regard to what the reported breach is about, ie, location, or the type of breach.

It would be more than helpful if a copy of the completed 'form' was sent back to the sender for future reference and follow up. We have and continue to submit potential breaches through this medium, and when we get back a response from an enforcement officer, normally via E-mail, we only get (in most cases) the reference number quoted, which when you have multiple live reports it doesn't mean very much. Perhaps a standard layout of reply with all the required information on it would help. Perhaps the reply back from the enforcement officer, the basic information could be populated from the original form itself could it not. The system could be made so much easier to use and to administer by the LPA.

It has come to be point that, future potential breaches will be reported via E-mail instead.

What can you expect if you report an alleged breach of planning control?

We are not going to comment on each and every point under this heading, but, there are a number of things listed here that are not being done on a

regular basis. Checking the planning history, and finding out the details of the landowner are but two.

As we have mentioned above, the LPA needs a standard template/checklist expediency report form so that both sides can see due diligence on what the LPA has committed to do in the Plan.

*8.4 We will not re-open a case that has been closed unless there is a significant new piece of information or change on site.*

This is itself is a justifiable statement. However, it is a very dangerous one. The statement should be conditional on a Bonafede, true, accurate and meaningful investigation being carried out in the first place. We have had many instances where a half hearted investigation has been carried out, then the decision made by the enforcement office , and case closed! Yes, we know that a stage one and a stage two compliant can be made, but, lets have the job done properly in the first place.

*11.2 There is a breach of planning control but not considered expedient to pursue formal action – Just because a breach may exist does not automatically mean that formal action will be taken. Enforcement powers are discretionary and should be used proportionately and so for minor and technical breaches, which cause little or no planning harm, it may be considered expedient not to pursue, ie the breach is too minor to warrant the time and public expense of pursuing further.*

This is where the whole system fails. So many times we hear from the LPA that 'its not expedient'. The reason we make this statement is that this statement is rolled out even when there is planning harm. We won't give example here, but, can provide specific instances if required.

*11.5 Invitation to submit a retrospective application – In accordance with Government advice, where a breach of planning control is considered to be acceptable in planning terms, the Council would invite the submission of a retrospective planning application for formal consideration by a planning officer.*

Again, the LPA is using this statement without any consistency of approach. For example, a breach of advertisement regulations on a structure attached to a building that in itself is recorded in part in a listed description. The LPA invited a listed building application to be submitted to regularise the breach, then only to be told shortly after that such an application would not be supported. Again this is an area where concise, appropriate and consistent advice is not being given. This state of affairs is disappointing to say the least, because the LPA is not referring to its own enforcement plan for a point of reference, yet again.

*11.10 Right of Appeal - The recipient of an Enforcement/Listed Building Enforcement Notice has the right to lodge an appeal before the date on which the Notice takes effect (which must be at least 28 days from the date when the notice is served). Appeals are decided by an independent Planning Inspector*

*and it will take several months, or longer in complex cases, before there is a formal decision. If there is an appeal interested parties will have an opportunity to make representations to the Planning Inspectorate.*

The LPA has a real problem here with the specific quality and wording of its Enforcement Notices. A recent case disclosed by the Secretary of State that the wording of a Enforcement Notice was found to be 'seriously lacking in precision'.

## How we prioritise complaints

*10.1 To make the most effective use of resources, complaints regarding suspected breaches of planning control will be assigned a Priority Rating depending on the nature of the breach and the degree of harm caused. Individual cases may be re-prioritised as the investigation progresses.*

This is a subjective list of prioritising, and will naturally be different from LPA to LPA, but, one interesting item that is shown in priority group 3, is satellite dishes. Now, this raises an interesting matter of discussion. The LPA are on record that it will not investigate any alleged breach in regard to dishes being installed on commercial premisses, and or flats. This is a very concerning statement as these premisses do not benefit from the normal permitted development rights. We can only assume here that the LPA will comply with its own Enforcement Plan, unless it is more convenient for it not to.

## Enforcement Register

*12.1 The Council has a statutory duty to hold and maintain an enforcement register. This records details and basic information about what notices have been issued. The notices contained in the register are:*

- *Enforcement Notices*
- *Breach of Condition Notices*
- *Full Stop Notices*
- *Temporary Stop Notices.*

The LPA should also include a statement that it also has a duty to record all notices that are issued by the County Council as well, and to ensure that the register is kept up to date, something that the paragraph 12.1 does not state.

## Conclusion

Planning enforcement sits at the heart of the planning system. Without it, planning legislation is meaningless.

The enforcement department within TVBC is fully staffed with 4 enforcement officers, an enforcement manager, and a full time enforcement administration

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assistant. A team that should be more than capable of meeting the demands placed upon it.

It is important that the LPA provide a clear understanding of what is currently happening on the ground with planning enforcement, and its service to the public.

The RTPI have carried out a number of studies recently in regarding the structuring of enforcement departments being incorporated with other planning services, this seems to be the overwhelming consensus and adds many benefits to the effectiveness of planning enforcement. The logic of placing enforcement with other planning services was reinforced by the fact that respondents undertake cross service working without the need for formal relationships. Informal relationships allow for flexibility which is necessitated by the variety of work. However, the knowledge sharing with colleagues in planning is more constant and situating it within planning services raises the esteem of the profession.

Many LPA nowadays are purely reactive, are now no more than a complaint driven service. This means that “the level of service for the public at large has certainly deteriorated, to a point that it is now failing the general public, and external planning professions alike. The public has lost faith in the entire system.

We stated at the very beginning of this document that we are not new to the world of planning. For the most part the level on integrity of the LPA has been positive, however, in recent years it has been more than disappointing that we have encountered corruption, slander, incompetence, victimisation, and potential forgery.

These are words and statements that we do not use lightly, and have more than enough evidence to support each and every one of them.

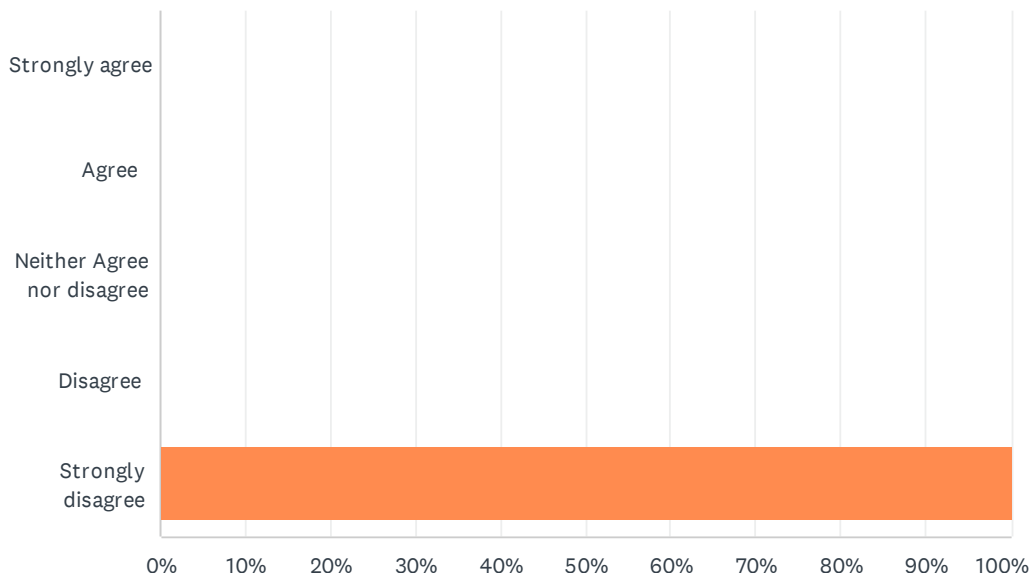
### Where Now

The most single problem within the TVBC LPA enforcement department is one of lack of consistency and approach to enforcement or non enforcement. We are afraid to say that the biggest factors in this are two-fold, who or what you are, and the political motivation for action or non action. This may seem a difficult concept to accept, but facts speak for themselves unfortunately.

It will only be when a more transparent and consistent service evolves, will we as planning agents, and the wider public interest be met, and faith in the system be restored.

## Q1 The council adopted its Enforcement Plan in 2019. To what extent would you agree or disagree that this plan is clear and useful in explaining how the council undertakes enforcement?

Answered: 1 Skipped: 0

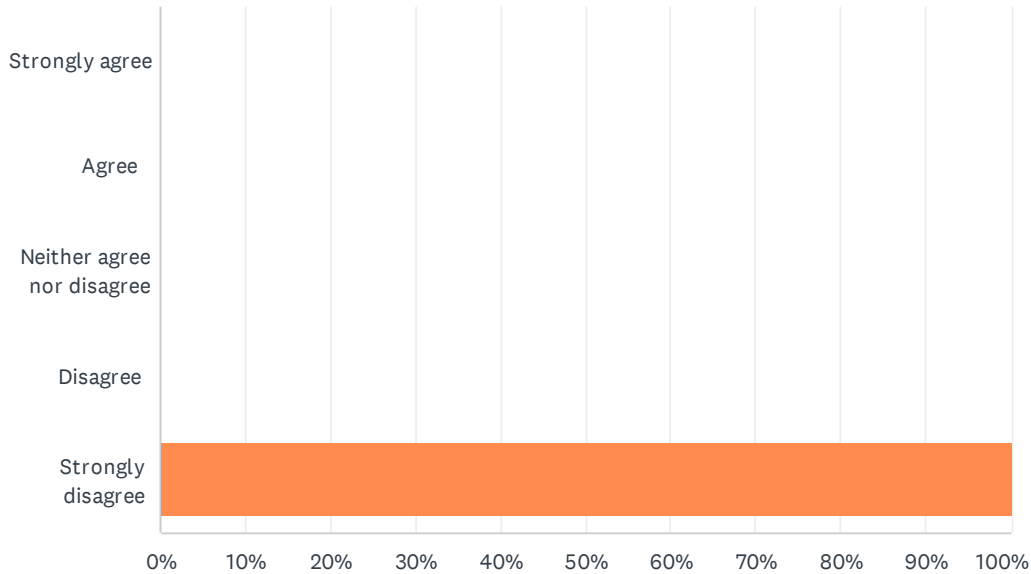


ANSWER CHOICES	RESPONSES	
Strongly agree	0.00%	0
Agree	0.00%	0
Neither Agree nor disagree	0.00%	0
Disagree	0.00%	0
Strongly disagree	100.00%	1
<b>TOTAL</b>		<b>1</b>

#	WHY DID YOU SELECT THIS ANSWER?	DATE
1	There is no level playing field in the way that potential cases of breaches of planning control are dealt with. We have prepared a separate document detailing the short comings of the entire planning enforcement department is operated. I'm afraid that the number one consideration in any potential enforcement action is what the political blowback on the authority would or could be.	3/8/2023 12:55 PM

## Q2 To what extent would you agree or disagree that the Enforcement Plan reflects current national guidance and best practice on enforcement?

Answered: 1 Skipped: 0

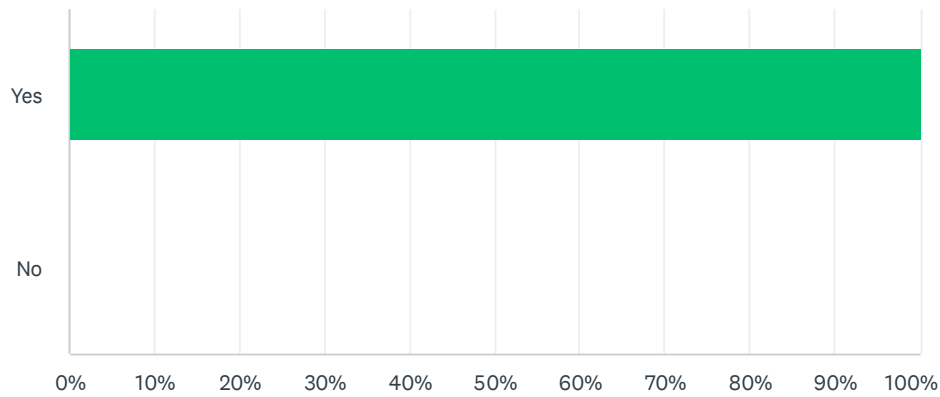


ANSWER CHOICES	RESPONSES	
Strongly agree	0.00%	0
Agree	0.00%	0
Neither agree nor disagree	0.00%	0
Disagree	0.00%	0
Strongly disagree	100.00%	1
<b>TOTAL</b>		<b>1</b>

#	WHY DID YOU SELECT THIS ANSWER?	DATE
1	There is no level playing field in the way that potential cases of breaches of planning control are dealt with. We have prepared a separate document detailing the short comings of the entire planning enforcement department is operated.	3/8/2023 12:55 PM

### Q3 Are there any parts of the plan that should be changed?

Answered: 1 Skipped: 0

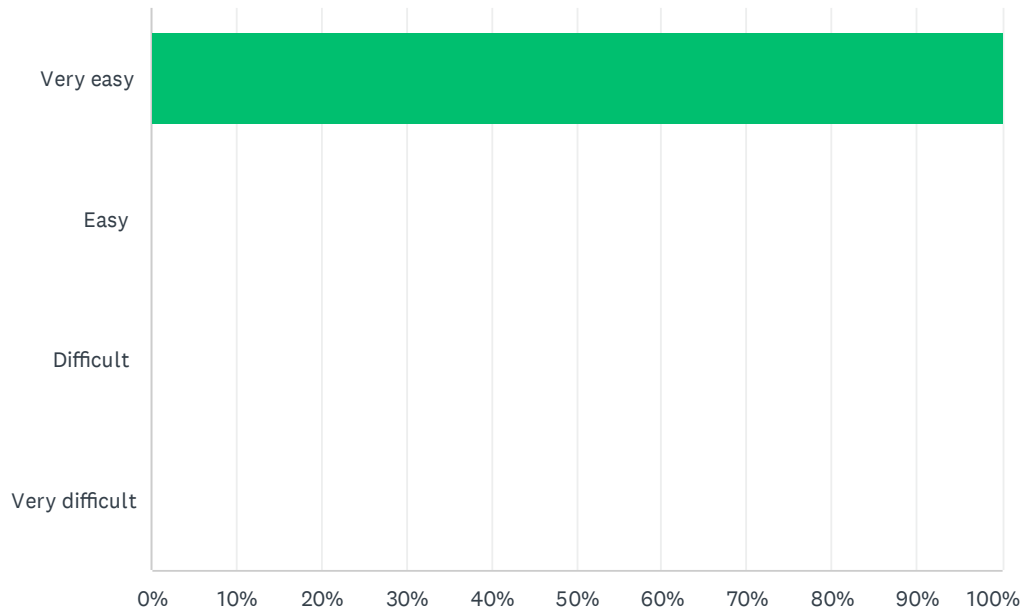


ANSWER CHOICES	RESPONSES
Yes	100.00% 1
No	0.00% 0
<b>TOTAL</b>	<b>1</b>

#	IF YES, WHICH PARTS?	DATE
1	All of it.	3/8/2023 12:55 PM

## Q4 How easy is it to report alleged breaches of planning control to the council?

Answered: 1 Skipped: 0



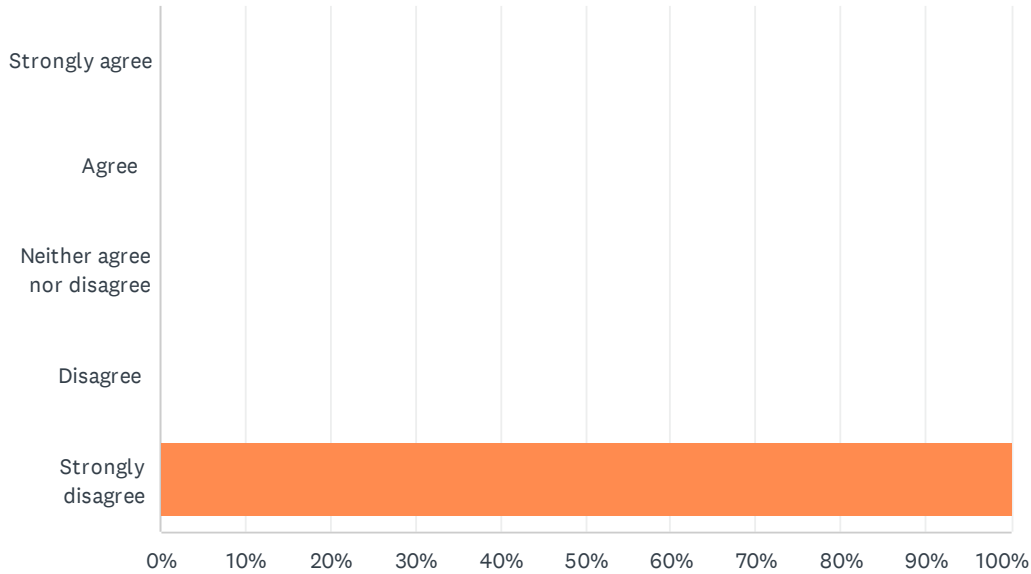
ANSWER CHOICES	RESPONSES
Very easy	100.00% 1
Easy	0.00% 0
Difficult	0.00% 0
Very difficult	0.00% 0
<b>TOTAL</b>	<b>1</b>

#	IF YOU SELECTED DIFFICULT OR VERY DIFFICULT, WHY WAS THIS THE CASE?	DATE
	There are no responses.	



## Q5 To what extent would you agree or disagree that that the council responds to reports effectively and consistently?

Answered: 1 Skipped: 0

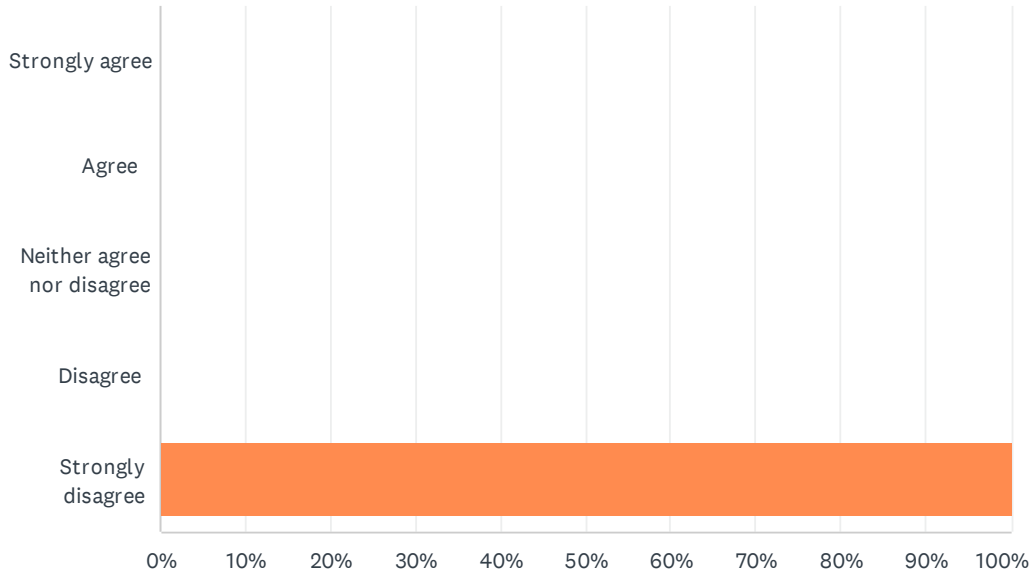


ANSWER CHOICES	RESPONSES
Strongly agree	0.00% 0
Agree	0.00% 0
Neither agree nor disagree	0.00% 0
Disagree	0.00% 0
Strongly disagree	100.00% 1
<b>TOTAL</b>	<b>1</b>

#	WHY DID YOU SELECT THIS ANSWER?	DATE
1	There is no level playing field in the way that potential cases of breaches of planning control are dealt with. We have prepared a separate document detailing the short comings of the entire planning enforcement department is operated. The whole system is broken.	3/8/2023 12:55 PM

## Q6 To what extent would you agree or disagree that the council communicates effectively when investigating enforcement cases?

Answered: 1 Skipped: 0

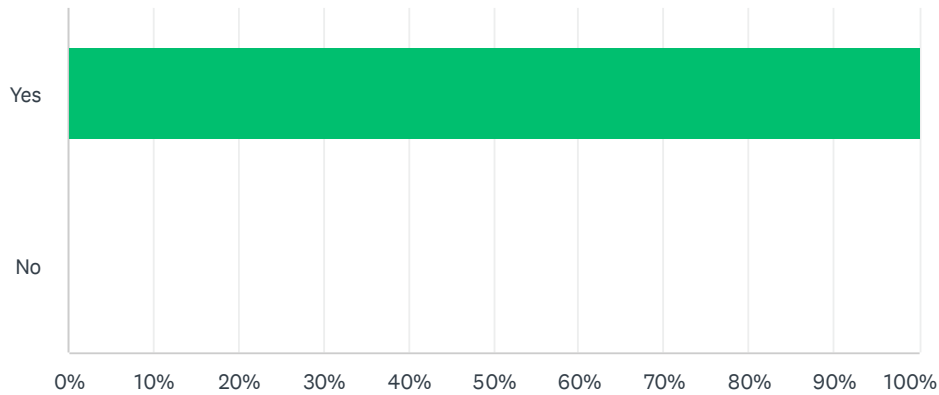


ANSWER CHOICES	RESPONSES	
Strongly agree	0.00%	0
Agree	0.00%	0
Neither agree nor disagree	0.00%	0
Disagree	0.00%	0
Strongly disagree	100.00%	1
<b>TOTAL</b>		<b>1</b>

#	WHY DID YOU SELECT THIS ANSWER?	DATE
1	I'm afraid that any potential case of a breach of planning control, and the effectiveness of any enforcement action depends on the person or the premises, and who or what they are.	3/8/2023 12:55 PM

### Q7 Are there any areas of enforcement where the council could change its approach to improve the outcomes it is seeking to achieve?

Answered: 1 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	100.00%	1
No	0.00%	0
TOTAL		1

#	IF YOU SELECTED YES, WHICH AREAS?	DATE
1	The whole system. There is no level playing field in the way that potential cases of breaches of planning control are dealt with. We have prepared a separate document detailing the short comings of the entire planning enforcement department is operated.	3/8/2023 12:55 PM

YEAR	2023	2022	2021	2020	2019
EN issued	2	5	8	8	7
Planning Appeals	1	3	8	6	7
EN Appeal Decision	5 x in progress	1 x allowed; 1 x dismissed	4 allowed; 4 x dismissed	1 x allowed; 6 x dismissed	0
EN withdrawn	1	0	2	0	0
EN re-issued	0	0	2	0	0
LBEN issued	0	1	0	0	0
LBEN appealed	0	1	0	0	0
LBEN Appeal Decision	1 x in progress	0	0	0	0
LBEN withdrawn	0	0	0	0	0
LBEN re-issued	0	0	0	0	0
PCN issued	3	6	3	8	7
BCN issued	1	0	0	0	0
BCN JR	0	0	0	0	0
BCN Mags decision	0	0	0	0	0
BCN withdrawn	0	0	0	0	0
TSN issued	0	0	0	1	1
TSN JR	0	0	0	0	0
TSN withdrawn	0	0	0	0	0
SN issued	0	0	0	0	1
SN JR	0	0	0	0	0
SN decision	0	0	0	0	0
SN withdrawn	0	0	0	0	0
PEO applications	0	0	0	0	0
S215 issued	0	0	0	1	0
S215 Appeal	0	0	0	0	0
S215 Appeal Decision	0	0	0	0	0
S215 withdrawn	0	0	0	0	0
S215 re-issued	0	0	0	0	0

Please note the number of enforcement notice (EN) appeals each year will not necessarily correspond to the number of appeal decisions for that year as cases often run for more than 12 months.

EN – Enforcement notice.

LBEN Listed building enforcement notice.

PCN – Planning contravention notice (seeking information re: alleged breach of planning).

BCN – Breach of condition notice (failure to comply with a planning condition)

TSN – Temporary stop notice.

SN – Stop notice.

S215 notices – Untidy land.

PEO – Planning enforcement order (deliberate concealment of a breach of planning).

## ITEM 10                      **Update on Climate Emergency Action Plan**

Report of the Head of Planning Policy and Economic Development (Portfolio: Climate Emergency and Countryside)

### **Recommended:**

**That the update and progress on the implementation of the Climate Emergency Action Plan is noted.**

#### **SUMMARY:**

An update on the delivery of the Climate Emergency Action Plan is provided. This follows on from the previous report to the Committee in November 2022.

### **1 Introduction**

- 1.1 This report provides an overview of the implementation of the council's Climate Emergency Action Plan (CEAP).

### **2 Background**

- 2.1 The council declared a climate emergency on 4 September 2019 and committed to '*investigating clear and effective options to become a carbon-neutral organisation*'. The council approved a Climate Emergency Action Plan (CEAP) in June 2020.
- 2.2 The CEAP sets out that this committee will be the forum for monitoring progress through biannual reports. The previous report was presented in November 2022.

### **3 Corporate Objectives and Priorities**

- 3.1 The Corporate Action Plan 2019-2023: Year 4, contains 'progressing actions in the Climate Emergency Action Plan'. Key areas of work are noted to include reducing the council's emissions as we work towards becoming a carbon neutral organisation; and through service delivery and partnership work to support carbon reduction across the Borough.
- 3.2 As the committee will be aware, following extensive public engagement and evidence gathering, the corporate plan for 2023 to 2027 has been drafted. Through the deliberative events, the key principles raised included the environment and sustainability, as well as conserving nature – this fed into the drafting of the document. At the time of writing, the corporate plan is due to be considered by the Council. The document includes five strategic priorities, one of which is the environment and reflects on the importance people place on the natural environment and tackling climate change. The emphasis on the need for a place based approach in how we work continues to be recognised. The corporate plan will provide the framework for ensuring that the Climate Emergency Action Plan is embedded in service delivery and decision making.

## **4 Climate Emergency Action Plan Update**

- 4.1 Information has been brought together to update on the latest position in relation to all of the actions, from across the council's services, as identified within the CEAP. This is provided in Annex 1 to the report and reflects the way we have been embedding climate change actions across the organisation. This report refers to the key projects and changes since the last report to the committee.
- 4.2 The greenhouse gas emissions from the council's fleet fuel use is a significant component of the reported figures for the organisation (as referred to below). Options to reduce these emissions continue to be investigated, including electric options and alternative fuels. At the time of writing, a paper is to be presented to the council's cabinet to seek approval for additional funds to switch to using hydrotreated vegetable oil (HVO) fuel to run our fleet vehicles that currently use diesel. This would significantly reduce the council's direct (scope 1) reported emissions for the fleet fuel use – the reduction is anticipated to be in the order of 95%<sup>1</sup>. This would also have a substantial impact on the overall reported emissions for the organisations. Based on the position reported for 2021/22, this would represent an overall reduction of about 60%.
- 4.3 There are currently 11 electric vehicles in the council's fleet (of 119 road registered vehicles, including tractors). There are five electric vans on order, two of which are replacements. Three diesel street sweepers have recently been replaced with electric equivalents.
- 4.4 As previously reported, ten energy audits were completed for some of the council's highest energy consuming assets. This included Bourne House in Romsey. Based on the recommendations identified in the audit, an application was made for phase 3b of the government's Public Sector Decarbonisation Scheme for a series of works to improve the energy performance of the building and move to a heating system powered by cleaner energy. The bid was for up to £221,871 of funding. The application was successful and works are now underway to refine the design elements and deliver the scheme by April 2024.
- 4.5 The council has been working with its delivery partner to retrofit and improve the energy efficiency of a number of private sector homes within the borough (Local Authority Delivery (LAD) 3 and Home Upgrade Grant (HUG) 1 funds). A range of methods were used to encourage uptake, including a targeted mail out to households that fitted the qualifying criteria, as well as publicity through Test Valley News, our social media platforms, the council's e-newsletter and on refuse vehicles. This funding scheme is now closed for registrations, with measures continuing to be installed for the identified properties. Opportunities to access future pots of funding for home energy efficiency continue to be explored. The council, as part of a wider consortium, has recently been successful in accessing additional funding to improve the energy performance and heating systems of off gas homes (via HUG2).

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<sup>1</sup> This is based on direct (scope 1) emission conversion factors published by the government and using the same litres of fuel used by the fleet as in 2021/22.

- 4.6 The guidance for council community grants (councillor community grant scheme and community asset fund) has been altered to highlight that climate change and environmental projects are eligible. To date, some relevant projects have been supported, including funding the acquisition of a thermal imaging camera and a scheme to improve the energy efficiency of an asset. Additionally, the criteria for applications for community asset fund grants have been reviewed and changes are being developed for applications in 2023/24, placing emphasis on the environmental credentials of any project seeking funding.
- 4.7 The council has been awarded its UK Shared Prosperity Fund (SPF) allocation, which includes a £100,000 fund for community energy efficiency and decarbonisation projects, as well as £140,000 to help local rural land-based businesses to reduce their carbon footprint. These projects are being developed and implemented during 2023/24 and 2024/25. The community energy project is planned to be delivered through a contract with Community Energy South to engage and work with communities across the borough to identify and deliver projects that will help cut carbon emissions. Community Energy South is already working with community groups locally and has experience in supporting communities across the south east in this way. The rural business support project will incorporate an advice service, a small capital grants scheme and is intended to incorporate an opportunity for progressing a demonstrator proposal. The council has also put in an additional bid to support rural businesses as part of the rural SPF – the outcome of this was awaited at the time of writing.
- 4.8 During the 2022/23 planting season, there were 6,016 trees planted. This number includes replacement planting of 2,460 of the 19,325 trees planted in the 2021/22 planting season. The total for new planting in 2022/23 was 3,556 trees. Cumulatively, during the last two seasons planting is over 22,800 trees and it is expected that the target of 30,000 trees planted and surviving over a three year period will be met. There has been increased community participation in the planting schemes this year. This included 1,500 trees planted by school children at Bury Hill led by Andover Trees United.
- 4.9 In tandem with securing external funding and making progress with those projects identified, work has also been ongoing on refreshing the CEAP. The focus has been understanding the organisation's decarbonisation trajectory and the associated resource and delivery implications that will feed in to the CEAP refresh.

## **5 Greenhouse Gas Emissions Reporting**

### *Emissions for Test Valley Borough Council*

- 5.1 The CEAP sets out the approach that has been taken to calculating the council's greenhouse gas emissions. This concentrates on energy (electricity and gas) used in the majority of buildings we own and operate, as well as the fuel used in running the fleet vehicles and smaller machinery and plant.



The CEAP provided the base line position as at 2018/19 using the measure of tonnes of carbon dioxide equivalent (CO<sub>2</sub>e)<sup>2</sup>. Data for 2019/20 and 2020/21 has previously been shared with the committee. There were delays with bringing the data together for 2021/22 while discrepancies in aspects of the source data were resolved. This information has now been collated and is summarised below. It is also available on the council's website.

Table 1: Greenhouse gas emissions for the Council (tonnes of carbon dioxide equivalent (CO<sub>2</sub>e))

Source	2018/19	2019/20	2020/21	2021/22
Fleet and machinery fuel use	1,025	1,066	1,091	1,102
Gas use	251	260	251	335
Electricity use	436	387	275	255
<b>Gross emissions</b>	<b>1,712</b>	<b>1,713</b>	<b>1,617</b>	<b>1,692</b>
Green tariff	-	-	148	227
Solar power export	8	7	6	5
<b>Net emissions</b>	<b>1,704</b>	<b>1,706</b>	<b>1,462</b>	<b>1,460</b>

- 5.2 As can be seen from Table 1, the gross reported emissions in 2021/22 were higher than the equivalent position in 2020/21, with the net emissions broadly the same. The higher gross emissions for 2021/22 was driven by the change in gas consumption. The reasons for this are likely to include additional buildings in use compared to 20/21 as a result of easing of coronavirus restrictions, increased ventilation requirements as a result of the pandemic (increasing demand for heating) and potentially lower occupancy rates of some sites causing lower internal heat gains. For information, Hampshire County Council also reported an increase in emissions associated with consumption of natural gas.

## 6 Conclusion

- 6.1 An update has been provided on the implementation of the Climate Emergency Action Plan (2020) following on from the most recent report in November 2022.
- 6.2 The committee is asked to note the content of this update.

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<sup>2</sup> This is the unit of measurement advocated for use by the government to report on greenhouse gas emissions. It looks beyond carbon dioxide, for example covering methane and nitrous oxide. It records the global warming potential of each greenhouse gas, expressed in terms of the global warming potential of one unit of carbon dioxide.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
<a href="#">Climate Emergency Action Plan</a> (June 2020)			
<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		
Author:	Karen Eastley	Ext:	8258
File Ref:	N/A		
Report to:	Overview and Scrutiny Committee	Date:	19 April 2023

## Annex 1: Climate Emergency Action Plan – Action Monitoring

## Corporate Action

Action	Update
Throughout timeline	
<p>Ensure the implications of the climate emergency are taken into account in all Council strategic and policy documents, as well as in service planning and decision making processes</p>	<p>This action is progressing.</p> <p>As part of developing the evidence base for the emerging corporate plan, the council undertook extensive public engagement to understand the priorities of local residents. This included a survey which featured a specific question around environmental sustainability, as well as deliberative engagement workshops which residents were able to delve deeper into the issues.</p> <p>This process highlighted a wide range of priorities linking to the Climate Emergency Action Plan (CEAP), though, key principles which emerged included protecting and conserving nature &amp; green space and being considerate of the environment &amp; sustainability. At the time of writing, the corporate plan is due to be presented to the Council in April for consideration.</p> <p>Additionally, a range of committee reports have highlighted sustainability and climate change considerations where relevant, including on the Asset Management Plan and the Rural England Prosperity Fund.</p>
<p>Take opportunities to lobby the government to encourage action on the transition towards carbon neutrality</p>	<p>This action is ongoing. In responding to relevant consultations by the government, the council has highlighted the importance of climate change considerations to help achieve government targets. The council responded to the government's Review of Net Zero: Call for Evidence in October 2022 and more recently a consultation on the government's proposed approach to updating to the National Planning Policy Framework.</p>
<p>Work closely with partners to share best practice and work jointly on initiatives</p>	<p>Council officers are part of the Hampshire Climate Change Officers Group which meets quarterly to sharing best practise and partnership working on county wide initiatives. The <a href="#">Solar Together Hampshire Scheme</a> is an example of a project promoted through this partnership.</p>

Action	Update
	<p>Officers regularly attend webinars with partnership and governmental organisations to ensure they are up to date with government policy, funding opportunities and initiatives.</p> <p>The council has developed strong partnerships to enable exploring opportunities for joint working and sharing best practice through Romsey Future, Andover Vision and Test Valley Partnership.</p>
Identify and learn from leading carbon neutral employers	This action is ongoing as part of the council's continued investment in staff training and professional development, with officers able to attend various webinars to learn from others. This enables the sharing of information and lessons learnt on various carbon saving projects and decarbonisation strategies.
Facilitate behaviour change of staff and members to put reducing carbon emissions at the centre of our approach, reducing our carbon footprint both at work and in wider life.	<p>This action is progressing.</p> <p>The staff sustainability intranet page is regularly updated. News items are shared via staff &amp; member bulletins as appropriate.</p> <p>The council's management team and the Portfolio Holder for Climate Emergency &amp; Countryside undertook Carbon Literacy training and were certified as Carbon Literate in 2022. A pilot group of officers underwent Carbon Literacy training and have been certified as carbon literate. Based on feedback from the pilot session we are reviewing the council's approach to training and behaviour change with staff.</p>
Update the Procurement Strategy in the context of the Climate Emergency and build ethical, sustainable criteria into the procurement process	<p>This action is progressing with the review of the Procurement Strategy underway – input from external consultants and officers has been provided. This feedback has allowed us to review the strategy as it stands with a view to including the consideration of environmental and sustainability impacts in the procurement process, where relevant.</p> <p>A number of services already include green and social credentials in their tendering and the strategy will seek to encourage this practice going forwards.</p>

**Property & Energy**

Action	Update
Throughout timeline	
Review and reduce energy loss associated with windows, including through draft proofing and, where relevant, assessing the feasibility of the installation of new double glazed windows or secondary glazing	<p>This action is progressing. Condition surveys of the council's buildings are carried out as part of the council's asset management plan. These will help to identify any thermal and energy efficiency works required to ensure that buildings meet required standards. A thermal imaging camera is being purchased to be used as part of the condition surveys.</p> <p>The windows at the Former Magistrates Court, Romsey have been upgraded to double glazing - the windows installed are of a higher thermal performance than required through Building Regulations.</p>
Short term	
Review and improve energy data collection and monitoring	No further automated meters reading (AMR) devices have been installed since March 2022. This is being reviewed, and the roll out of automatic meters will continue across council owned sites, as this assists with energy monitoring, identifying energy saving opportunities and data collection for determining our annual greenhouse gas emissions.
Carry out an audit of the office waste produced in Council owned and occupied buildings	<p>Details of the existing arrangements for management of specific waste streams has previously been collated as a first step in this process. Due to resources and capacity, the audit has not commenced.</p> <p>There has been an increase in confidential paper waste within Beech Hurst, this has been produced as a result of the ongoing review of office accommodation and agile working. There is now a mixed recycling bin at Crosfield Hall, Romsey.</p>
Review energy purchasing and procurement	Action complete. As of 1 October 2020, electricity for all Council sites (where we pay the bills) is bought from a REGO backed tariff. This remains the case.
Deliver measures to improve energy efficiency and reduce our energy consumption, including:	Items relating to the boilers and heating systems at Beech Hurst are complete.

Action	Update
<ul style="list-style-type: none"> <li>• Review lighting within and external to the Council's buildings</li> <li>• Replace boilers at Beech Hurst</li> <li>• Investigate heating controls and optimum start controls to the heating system at Beech Hurst</li> <li>• Review and install pipework insulation</li> <li>• Assess the feasibility of installing more energy efficient water heaters</li> </ul>	<p>10 energy audits of some of the council's highest energy consuming assets have been undertaken. This has helped to identify potential projects to reduce energy consumption and decarbonise these assets. Recommendations include projects that will improve the thermal and energy efficiency of the buildings, as well as retrofitting low carbon technologies.</p> <p>The council keep all assets and their energy performance certificates under review as part of its asset management plan – this links to the condition surveys referred to above.</p> <p>The council has an obligation as a landlord to ensure that leased assets meet the government's minimum energy efficiency standards. Projects will be prioritised to ensure these requirements are met.</p> <p>The council successfully submitted a funding bid to the Public Sector Decarbonisation Scheme Phase 3b to enable heat decarbonisation and energy efficiency measures at Bourne House Depot, Romsey. This is being implemented.</p>
Undertake a general review of buildings and removal of redundant equipment.	Work on this action will form part of condition surveys and be an ongoing activity.
To consider an integrated waste collection contract across all sites that maximises the range of materials that can be separated and recycled	Work on this action is yet to commence.
To develop an office based system that 'dovetails' with the range of materials that can be collected	Work on this action is yet to commence.
Establish a network of staff champions, looking at energy and recycling	Work on this action has yet to commence. Key staff have undergone Carbon Literacy training and have been certified as carbon literate.

Action	Update
Medium term	
Review the estate energy strategy	<p>Work on this action is ongoing. As part the council's asset management plan, works have been identified and are planned to improve the EPC (Energy Performance Certificate) ratings of our buildings, which includes upgrades to various thermal elements. Buildings currently rated as E or below are being prioritised in the context of the Minimum Energy Efficiency Standard legal requirements for certain commercial buildings.</p> <p>Officers have access to an online energy management system to monitor energy use in 6 council owned properties that have been installed with automated meter reading (AMR) devices, with the relevant officers being trained to help identify energy saving opportunities.</p> <p>As noted above, the plan is to continue to roll out of AMR devices across council owned sites, as this assists with energy monitoring, identifying energy saving opportunities and data collection for determining our annual greenhouse gas emissions.</p>
Assess the feasibility of the use of voltage optimisation in all buildings	Beech Hurst offices has voltage optimisation installed. Based on a review of assets it unlikely to be suitable for the majority of the council's buildings. The focus is to prioritise energy efficiency projects which will have a greater energy and carbon saving impact. Therefore, it is not intended to pursue this further at this time.
Investigate opportunities to reduce the unnecessary use of disposable / single use materials	This is yet to be fully investigated. For information, Council agendas and papers are now supplied to Councillors without the single use plastic covers previously provided. The staff canteen at Beech Hurst uses biodegradable food packaging and cutlery.
Assess the feasibility of the collection of rainwater from our buildings for reuse	Due to prioritising energy efficiency projects across our assets this will not be progressed at this time.
Assess the feasibility of installing living walls and green roofs	The current focus is to deliver energy efficiency projects to reduce our greenhouse gas emissions and become carbon neutral as soon as possible. This proposal has been considered and it is not feasible at this time.

Action	Update
Long term	
Review the need for and install new boilers or suitable alternatives, and assess the feasibility of heating control, anti-dry cycling and optimum start control to the heating system in our buildings	Work on this action is ongoing. Ten energy audits of some of the council's highest energy consuming buildings have been undertaken. This has helped to identify potential projects that could reduce energy consumption for heating these buildings. Projects have also been recommended to decarbonise the heat source for these buildings in the longer term. As noted above, one scheme is progressing to replace the heating system at Bourne House in Romsey. More work needs to be undertaken to review the viability of these proposals and put forward a business case for these sites at the appropriate time.
Re-assess the feasibility of installing solar panels at Beech Hurst, Bourne House, the FMC and the Chantry Centre car park. Include a review of battery storage options	The above mentioned energy audits include the sites listed in this action. This has helped to consider the potential for solar photovoltaic (PV) projects. More work needs to be undertaken to review the detailed feasibility and viability of these proposals. It is intended to proceed with a project to install solar PV panels at Bourne House as part of the Public Sector Decarbonisation Scheme phase 3b.

### Smarter working and use of technology

Action	Update
Short term	
Install video conferencing facilities at Beech Hurst and other Council offices to facilitate meetings and appointments, where there is a business need	This action is complete, it was implemented as a result of the coronavirus pandemic and enabling new ways of working. Video conferencing facilities are available at Beech Hurst. For smaller meetings, Microsoft Teams can be used, with Bluetooth speakers available for hybrid meetings.
Investigate the digital casting of meetings	This action is progressing. Following the motion that was resolved at Council on 7 September 2022, officers have been working with a cross-party group of Members to develop a set of principles and requirements for a broadcasting system for democratic meetings across council sites. Further information is being sought from the market to understand systems available and how they can meet our requirements.



<b>Action</b>	<b>Update</b>
<p>Seek to minimise travel except where there is a specific business or training need</p>	<p>This action is progressing as part of its modernisation agenda, the council is looking at smarter and more agile working, including the use of technology. The climate emergency has been identified as a strategic influence for this.</p> <p>Availability of Microsoft Teams enables more virtual meetings which will have a role in reducing business travel. Some staff training is being delivered virtually. Most Member training is now undertaken virtually, as well as a number of internal group and panel meetings.</p>
<p>Reduce the unnecessary use of paper including through:                      Reducing internal printing of documents and agenda papers                      Reducing internal forms and roll out payroll / HR self-service to all employees and members                      Challenging the Government around any statutory requirements for hard copy papers                      Analysing and reduce paper coming into the Council                      Enabling digital signing</p>	<p>We continue to monitor printing volumes. For 2022, the average remained around 105,000 pages per month. We are currently drilling down into reports to be able to provide actionable intelligence for services to challenge their own working practices.</p>
<p>Review of future IT equipment and what is available in the market to enable the Council to equip people with the right tools and kit to enable flexible and sustainable working.                      Evaluate further roll out of mobile devices / tablets within the wider business.</p>	<p>The review has been undertaken and we have now adopted technologies and equipment which enable smarter and agile working from various locations, such as laptops. We are currently reviewing IT equipment within council buildings to ensure it is compatible with the laptops (i.e., docking stations, shared desk arrangements etc).</p>

Action	Update
Medium term	
<p>Expedite the focus on channel shift, moving residents to digital communication channels, reducing printing and postage and increasing self-service.</p>	<p>This action is progressing. We have been engaging with staff, members and third parties to educate ourselves on the trends and opportunities around digital channels and self-serve facilities. There will be a renewed focus on improving our website over the coming months whilst we seek to understand the needs of our residents and the technologies now available when considering online forms and digital platforms.</p> <p>As of 3 April 2023, 25.9% of Council Tax and 41.7% of Non-Domestic Rates bills were issued via e-billing. Opportunities continue to be taken to promote the uptake of e-billing when talking to customers and through mail outs.</p> <p>The level of customer self-service remains about the same as previously reported (at about 50%), which is higher than the pre-pandemic level (around 35%).</p> <p>GovDelivery (council's e-newsletter system) is proving to be a real success and is steadily growing with around 13,350 subscribers across two topics. The majority of subscriptions comes from our website overlay, where we have seen more than 450 additional subscribers in the last 4 months.</p>

### Housing, Development & Infrastructure

Action	Update
Short term	
<p>Promote and raise awareness of grants available to residents to improve their homes, including in terms of energy performance</p>	<p>This action is ongoing. The Sustainable Warmth (LAD3 and HUG1) scheme has closed for new applications and the original deadline for measures to be installed was 31 March 2023. There was a targeted mail out to households believed to be in poorer performing properties in areas of lower income (based on Index of Multiple Deprivation levels), as well as publicity on refuse vehicles, within Test Valley News, the Council's e-newsletter and social media.</p>

Action	Update
Complete the review of the potential for renewable and low carbon energy sources in the Borough and use to inform the next Local Plan	This action was completed through a renewable and low carbon energy study in to inform the Local Plan in December 2020. A Member briefing session on this work was held on 8 February 2021 and the study is available on the Council's <a href="#">website</a> . This study was referred to as a case study in a Royal Town Planning Institute and Town and Country Planning Association guide for local authorities on planning for climate change (2021).
Continue to support Government's proposals to increase energy performance requirements for new development through national Building Regulations	An uplift in Building Regulations to make sure homes emit less carbon, protect against over-heating and improve ventilation was introduced in June 2022 with transitional provisions ending in June 2023 ahead of the implementation of the Future Homes and Future Buildings Standards in 2025. Guidance is provided to the building industry on an ongoing basis regarding changes to Building Regulations.
<b>Medium term</b>	
Target action on enhancing energy performance of existing private rented homes in the Borough	All incoming tenant complaints are checked against Energy Performance Certificate (EPC) register. Reactive work is currently at a seasonal high, so the level of proactive work is low.
In relation to historic buildings, share available advice on how to reduce energy consumption whilst conserving the heritage assets	<p>This action is ongoing. There remains continual liaison between the Conservation team and Building Control team, with technical solutions discussed to ensure, where possible, appropriate upgrading is incorporated to improve energy efficiency in historic buildings.</p> <p>As previous, advice is site-specific and dependent on a number of factors, taking account of whether works would affect the asset's special interest and weighing the public benefits against any potential harm to that significance. It is important to look for a holistic approach to the building and seek alternative solutions. Pre-application enquiries are encouraged. There is also a suite of guidance on the Historic England website which is continually expanded and updated – a link to this is provided on the Council's website.</p>

Action	Update
Through the preparation of the next Local Plan, ensure policies are written to facilitate the move towards carbon neutrality, in the context of national legislation and policy	This action is progressing. The Local Plan, Regulation 18 Stage 1 consultation document included a strategic policy on Countering Climate Change setting out at a high level the measures development will need to take to deliver net zero carbon development. Climate change runs throughout the Local Plan as it is identified as a strategic priority through the objectives which will feed through to the strategic policies. More detailed policies will be developed at the next stage of the Local Plan (Regulation 18 Stage 2), which is scheduled for consultation in Q3 of 2023.
Raise awareness of best practice examples within the Borough to share insight	This action has yet to commence. Through the council's community grant schemes we are beginning to put together case studies to showcase examples of green projects and highlight some of the wider benefits.
<b>Long term</b>	
Develop promotion scheme to provide advice to owners on energy efficiency improvements and trusted installers	The council have been inputting to a Hampshire wide scheme that is being proposed to link people with advice specific to their property and through to trusted installers.

### Transport, Travel and Plant

Action	Update
<b>Throughout the timeline</b>	
For refuse vehicles, before 2025 undertake an assessment and trial of the practicalities of introducing electric or alternative fuel vehicles. This assessment would ensure that such vehicles would meet the service needs. From 2025 there will be a phased programme of replacing current fleet with electric or alternative fuel vehicles with the intention that this will be completed by 2035.	<p>Action progressing, we are continuing to analyse whole life costs of electric and diesel options and replace small vans with electric as part of the procurement process.</p> <p>Subject to approval of the budget, it is intended to switch to an alternative fuel HVO (hydrotreated vegetable oil) with effect from April 2023. Using HVO will have significant benefits in terms of reducing carbon emissions across the fleet and is regarded as a 'stepping stone' towards alternative technologies as they are developed and mature.</p>

Action	Update
<b>Short term</b>	
<p>In conjunction with relevant partners, continue to support the delivery of infrastructure to support the use of sustainable modes of travel. This will include the preparation of a Walking and Cycling Strategy and promoting the availability of sustainable modes of travel.</p>	<p>This action is progressing. The Southern Test Valley Local Cycling and Walking Infrastructure Plan (LCWIP) has been adopted by Hampshire County Council and work has commenced on the preparation of the Northern Test Valley LCWIP. This sets out potential improvements / implementation of new pedestrian and cycle links.</p> <p>Romsey Future has submitted a successful Community Infrastructure Levy (CIL) bid to enable greater accessibility for walking and cycling in the Woodley area.</p> <p>Work is continuing with partners to scope out the feasibility and identify future sustainable transport schemes in the borough.</p>
<p>In conjunction with relevant partners, continue to support the delivery of infrastructure to support the use of electric vehicles including the installation of EV charging points at public car parks and council offices.</p>	<p>We are continuing working with our supplier (JoJu) who have reviewed market data to assess medium and high priority sites for the installation of electric vehicle (EV) charging points in the borough.</p> <p>The Property and Asset Management (P&amp;AM) Service continue to share best practice with other local authorities in the Electric Vehicle Charge Points District Council Liaison group.</p>
<p>Consider viability of electrically operated bin lifts for refuse collection vehicles by the end of 2020</p>	<p>This action is complete. 3 electrically operated bin lifts for refuse collection vehicles were installed in January 2021 and are in operation.</p>
<b>Medium term</b>	
<p>To investigate the infrastructure required for a fleet that may become increasingly reliant on electricity as its source of power by the end of 2022</p>	<p>At this current time, electrically powered refuse collection vehicles are not an option due to the significant cost of purchase and some operational limitations, especially for a rural borough. Therefore, further work on investigating infrastructure is on hold.</p>
<p>To transition to electrically operated hand plant by the end of 2023</p>	<p>Charging cabinets for large quantities of batteries to power hand plant equipment are now installed at both depots. This ensures that operationally the batteries are ready for use as and when required.</p>

Action	Update
	At present, this action is complete as far as currently feasible to do so. Officers are continuing to monitor market availability of batteries. More options available for suitable manufacturers now being considered and purchased following appropriate procedures.
To ensure that end of life vehicles and plant are disposed of in an environmentally friendly way	Vehicles and plant are part exchanged where possible. When it is required to send equipment to auction, they are sent to the nearest municipal specialist. Items are generally collected in multiples on a low loader to reduce individual vehicle journeys. Processes are kept under review in case additional opportunities arise.

### Supporting Communities and Businesses

Action	Update
Short term	
Identify and support climate change initiatives that emerge through communities undertaking local action planning, for example through Andover Vision and Romsey Future, or through rural action planning in the Parishes.	<p>This action is progressing. Wilder Romsey have actively engaged with the local community, giving trees to local residents and community groups and have organised multiple volunteer days.</p> <p>Officers attended and supported Romsey Green Energy Day in May 2022.</p> <p>Officer attended launch meeting for a community energy organisation in the Borough in September. This group has also received some funding through the Community Councillor Grant.</p> <p>Andover Vision and partners led and delivered a week of Climate Action activities in Andover.</p> <p>The guidance for council community grants has been reviewed to better encourage applications from community groups, schools and parish councils for projects which address climate change and / or improve the environment.</p>

Action	Update
Contribute to the Andover Vision-led Day of Action including high profile involvement on the day.	This action is completed. Following the first event in 2021, Andover Vision and partners led and delivered a week of Climate Action in Andover as part of the national big Green Week from 24 September to 1 October 2022. Residents were encouraged to pledge actions that could help towards reducing their carbon footprint, protect our environment and help tackle climate change.
Specialist learning event for Parish and Town Councils and community organisations who have well developed local climate activities (what worked and what didn't, how could we share to all)	This action is completed. The council has organised and delivered a number of specialist learning events for parish and town council (also see action below). We will continue to engage with parish and town councils to share learning and best practise about carbon saving and climate change initiatives.
All Parish / Town Council event, following on from learning event, to celebrate and share best practice, inspiring other Councils and groups to follow suit. Also highlighting resources available (officer support and grants).	This action is completed. Following on from events in the last two years, the Test Valley Association of Parish & Town Councils conference on 1 October 2022 included a workshop session on energy. This focused sharing information on actions that can be taken (by community groups and individuals), information sources and some of the available funding opportunities. We will continue to look for ongoing opportunities to promote innovative practise to parish and town councils.
Work with partners to deliver a business event to offer best practice, networking and promote access to Hampshire and Isle of Wight Sustainable Business Partnership support for businesses.	This action was completed through a virtual event with the Sustainable Business Partnership in April 2020.
Business event at University of Southampton Science Park to highlight innovative carbon reduction techniques in business and industry	The council has run a number of events with businesses over the last few years, but these were not undertaken at the University of Southampton Science Park. We have had approval from UK Shared Prosperity Fund which includes a rural net zero business support programme. This includes business advice and grants.
Recycling Behaviour Change Project – working in two specific areas to explore best ways to improve recycling behaviour	Work on this project is being reviewed and will be key in helping with the implementation of the forthcoming changes in kerbside collection.

## Natural Environment

Action	Update
Throughout the timeline	
Continue to explore opportunities for land acquisition for small scale woodland creation.	<p>This action is progressing. Approximately 6,000 trees were planted in the 2022/23 season, this included replacement planting<sup>1</sup> of 2,460 trees and just over 3,550 new trees. For the 2021/22 season there was approximately a 70% success rate. Cumulatively, over the two years we have planted over 22,800 trees.</p> <p>This year there has been an increase in community participation in the council's planting schemes. 1,500 trees were planted by 1,500 school children at Bury Hill with the project undertaken and led by Andover Trees United. Community Orchards have been planted in Woodley and across 6 sites in Valley Park.</p>
Short term	
Work with Hampshire County Council to review the management of roadside verges which will positively contribute to carbon capture and/or reduce cutting frequency, operational carbon emissions and increase wildlife value. A network of connected verges will be prioritised	The council's pilot and management of roadside verge sites in partnership with Hampshire County Council is set to continue. No issues have been raised. Going forwards the council will look to increase this pilot to include additional areas where it is safe to do so.
Through management of green spaces, continue to develop ways to reduce operational carbon emissions across our green spaces whilst improving value of wildlife. A network of linked wild meadow / pollinator corridors will be prioritised.	The urban meadows initiative has been run for a second year, with a larger area covered through this scheme than in the first year. This has incorporated some Hampshire County Council highway verges (noted above) and land at Bury Hill. A total of over 15 hectares has been managed, focusing on locations in Andover, Romsey and Valley Park. A further review is being undertaken, taking into account amenity and biodiversity impacts, to inform roll out in future years.

<sup>1</sup> This was replacement planting of those planted in 2021/22, following the particularly dry summer. There were 19,325 trees planted in the 2021/22 season.



Action	Update
Develop a Tree Management Strategy which will detail overarching management principles and replacement planting across Council property	The development of the strategy has been delayed with arboriculture capacity focussed currently on the management of ash dieback, tree survey and tree planting. A revised date for the draft document is November 2023.
Develop a Tree Planting Strategy to provide a basis for planting in appropriate places across the borough	The strategy has been delayed with arboriculture capacity focussed on managing ash dieback, tree surveys and tree planting. A revised date for the draft document is November 2023. As noted above, over 6,000 trees were planted in the 2022/23 season, including 2,460 replacement trees. Over the last two seasons, over 22,800 trees have been planted.
<b>Medium term</b>	
Work with partners to secure appropriate large scale opportunities for wilding and nutrient mitigation which will contribute to carbon sequestration	Work on this action is ongoing, with no such opportunities having yet been secured.
<b>Long term</b>	
Explore the inclusion of policies for woodland creation to increase urban canopy cover within the next Local Plan	The climate emergency section in the Local Plan, Regulation 18 Stage 1 identifies the potential for more detailed policies around tree retention and tree canopy cover. This will be explored at the next stage of the Local Plan (Regulation 18 Stage 2). As noted above, this scheduled for consultation in Q3 of 2023.

## ITEM 11

## Chairman's Annual Report

Report of the Chairman of Overview and Scrutiny Committee

### Recommended:

**That the Annual Report of the Overview and Scrutiny Committee be approved.**

#### SUMMARY:

- The final Annual Report attached as an annex to the report covers the work of the Committee for the period May 2022 to May 2023.
- The Committee are asked to agree the final report prior to its submission to full Council on 21 June 2023.

### 1 Introduction

- 1.1 The Overview and Scrutiny Committee is required to report to full council on an annual basis to inform all Members of the work undertaken over the previous 12 months.
- 1.2 The Annual Report summarises the work of the Overview and Scrutiny Committee, its scrutiny panels, reviews and presentations over the past year.

### 2 Background

- 2.1 The overview and scrutiny process is an essential part of the Council's democratic structure and governance framework. It plays a key role in scrutinising the delivery and performance of Council services and holding decision makers to account through an approach based on positive pressure and constructive challenge.
- 2.2 Part of communicating scrutiny's role and purpose to the wider authority should happen through the formal, public role of full Council – particularly given that scrutiny will undertake valuable work to highlight challenging issues that an authority will be facing and subjects that will be a focus of full Council's work.

### 3 Options

- 3.1 The Annual Report has to be submitted to Council on an annual basis as set out in the Council's Constitution and therefore it is recommended that members consider the report and make any amendment they think may be necessary.

#### **4 Resource Implications**

4.1 None

#### **5 Legal Implications**

5.1 The consideration of the Overview and Scrutiny Annual Report is set out in the Council's Constitution in 7.4(d) Part 2 – Articles of the Constitution.

#### **6 Equality Implications**

6.1 None

#### **7 Other Issues**

7.1 Community Safety – None

7.2 Environmental Health Issues – None

7.3 Sustainability and Addressing a Changing Climate – None

7.4 Property Issues – None

7.5 Wards/Communities Affected – None

#### **8 Conclusion**

8.1 Members are requested to consider the final Annual Report for submission to Council on 21 June 2023.

<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		
Author:	Councillor N Lodge	Ext:	8014
File Ref:	N/A		
Report to:	Overview and Scrutiny Committee	Date:	19 April 2023

## Overview and Scrutiny Chairman's Annual Report 2023

### Introduction

Welcome to this brief annual summary of the many strategic activities which have been undertaken by Overview and Scrutiny Committee in its dual role as a scrutiniser of Council operations and practices, and as a developer of policies and initiatives which seek to enhance the lives of those who live in the Test Valley.

Overview and Scrutiny Committee is unique among Council committees in that the majority of its work is not performed reactively in response to external requirements. Instead, members manage its own independent work plan in which they focus cross-party collaborative effort upon the investigation, refinement and improvement of a wide range of processes and practices. These enhancements are targeted both within the Council and within its sphere of influence throughout the Borough. Recently, such work has resulted in important areas of policy development coming to fruition.

This year the Committee focussed its attention mainly upon the internal service delivery of the Council and it is believed that gains in operational efficiency and service quality will result from the recommendations made. The Committee has also gained further experience in practicing its targeted approach to Cabinet portfolio scrutiny and its action-tracking system, both of which were introduced in 2021-22. The latter mechanism has proven its worth in ensuring that agreements for action made between the Committee and scrutinised bodies do not get forgotten!

Overview and Scrutiny Committee's scrutiny, information-gathering and workshop processes operate at the committee level with all Committee members involved, the latter activity happening through its 'roundtable' discussion forums. In these, members and officers share opinions and experiences as they work closely together on the generation of ideas, the introduction of new initiatives and development of the Council's Corporate Plan.

Most of the Committee's policy and reform work, however, is carried out within its 'panels' by committed groups of members. Each panel is established to achieve a specific task through a defined programme of work, which typically lasts several months. Although the year has seen the operation of six panels, two of these have spanned the entire year and have busied themselves with in-depth analyses and public consultation in their pursuit of service improvements. These are the panels on communications and planning enforcement.

The Committee has one panel, the Budget Panel, which is reappointed every year and oversees the processes in the financial planning year: the previous year's outturn is assessed, the budget for the forthcoming year is prepared, fees and charges for the Council's services are set and a medium-term forecast is created. This leads to the final approvals by the Cabinet and Full Council in February. Formerly, the Committee oversaw the audit process through a panel but this function is now performed by a new and separate committee.

Finally, we should not forget the important role that the Overview and Scrutiny Committee plays in environmental issues. In particular, regular updates are provided to the Committee on the Council's progress towards the objectives set in its Climate Emergency Action Plan. This includes both the work towards the reduction of the Council's own carbon footprint and that aimed at influencing the entire Test Valley in the same direction. This year has seen some significant progress in reducing fossil fuel use by our vehicles and the increase in energy-efficient practices within the Council's buildings. The Committee has also taken a special interest in the green economy of the Test Valley and is looking at ways in which in which this may be promoted and celebrated.

### Annual Away Day

The Committee held its Away Day on Saturday 16 July at Broughton Village Hall. The day started with a welcome from the Chairman and this was followed by a networking/conversation session. The Head of Legal and Democratic Services then led a session on good governance where members worked through some eye-opening case studies which demonstrated how circumstances can conspire to create catastrophic failures within local government organisations. The focus for these was a consideration of whether warning signs were evident and whether the failings could have been prevented. Several cautionary themes were seen to emerge.

The afternoon session concentrated on the Committee's work programme and members discussed and agreed to give further consideration to the topics below. Following initial suggestions at the Away Day, members were subsequently requested to rank the ideas and to propose whether they might best be explored as: briefings, roundtable discussions or panels. The results were then incorporated into the 2022-3 work programme.

- Hampshire County Council Highways projects within local communities.
- Council's current and future IT strategy
- Green Economy
- Regeneration (Andover & Romsey)
- Tourism
- Business Parks and Industrial Estates
- Waste and Recycling
- Leisure Provision
- Cost of Living
- Medium Term Financial Strategy
- Village Sustainability
- Affordable Housing and Homelessness
- Issues Arising from the Planning of new Neighbourhoods
- Revision of the OSCOM Handbook
- Raising awareness of the work of the Overview and Scrutiny Committee
- Accessibility within the Borough
- Wildlife Corridors
- New Ways of Working
- Communications between the Council and Residents
- Planning Enforcement

- Flexibility of planning call-ins

The Away Day also enabled the Committee to develop a work programme which reflects the Council's corporate priorities and strategic necessities. It also ensured that the Council's officer team were prepared to resource the work of the Committee and its associated panels.

### Round Table Discussions and Briefing Notes

**Corporate Plan Survey** – The Overview and Scrutiny Committee has played a key role in overseeing the development of the corporate plan for the forthcoming 4-year Council. More so than ever before, this is involving consultation with the community through workshops, social media and public events. The plans and results of the team concerned were examined and endorsed several times during the year.

**Flexibility of planning call-ins** – to understand the legislation and constitution with regard to this subject.

**Leisure Services** (23 January 2023) – This was a detailed, retrospective financial examination of the options, negotiations and decisions made during the period of the pandemic when leisure services were suspended. The negotiations were continuing at the time of the roundtable, with the cost of heating energy adversely affecting the business and the insistence of the leisure provider that it is still labouring under the extended influence of the covid legislation.

**Affordable Housing and Homelessness Strategy** (1 March 2023) – A consideration of how the Council: defines and manages its affordable housing; how it achieves its targets; how it influences the sustainability of villages; how the pandemic has had lasting influences; and how the provision differs between the north and south of the borough. Of course, the significant impact of refugees from Afghanistan and the Ukraine has now to be considered too. Homelessness was also debated and the members present contributed some opinions to the forthcoming revision of the Council's homelessness strategy.

**Business Parks and Industrial Estates** (14 December 2022) – An overview of the current position of the many business parks in Test Valley and the impact that they have on the economy of the borough, addressing such issues as: Do we have the right mix of industries? Does this match future industrial trends? Do we have a diverse range of employment opportunities? How can we attract more high-tech scientific industry? How has our relationship with Kier operated, and what will influence the forthcoming renewal of this agreement? What is likely to be the future of Plot 90?

**Hampshire County Council Highways projects within local communities** (19 April 2023) – Developing an understanding of how HCC Highways prioritises projects and funding for schemes within local communities and how this could link to the wider context of TVBCs place-based approach.

### OSCOM-sponsored Workshops

**OSCOM-sponsored Workshop on New Neighbourhoods** (23 May 2022 at Longstock Village Hall) - An opportunity for members to contribute thoughts and opinions to the report which is compiling and analysing the lessons learnt from the planning and establishment of Test Valley's new housing estates.

**OSCOM-sponsored Workshops on the Joint Municipal Waste Strategy** (& 28 April 2023)– An interactive discussion at which the Environment Act requirements for waste collection were examined, together with the interpretation of the Act to be adopted in Test Valley and the likely timescales involved.

**OSCOM-sponsored Briefing on Deliberative Events** (3 November 2022) The briefing was to inform members of the purpose of the four Deliberative Engagement workshops which has been arranged for the weekends in November. Three geographically positioned workshops (King's Somborne, Romsey, Andover), with 35 invited participants discussed questions, led by the Involve Foundation and supported by trained facilitators; A final workshop was held in the last weekend of November, involving up to 15 participants from the earlier workshops to create statements which formed the recommendations to Council on 5 April 2023. The outcomes of the workshop helped to develop the Council's strategic objectives to create a new Corporate Plan to cover 2023 to 2027.

**OSCOM-sponsored Workshop on the Performance of the Revised Planning Committee Structures and the Preliminary Summary Conclusions of the New Neighbourhoods Report** (4 October at Kings Somborne Village Hall)

**OSCOM-sponsored meeting on Corporate Plan** (2 March 2023) – A presentation by the Head of Strategy of Innovation to brief members on the outcomes of the deliberative engagement work and the emerging draft priorities of the new Corporate Plan. The session provided members an opportunity to discuss and provide feedback on the draft plan ahead of it being considered for approval by Full Council in April 2023.

Briefing notes on wider subjects of interest to the committee continue to be circulated as and when required.

### Items and Meetings

The Overview and Scrutiny Committee had a busy workload with responsibilities across the Council and beyond. Committee meetings have continued to be held on a six weekly cycle but this reduction in frequency does mean that agendas are very full with a wide range of topics. The move to a six-weekly cycle has better facilitated the Council's business and aligned it with the financial deadlines.

Council at its meeting on 6 April 2022 resolved to introduce a stand alone Audit Committee to monitor and make decisions in respect of work relating to the audit. Some of the responsibilities were therefore transferred to the Audit Committee such as agreeing the Annual Audit Report and Risk Management.

There have been 7 meetings since the last Chairman's Annual Report. The Committee recommended the budget update to Cabinet and endorsed the work undertaken to deliver a budget for 2022/23. In addition the committee also considered the following reports:

- Corporate Action Plan Annual Review
- Progress of the development of the Corporate Plan 2023 to 2027
- Draft Fees and Charges
- Cost of Living
- Work of the Test Valley Community Safety Group
- Update on Climate Emergency Action Plan (2020)
- Referral of Planning Applications to Committee
- Authority's Monitoring Report 2021-2022
- New Ways of Working
- Review of Area Planning Committees
- Regeneration of Andover and Romsey town centres
- Green Economy update

### Presentations

**Regeneration** – The Regeneration Manager gave a presentation on regeneration in both Andover and Romsey. The presentation covered the progress headlines including;

- Details of place brand in Andover
- 6 public realm design schemes in Andover
- Feasibility work (Bus Station in Romsey)
- Crosfield Hall options appraisal (Romsey)
- Engagement with partners such as Romsey Future, landowners, Aldi, Crosfield Hall users and sport/leisure providers in Romsey
- Phasing in Andover and Romsey

Funding will be sought via CIL/S106/NHB, TVBC site disposals together with discussions with partners such as Hampshire County Council, EM3 LEP, Homes England, One Public Estate and Arts Council England.

**New Ways of Working** – The Head of Strategy and Innovation gave an update to the Committee on the New Ways of Working project. This aims to deliver a programme which will modernise working practice across the organisation, focusing on satisfying the demands of residents, communities and members. It aims to introduce flexibility while retaining performance targets and meeting strategic priorities.

**Climate Emergency and Countryside Portfolio Holder Presentation** presentation on village sustainability (to be added after the meeting)



## Portfolio Reviews

The Overview and Scrutiny Committee has continued to review Portfolio Holders and their portfolios. The approach adopted in 2021 has increased efficiency by focussing on specific aspects of each portfolio and targeting questions towards future strategic issues, for example: strategic priorities, actions to mitigate future risks, future performance targets (including with regard to climate and ecological issues), future resources, and actions being taken to resolve any on-going problems. The approach also sought to place a greater emphasis on the examination of strategic issues and encourages a forward-looking analysis to ensure that future risks and opportunities are being properly anticipated. The Overview and Scrutiny Committee has informally appointed Portfolio Coordinators who advise the Committee on the most appropriate area for scrutiny within each portfolio, and propose the general form of questioning which will be used on the day.

**Finance and Resources Portfolio** – Focussing on Investment Properties – the presentation provided members with an overview of the council’s approach to managing its investment property portfolio and the implications that the rental income from the portfolio has on the Council’s overall budget.

**Leader’s annual review of the Corporate Action Plan** - The Leader gave his annual update on the council’s Corporate Action Plan (CAP) 2019-23 ‘Growing Our Potential’. During the last year, the Council had made significant progress towards its strategic aims, through the delivery of the projects set out in the year-three Corporate Action Plan. The new Corporate Action Plan was out for consultation and the responses analysed and worked into the new Corporate Plan for 2023-2027.

**Democracy and Governance Portfolio** – Focussing on the Council's IT strategy, this included:

- Background of the IT shared service including governance arrangements
- Desktop equipment and officer access to systems
- Description of systems and applications and how they are delivered
- General data protection regulations compliance and data retention
- Hardware and server estate details including backup arrangements and data replication.
- Cyber security and resilience
- Insight as to what might be expect within a future IT strategy

## Panels

**Budget Panel** – The Budget Panel, led by Cllr Mathews and more recently by Cllr Neal, met 3 times during the last municipal year. The Panel looked at the revenue outturn position for 2021/22 and reviewed the Council’s reserves position at 31 March 2022 and considered the biggest factors affecting the budget-setting process for 2023/24. The panel also considered the revenue budget position for the first four months of the 2022/23 financial year together with the main assumptions that will drive the Medium Term Financial Strategy and set out some potential options for closing the budget gap that have already been identified.

**Climate and Ecological Emergency Bill Panel** – The panel led by Cllr Lodge emerged in response to a Council motion. It had met four times during 2021/22 with the final considerations and conclusions being presented to the Committee in May 2022. At the time of the final meeting of the panel the CEE Bill was due its second reading in the House of Commons, however this was delayed and eventually disappeared from parliamentary business. Despite this, the Panel had investigated, as best it could: the connections between the Bill and other existing legislation; how the Bill might influence our Climate Emergency Action Plan (CEAP) and other Test Valley issues; what its implications might be for deliberative democracy; and whether the panel could recommend that the Council supports the Bill. As the Bill was no longer progressing it was recommended that the work of the Panel be concluded and the Bill not supported. The Panel did however highlight elements of the Bill which it could support and which might add value to the existing CEAP, notably its commitment to biodiversity.

**Enforcement Panel** - A review, led by Cllr Burley, has been undertaken to review how the Council delivers its planning enforcement service. The key points of focus were to understand the legislative and policy framework in which the service operates, including when it is expedient to take enforcement action and how the public interest test is considered in each case. The panel also looked at how the Council's service compares to other local authorities in terms of measuring performance, resourcing and costs, as well as going on to consider the effectiveness of the service in relation to communications with members, parish councils and other stakeholders. Training opportunities and support for parties interested in planning enforcement were also considered. The panel will report to Overview and Scrutiny at its meeting in April 2023 outlining key recommendations for consideration.

**Communications Panel** - This panel, led by Councillor Brooks, reviewed communications to and from the Council and between members and staff. Members explored a range of different communications methods and approaches. The scope of the panel included a review of corporate communications, including social media, the website and press, member communications, and communications direct from services, including letters to residents. The panel concluded a number of proposals that should be considered as the council develops its onward approach to communications.

**S106/Community Infrastructure Levy (CIL) Panel** – The panel led by Cllr Hamilton, reviewed how S106 (S106) and Community Infrastructure Level funds have been utilised between 2016 and 2022. The panel concluded that there were robust systems in place to ensure that funding is secured, allocated and spent, additional information in the form of a briefing note would help to ensure that all members have a full understanding of the processes involved in securing CIL and S106 and that training should be provided to all members following the elections. This would ensure that members better understand how to access funding within their area and help deliver infrastructure for their communities.

**Revision of the OSCOM Handbook** - A small panel has taken on the task of revising the Handbook in order to reflect the additional processes involved in: appointing the chairman and vice chairman, the responsibilities introduced for those representing the Council on outside bodies, and the process for scrutinising portfolios, including the role of the Portfolio Coordinator.

### Conclusion

This report has described the variety of strategic activities undertaken by the members of Overview and Scrutiny Committee during the present Council year.

These activities have included: the annual away day, roundtable workshops, briefings, 6-weekly Committee meetings (which include work plan reviews), cabinet portfolio reviews, information-gathering presentations, and panels. In addition, the Committee has 'sponsored' several workshops throughout the year, to which all council members have been invited (some of these have been held on-line).

All these events have been well-supported by our indefatigable, committed and enthusiastic members, who have not only given up many of their afternoons and evenings to carry out this substantial work, but have also provided the ideas and initiatives which have determined our many successes. To all of them, I record my grateful thanks.

I would also like to express my thanks to my Vice Chairman Cllr Jim Neal and to officers Caroline Lovelock and James Moody who have constantly supported all our activities and provided valuable advice and guidance behind the scenes. Thank you too to the numerous officers of the Council who have provided their expertise to our specialist panels and who have addressed the Committee in the course of its work.

Cllr Nicolas Lodge  
Chairman of Overview and Scrutiny Committee

## ITEM 13

### **Programme of Work for the Overview and Scrutiny Committee**

Report of the Head of Legal and Democratic Services

#### **Recommended:**

**The Committee is requested to:**

- 1. Review the outcomes on the work programme and recommendations update.**
- 2. Approve the future work programme.**

#### **SUMMARY:**

- The purpose of this report is to enable members to keep the Committee's future work programme and recommendations update under review.

#### **1. Introduction**

- 1.1 The Overview and Scrutiny Committee approves a work programme every year, detailing selected issues that affect Ashfield or its residents. The work programme represents the work of scrutiny throughout the municipal year and is managed by the Overview and Scrutiny Committee. The work programme is a rolling plan of in-depth reviews alongside standing items such as finance and performance.

#### **2 Corporate Objectives and Priorities**

- 2.1 Effective processes are used when selecting and prioritising review topics to ensure meaningful outcomes and tangible improvements. This involves including topics that are of community concern, contribute to the Council's Corporate Priorities, add value to the Council's overall performance, and have defined objectives and clear outcomes.

#### **3 Conclusion and reasons for recommendation**

- 3.1 Task and Finish Groups (panels) are small groups of members set up to examine specific issues in detail and report back to the Committee. The Overview and Scrutiny Committee Task and Finish Panels update is presented at Annex 1 for the Committee's review and comments.

- 3.2 Effective processes are used when selecting and prioritising review topics to ensure meaningful outcomes and tangible improvements. This involves including topics that are of community concern, contribute to the Council's Corporate Priorities, add value to the Council's overall performance, and have defined objectives and clear outcomes. The Overview and Scrutiny Committee Work Programme is presented at Annex 2 for review and approval.
- 3.3 The Overview and Scrutiny Committee is responsible for examining decisions made by the cabinet as a whole, and individual Portfolio Holders, as well as key decisions delegated to Senior Officers. With each agenda, the Committee receives copies of the Cabinet Work Programme. The Committee can then decide or use pre-scrutiny for forthcoming decisions on the Cabinet Work Programme. The Cabinet Work Programme is attached at Annex 3 for the Committee to consider.
- 3.4 For Overview and Scrutiny to have an impact, it is important that recommendations to Cabinet and Council are followed up. At each meeting the Committee considers follow up action on recommendations to Cabinet and council as part of the review of the Work Programme. Also as part of the Work Programme the Committee considers actions arising from the previous meeting. Action tracking is attached at Annex 4.

<u>Background Papers</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:	4		
Author:	Caroline Lovelock	Ext:	8014
File Ref:	N/A		
Report to:	Overview and Scrutiny Committee	Date:	19 April 2023

Panel	Lead Member	Progress Update	Report back to OSCOM
Budget Panel	Councillor Neal	<p>Councillor Neal, Lead Member of the Budget Panel reported that a meeting had been held on 17 January. The meeting looked at the changes to the 2023/24 budget forecast since the Medium Term Financial Strategy was presented in October. This included the provisional Local Government Finance Settlement, New Homes' Bonus provisional allocations, revenue savings and budget pressures. It also provided an updated Medium Term Financial Forecast covering 2023/24 to 2025/26.</p> <p>It was reported that finances were better than expected and in order to achieve a balanced budget, it will be necessary to close the remaining gap of £104,000 before figures are finalised in February 2023.</p> <p>Councillor Neal, lead member for the Budget Panel reported that they have held their last meeting for the financial year however he will keep in touch with the Head of Finance and Revenues.</p>	
Enforcement Panel	Councillor Burley	<p>Councillor Burley had met with the Head of Innovation and Strategy and the Head of Planning and Building to discuss how to take the review forward with the resources available. He anticipates having a first meeting with the panel in July to consider how to undertake the review within the provisions of the scope with the review starting formally in September. Members currently are Councillors Brooks, C Dowden, Parker and Warnes.</p> <p>Councillor Burley had emailed an update to the Chairman. The panel has met to look at how to take the review forward and had agreed a programme. The next meeting will look at the legislative framework for enforcement</p> <p>The Head of Planning and Building had given an interesting and in-depth presentation to the panel. The next meeting will be in November.</p>	April 2023

Panel	Lead Member	Progress Update	Report back to OSCOM
		<p>The panel recently met and the focus was to explore the performance of the planning enforcement function. There has been a lot of information and advice on how the Council has to work within legislation and this needs to be explained to residents</p> <p>The Lead Member will meet with the Head of Strategy and Innovation to discuss the next stage. The topic will feature at the next meeting of the Test Valley Association of Town and Parish Councils.</p> <p>Councillor Burley informed the committee that the Head of Strategy and Innovation will arrange a meeting with the new Head of Planning and Building in a few weeks. A workshop has been held with the Test Valley Association of Town and Parish Councils at their Annual Conference which proved very informative.</p> <p>Councillor Burley reported that there had been a significant delay in the panel due to the departure of the Head of Planning and Building and the start of the new one. He had met with the new Head of Planning and Building, the Head of Strategy and Innovation and the Democratic Services Officer to discuss the next meeting. The Head of Strategy and Innovation held a session with the Test Valley Association of Town and Parish Councils and will circulate a copy of the questions asked at the meeting. The next meeting will be held on 24 January 2023 in Conference Room 3 at 5.30pm. It is anticipated that the panel’s final report will be considered at the meeting in April 2023.</p> <p>Councillor Burley, lead member for the Enforcement Panel reported that a meeting had been held on 24 January 2023 to refresh what had been previously discussed. The panel refined the findings and recommendations and discussed public engagement. A survey has been produced and circulated to those Agents who had given their consent. The survey closes at noon on 13 March. The next meeting will be held on 20 March 2023.</p>	
Communications Panel	Councillor Brooks	Completed	1 March 2023

**OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME - APRIL 2023**

	*Scrutiny Indicator	Requested by	Purpose of Report (Responsible Officer / Member)
<b><u>19 APRIL 2023</u></b>			
Round Table Hampshire County Council Highways projects within local communities	5		Developing an understanding of how HCC Highways prioritises projects and funding for schemes within local communities and how this could link to the wider context of TVBC's place-based approach <b>(Councillor Adams King as his role on HCC)</b>
Enforcement Panel final report	3		To consider the final report of the Enforcement Panel <b>(Councillor Burley) (20 minutes)</b>
Climate Emergency and Countryside Portfolio Presentation	1		To receive a presentation from the Climate Emergency and Countryside Portfolio Holder on village sustainability <b>(Climate Emergency and Countryside Portfolio Holder) (40 minutes)</b>
Climate Emergency Action Plan Update	2		To consider the Climate Emergency Action Plan <b>(Head of Planning Policy and Economic Development) (30 minutes)</b>
Chairman's Annual Report	1		<b>(Chairman) (10 minutes)</b>
<b><u>14 JUNE 2023</u></b>			
Cost of Living	1		To receive an update from the Test Valley Partnership <b>(Head of Strategy and Innovation/Community Manager) (20 minutes)</b>
<b><u>19 JULY 2023</u></b>			
Round table Andover Vision			To receive an update on the work of the Andover Vision <b>(Head of Strategy and Innovation)</b>
Test Valley Partnership			To understand the work of the Test Valley Partnership <b>(Head of Strategy and Innovation)</b>

\* Scrutiny Indicator Key:

1 : Holding to Account	2 : Performance Management	3 : Policy Review	4 : Policy Development	5 : External Scrutiny
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## ANNEX 2

	*Scrutiny Indicator	Requested by	Purpose of Report (Responsible Officer / Member)
<b><u>30 AUGUST 2023</u></b>			
Community, Leisure and Tourism Portfolio Presentation			To review the Tourism, Community and Leisure Portfolio Holder's Portfolio focusing on Tourism <b>Councillor Drew/Head of Community and Leisure) (45 minutes)</b>
Corporate Action Plan	1		Presentation by the Leader on the Corporate Action Plan <b>(Leader of the Council) (60 minutes)</b>
<b><u>11 OCTOBER 2023</u></b>			
Presentation on local policing	5		To receive a presentation on local policing from Chief Inspector Haley O'Grady <b>(60 minutes)</b>
Draft Budget Fees and Charges	1		To consider the Budget Panel's report on the draft budget and draft fees and charges <b>(Budget Panel Lead Member) (20 minutes)</b>
Climate Emergency Action Plan Update	2		To consider the Climate Emergency Action Plan <b>(Head of Planning Policy and Economic Development) (30 minutes)</b>
<b><u>TBC</u></b>			
<b><u>TO BE NOTED</u></b>			

# Cabinet Work Programme

April 2023

## Further information

1. This is a formal notice under Regulation 9 of The Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012. This edition supersedes all previous editions.
2. Documents submitted to the Cabinet or Cabinet Member(s) for decision will be in the form of a formal report, which if public and non-urgent, will be available for public inspection on this website at least 5 clear working days before the date that the decision is due to be made.
3. Background papers for such reports are listed in this Programme where their identity is known in advance of the report being written.
4. Documents shown will be available from the Democratic Services Manager at Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hants, SP10 3AJ. They can also be contacted at [admin@testvalley.gov.uk](mailto:admin@testvalley.gov.uk).
5. Please note that additional documents relevant to those matters mentioned in the Work Programme may be submitted to the decision maker.
6. Whilst the majority of the Cabinet's business at the meetings listed in this Work Programme will be open to the public and media organisations to attend, this is formal notice under the above regulations that part of the Cabinet meetings listed in this Work Programme may be held in private because the agenda and reports for the meeting will contain exempt information under Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 (as amended) and that the public interest in withholding the information outweighs the public interest in disclosing it.
6. To view details of the members of the Council's Cabinet who will be making these decisions, please click the link below:  
[Cabinet Members](#)

KEY DECISIONS

A key decision is one which is likely

1. to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates;

or

2. to be significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

The Council's thresholds are

- |    |   |   |                  |
|----|---|---|------------------|
| a. | Decisions on spending which are within the annual budgets approved by the Council                         | NO THRESHOLD  | NOT KEY DECISION |
| b. | Decisions on cash flow, investments and borrowings.   | NO THRESHOLD  | NOT KEY DECISION |
| c. | Decisions for spending or savings outside the budget, or included in the annual budget with reservations. | SPENDING EXCESS OF £75,000 PER ITEM IS A KEY DECISION |                  |

**Arrangements for making representations to the cabinet regarding decisions contained within the work programme**

A member of the public may address the Cabinet in accordance with the Public Participation Scheme. Notice must be given to the Democratic Services Manager by noon on the day before the meeting.

Members of the public are welcome to write to the appropriate Head of Service as listed in the Work Programme on any matter where a decision is to be made.

**ANNEX 3**

Date of Decision	Item	Key Decision	Decision maker	May include information which is not to be made public*	Documents to be submitted for consideration	Head of Service	Notice of proposed decision first published
12 Apr 2023 (Andover)	Write off of uncollectable debts	No	Cabinet	Open	Report of the Finance and Resources Portfolio Holder	Head of Finance and Revenues	2 Aug 2022
12 Apr 2023 (Andover)	Carry Forward of Unspent Revenue Budget	No	Cabinet	Open	Report of the Finance and Resources Portfolio Holder	Head of Finance and Revenues	2 Aug 2022
12 Apr 2023 (Andover)	Reduced Carbon Fuel - Fleet	Yes	Cabinet	Open	Report of the Recycling, Environmental Services and Car Parking Portfolio Holder	Head of Environmental Services	27 Jan 2023
12 Apr 2023 (Andover)	EnTrade Solent Nutrient Market Pilot	Yes	Cabinet	Open	Report of the Planning	Head of Planning and Building	22 Feb 2023
12 Apr 2023 (Andover)	Extension of Existing Public Space Protection Orders	No	Cabinet	Open	Report of the Democracy and Governance Portfolio Holder	Head of Community and Leisure	8 Feb 2023
12 Apr 2023 (Andover)	Adoption of Andover Public Realm Design Manual SPD	Yes	Cabinet	Open	Report of the Strategic Regeneration and Partnerships (North)	Head of Planning Policy and Economic Development	14 Mar 2023

**ANNEX 3**

7 Jun 2023 (Andover)	Valley Housing Outturn	No	Cabinet	Open	Report of the Finance and Resources Portfolio Holder	Head of Finance and Revenues	2 Feb 2023
7 Jun 2023 (Andover)	Corporate Action Plan Annual Report	Yes	Cabinet	Open	Report of the Leader	Head of Strategy and Innovation	27 Oct 2022
7 Jun 2023 (Andover)	Revenue Outturn	No	Cabinet	Open	Report of the Finance and Resources Portfolio Holder	Head of Finance and Revenues	27 Oct 2022
7 Jun 2023 (Andover)	Capital Outturn	No	Cabinet	Open	Report of the Finance and Resources Portfolio Holder	Head of Finance and Revenues	27 Oct 2022
7 Jun 2023 (Andover)	Asset Management Outturn	No	Cabinet	Open	Report of the Finance and Resources Portfolio Holder	Head of Finance and Revenues	27 Oct 2022
7 Jun 2023 (Andover)	Treasury Management Review	No	Cabinet	Open	Report of the Finance and Resources Portfolio Holder	Head of Finance and Revenues	27 Oct 2022
7 Jun 2023 (Andover)	Project Enterprise Outturn Report	No	Cabinet	Open	Report of the Finance and Resources Portfolio Holder	Head of Finance and Revenues	27 Oct 2022
7 Jun 2023 (Andover)	Consultation on draft Design Guide for Developers and Occupiers SPD	Yes	Cabinet	Open	Report of the Strategic Regeneration and Partnerships (North) Portfolio Holder	Head of Planning Policy and Economic Development	14 Mar 2023

**ANNEX 3**

7 Jun 2023 (Andover)	Adoption of Infrastructure and Developer Contributions SPD	Yes	Cabinet	Open	Report of the Planning Portfolio Holder	Head of Planning Policy and Economic Development	14 Mar 2023
12 Jul 2023 (Romsey)	Member Champions	No	Cabinet	Open	Report of the Finance and Resources Portfolio Holder	Head of Finance and Revenues	20 Jan 2023
4 Oct 2023 (Andover)	Corporate Financial Monitoring (4 months)	No	Cabinet	Open	Report of the Finance and Resources Portfolio Holder	Head of Finance and Revenues	20 Jan 2023
15 Nov 2023 (Romsey)	Capital Programme Update	No	Council	Open	Report of the Finance and Resources Portfolio Holder	Head of Finance and Revenues	20 Jan 2023
15 Nov 2023 (Romsey)	Asset Management Plan Update	No	Council	Open	Report of the Finance and Resources Portfolio Holder	Head of Finance and Revenues	20 Jan 2023
15 Nov 2023 (Romsey)	Fees and Charges	No	Cabinet	Open	Report of the Finance and Resources Portfolio Holder	Head of Finance and Revenues	20 Jan 2023
15 Nov 2023 (Romsey)	Corporate Financial Monitoring (6 months)	No	Cabinet	Open	Report of the Finance and Resources Portfolio Holder	Head of Finance and Revenues	20 Jan 2023
15 Nov 2023 (Romsey)	Medium Term Financial Strategy	No	Council	Open	Report of the Finance and Resources Portfolio Holder	Head of Finance and Revenues	20 Jan 2023

**ANNEX 3**

15 Nov 2023 (Romsey)	Preventing Homelessness and Rough Sleeping Strategy 2023-2026 New Preventing Homelessness and Rough Sleeping Strategy 2023-2026.	No	Cabinet	Open	Report of the Housing and Environmental Health Portfolio Holder	Head of Housing and Environmental Health	20 Jan 2023
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Agenda item title	Action type	Action	Owner	Comments
<a href="#">Communication Panel Final Report</a>	Follow-up from Meeting	<a href="#">Circulate letters discussed by the Communications Panel to the Committee</a>	James Moody	