

Supplementary Information
Item 10 – Questions Under Standing Order 23

HAVANT BOROUGH COUNCIL
COUNCIL
1 November 2017

Dear Councillor

I am now able to enclose, for consideration at the next meeting of the Council to be held on 1 November 2017, the following supplementary information that was unavailable when the agenda was printed.

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	To receive questions from Councillors in accordance with the requirements of Standing Order 23.4(a).	

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**COUNCIL MEETING
1 November 2017**

Item 10 – Questions Under Standing Order 23

Question 1 – Councillor Rivka Cresswell to Councillor Wilson

"Emsworth has two Laybys on the main A 259 road .The main purpose of a layby is to provide motorists with a safe but temporary resting place.

Both of the A 259 laybys are being abused by vehicles left unattended all day and night. Trailers with large advertising boards left for weeks on end. Mobile food outlets trading all day and even providing seating which is resulting in litter. Cars advertised for sale. I have made various attempts to rectify this but it seems there is no legislation within the Borough to prevent this misuse and I suspect it is occurring in other places. In view of this situation, I am asking for a Byelaw to be introduced to prevent this misuse."

Response:

I am sorry to learn that these two laybys are being abused preventing their true purpose as a safe stopping place for motorists using the road. You highlight three forms of misuse namely trailers with advertising boards, mobile food outlets and cars advertised for sale. There is some legislation to deal with all three of these issues: firstly, with regard to the advertising boards, under the Town & Country Planning Act there are powers to deal with such advertising and I understand from the Head of Neighbourhood Support that HBC has recently utilised those powers to tackle such a trailer in one of these laybys. With regard to the selling of food from a vehicle, I am informed that this may be a matter for the Highway Authority but I understand that Highways England have recently clamped down on vans selling food on trunk roads and this includes the A27 and A3 locally. The problem on the A259 may well be an example of the law of unintended consequences forcing one of those outlets to relocate. I will be investigating further how we can enforce its removal.

The sale of vehicles is covered by another piece of legislation namely the Clean Neighbourhoods & Environment Act 2005. Under this Act the sale of two or more vehicles on the highway within 500 metres of each other by way of business is banned.

The problem for Officers is proving the business element which you will understand is not often clear if no more than a name or a mobile number is left in the window of the offending vehicle. Again, I will be looking at this more closely when considering TROs generally.

Councillor Creswell has suggested the creation of a bye law as a method of dealing with all three of these problems and I am advised by Legal Services this is not an appropriate way to tackle the problem rather the most appropriate solution would be to use a restriction of waiting time, for example, no parking between 8:30am and 10:30am or 1:00pm to 3:00pm or no parking between midnight and 6:00am. If such a restriction were in place this could be enforced and tickets issued to miscreants. I am advised that before my time this was indeed put in place in respect of laybys just off the A3M at the Waterlooville junction where there was a problem with workers lift sharing and using the laybys as an all-day car park. I am happy to discuss this further outside the Council with Councillor Creswell and the Traffic Team. Finally, we could utilise an experimental route meaning that we could bring a restriction within a week of notice in the paper which would then allow residents 6 months to make any representations against the TRO. This would save us having to advertise for 21 days and then if there were objections waiting longer to implement the restriction. This may be a more appropriate way of dealing with an immediate problem. As I say, I am happy to speak to Councillor Creswell out of this meeting with a view to resolving the problem.

<p><u>Question 2 – Councillor John Perry to Councillor Briggs</u></p> <p><u>Borough of Havant Sport and Leisure Trust (BHSLT)</u></p> <p>Further to my question on this subject under standing order 23 in the 20 September 2017 full Council meeting, the BHSLT (has published its accounts for 2016/17.</p> <p>The BHSLT made a £1.2 million surplus during the past financial year and transferred £1 million of this surplus into an interest bearing investment. Furthermore, the BHSLT has doubled its value over the past two years.</p> <p>Could Cllr Briggs please advise each of the annual payments (required under the 13 June 2008 Partnering Agreement) that have been made from 2009 to October 2017.</p> <p>The Counterpart Lease agreement of 7 May 2014 does not alter the Partnering Agreement obligations of the BHSLT.</p> <p>It is my understanding that HBC is owed hundreds of thousands of pounds and I am keen that the Cabinet starts using its best efforts to recover the monies due and so restore some of the services that have been cut in our Borough.</p>	<p><u>Response:</u></p> <p>The Cabinet has determined to reduce the Council's maintenance liabilities of the two leisure centres in the Borough. This requires negotiation with Horizon Leisure Trust, and includes discussions around the gainshare element of the partnering agreement.</p> <p>Negotiations are ongoing and, at the point these are resolved, I will be able to share more information around the detail of the gainshare.</p>
<p><u>Question 3 – Councillor John Perry to Councillor Briggs</u></p> <p><u>Southmere Field Langstone</u></p>	<p><u>Response:</u></p>

Will this council confirm that it will honour in perpetuity the Covenant it entered into on 20 March 1980 and which is attached. The Covenant prohibits housing development on the green pasture which is to the west of Langstone Road and south of The Mallards”.

I can confirm that the land known as Southmere Field is covered by a Section 52 Agreement (Town and Country Planning Act 1971). The provisions of Section 52 are similar but not identical to Section 106 Agreements which are commonly used in planning today. However in either type of legal agreement, the principle of sound planning justifications for the provisions is the same. This then feeds into how the Council, as Local Planning Authority, consider the site for inclusion in the Local Plan and indeed would determine any planning application that is submitted.

The site has been submitted for consideration in the Draft Local Plan and this was highlighted in the Local Plan Housing Statement that was adopted by the Council in December 2016. An assessment as to the planning constraints is currently being undertaken by officers. A recommendation will be made to Cabinet as to whether the site should be proposed for allocation through the Draft Local Plan process. The recommendation will either be that there are sound planning reasons for the site to remain undeveloped, or that there are no sound planning reasons for the section 52 Agreement to remain in place and that the relevant section 52 clause should be varied to reflect this and allow allocation of the site for development.

This question can only be considered through the Local Plan. Cabinet are due to consider the Draft Local Plan on 18th December. Cllr Perry is of course welcome to make a deputation to Cabinet on 18th December regarding the Draft Local Plan and its treatment of Southmere Field.

	<p>Planning consideration of the sustainability of the site for development is being undertaken in the context of current government policy on development. Therefore the considerations may be different from those considered pertinent at the time the section 52 agreement was originally made.</p>
<p><u>Question 4 From Councillor Francis to Cllr.Bowerman</u></p> <p>Until now, Havant Borough Council, like most reputable businesses of any size, has cared for its employees by having a dedicated Human Resources officer available for advice and consultation.</p> <p>Under the new arrangement, I understand, Heads of Services will be trained to deliver HR to their departments with there being an arrangement for officers to seek advice from Southampton or Belfast if they wish.</p> <p>This raises problems.</p> <ol style="list-style-type: none"> 1. Heads of Services are very busy people. Adding this to their workloads might be a step too far. 2. They might not be comfortable with this role. 3. Officers might not be comfortable with dealing with their Head of Service, indeed their Head of Service might be their problem. 4. If confidential advice is required it is rather difficult to arrange this from Southampton or Belfast without there being some publicity. 	<p><u>Response:</u></p> <p>Firstly I would like to thank Cllr Francis for asking this question and for giving me the opportunity to provide some further detail about the new arrangements for HR at the Council – particularly for Heads of Service - which have been implemented earlier this month.</p> <p>Havant Borough Council have chosen to outsource their HR Advisory and HR Administration services to Capita which means that managers will now access the HR Advisory support through a centre based at Southampton. This type of service is well established in the industry and this will be available online, on the phone or face to face.</p> <p>Choosing to outsource HR advice and administration has been well prepared for by Caroline Tickner head of organisational development and her team with excellent support and training for staff and line managers and particularly Heads of Service.</p> <p>This programme began before the transfer to Capita with events such as “Fit for Future” and training to ensure that staff and managers were prepared for the change in operating style and</p>

In view of this, are you able to arrange for there to be some alternative within our Council, e.g. an officer who is skilled in HR who could be consulted by any employee and who is available within the building?

able to use the appropriate online systems.

In Addition - In the 3 months or so leading up to the changes in HR, and as part of the preparation for the transfer of the HR service to Capita, the in-house HR Team changed the way it responded to queries, both in the office and via email and phone. This has helped staff to adapt to the change in advance of the transfer taking place.

As a follow up - A Survey of all staff will take place soon to ask for feedback about Capita training on their systems to make sure it has been right for the staff's training needs and if any further support and skills training is required.

Whilst there will be a change to the way in which Heads of Service and managers will deal with their HR issues, it is envisaged that the skills programme and systems training will ensure that managers feel empowered to take control of employee issues and will support their team's to improve performance

Heads of Service and managers have received a comprehensive HR skills training programme to equip them with the skills and confidence to effectively support and manage their staff and this training will be ongoing, with access to guidance when dealing with more complex employee issues.

Staff who might not be comfortable dealing with their Head of Service, will be able to access HR if they have issues with their line manager in the same way they do now.

Confidentiality will of course, remain of utmost importance to Capita and the Council and Confidential advice can be provided over the phone or face to face, depending on the circumstances – both items I know will be of particular interest to Cllr Francis.

In addition, it is important to add that there will be a retained strategic HR presence at Havant Borough Council which will play a key role in ensuring that the Council gets the best out of the contract and that managers and staff operate effectively in this new model.

I hope many of you were able to visit the Drop in session this afternoon before Full Council and meet representatives from Capita HR Solutions and the Head of Organisational Development and HR Business Partners and learn more about the changes in HR and organisational development at the Council

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HAVANT

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SHAW & SONS LTD.,
SHAWAY HOUSE,
LONDON, S.E.26.

This

AGREEMENT is made the

20th

day of March

One Thousand Nine Hundred and Eighty BETWEEN MICHAEL STRATTON CLARKE (hereinafter called "the Developer") of Southmere 20 Langstone Road Havant in Hampshire of the one part and THE COUNCIL OF THE BOROUGH OF HAVANT (hereinafter called "the Council") of the other part

WHEREAS:

(1) The Developer is owner of the fee simple absolute in possession of all the land shown edged red (hereinafter called "the land") on the plan (hereinafter called "the plan") annexed hereto and is solely entitled to occupation of the land no other person having an interest therein at law or in equity

(2) This Agreement is intended to be entered into in pursuance of Section 52 of the Town and Country Planning Act 1971 and also of Sections 7 14 and 16 of the Hampshire County Council Act 1972 and also of Section 126 of the Housing Act 1974 and to be enforceable against persons deriving title under the Developer as in those sections (hereinafter called "the Sections") mentioned

NOW THIS AGREEMENT WITNESSETH as follows:-

WITH the intention and so as to bind the land into whosoever hands the same may come and so that the covenants undertakings restrictions and obligations hereby imposed shall be enforceable against successors in title as in the Sections and any of the Sections mentioned and so that the covenants herein are covenants to which Section 126 aforesaid applies the Developer hereby covenants and undertakes with the Council that no house or other dwelling unit shall be built on the land and the land shall not be developed to provide any residential accommodation of any sort PROVIDED THAT nothing herein contained shall prevent the provision of residential accommodation which is ancillary to some development not precluded by this Agreement

IN WITNESS whereof the Developer has hereunto set his hand and seal the day and year first above written

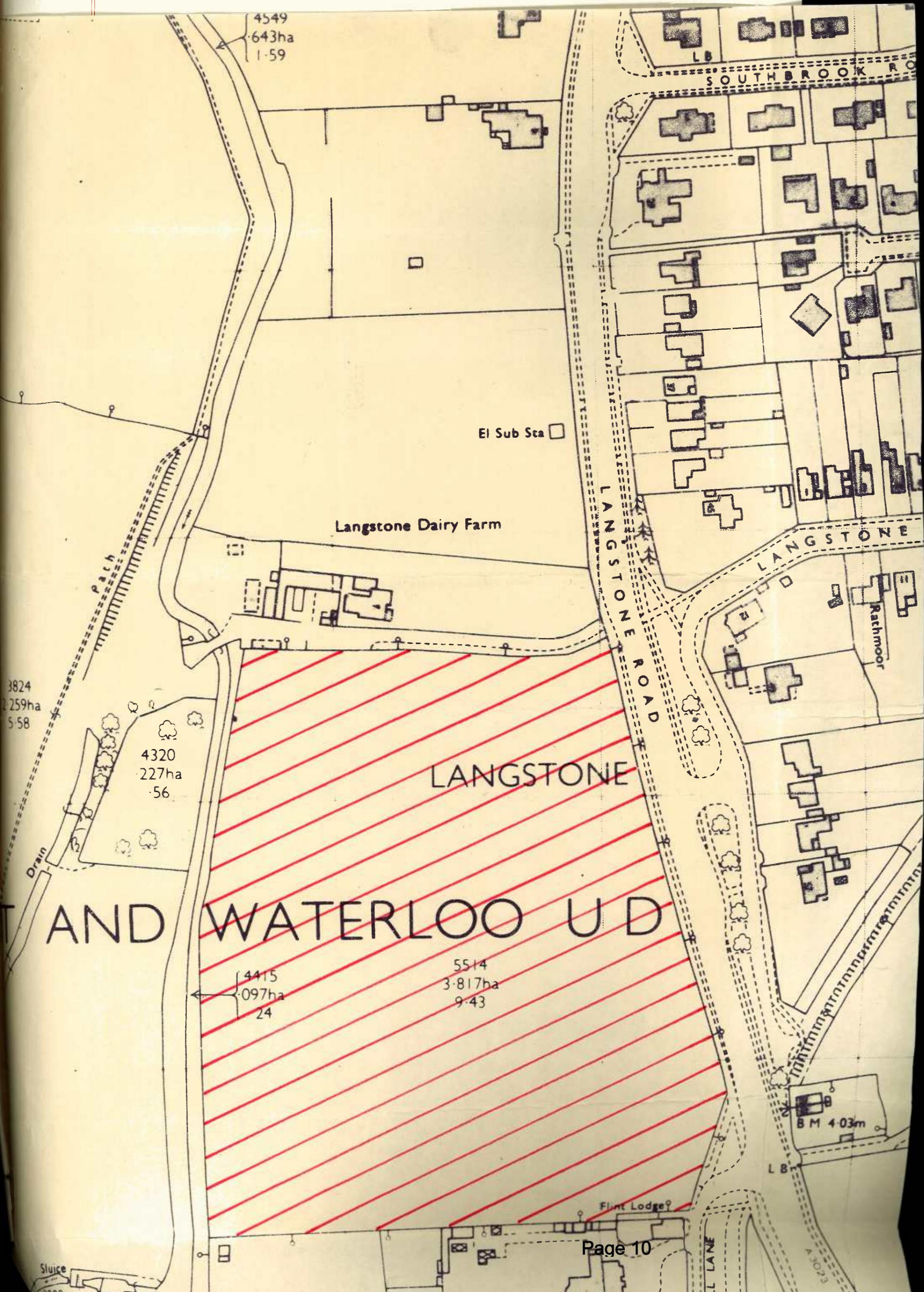
SIGNED SEALED AND DELIVERED by the said)
MICHAEL STRATTON CLARKE in the presence)

Michael Stratton Clarke

of:-

Norman Haworth
Solicitor
Havant





4549
643ha
1.59

El Sub Sea

Langstone Dairy Farm

SOUTH BROOK ROAD

LANGSTONE ROAD

LANGSTONE

Rathmoor

LANGSTONE

3824
2259ha
5.58

4320
227ha
.56

AND WATERLOO U D

4415
097ha
24

5514
3.817ha
9.43

B M 4.03m

Flint Lodge?

HILL LANE

A 3023

Sluice

Dated 20th May 1980

MAJOR M.S. CLARKE

-and-

THE COUNCIL OF THE BOROUGH
OF HAVANT

A G R E E M E N T

relating to land at Southmere,
Langstone Road, Havant in
Hampshire.

P. T. Adams
Deputy Borough Secretary,
Civic Offices,
Civic Centre Road,
Havant, Hants.
PO9 2AX

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AGREEMENT

Certificate of Title

As Solicitors for the Developer we certify that on the date of this Agreement that which is set out in the first recital to this Agreement is true.

SIGNED..... *Long & Partners*

10A West Street Havant

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