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SCRUTINY BOARD AGENDA

Membership: Councillor Buckley (Chairman)

Councillors Branson, Carpenter, Fairhurst, Francis, Hughes, Lloyd, Patrick, Quantrill, Shimbart, Smith D and Ponsonby

Meeting: Scrutiny Board

Date: Tuesday 7 November 2017

Time: 5.00 pm

Venue: Hurstwood Room, Public Service Plaza, Civic Centre Road,
Havant, Hampshire PO9 2AX

The business to be transacted is set out below:

Nick Leach
Monitoring Officer

30 October 2017

Contact Officer: Mark Gregory and Nicholas Rogers 02392 446232
Email: mark.gregory@havant.gov.uk or nicholas.rogers@havant.gov.uk

	Page
1 Apologies	
To receive and record apologies for absence.	
2 Minutes	1 - 4
To confirm the minutes of the Scrutiny Board held on 26 September 2017.	
3 Matters Arising	
To consider matters arising from the minutes of the meeting held on 26 September 2017.	

- 4** **Declarations of Interests**
- To receive declarations of interests relating to matters on the agenda.
- 5** **Chairman's Report**
- The Chairman to report the outcome of meetings attended or other information arising since the last meeting.
- 6** **Beach Huts Review** **5 - 18**
- To consider recommendations from the Operations, Environmental Services and Norse Scrutiny and Policy Development Panel relating to the Beach Huts Review.
- Documents Attached:
- Report
Appendix A – Comments Received
Appendix B – Committee Procedure (to follow)
- Further Information:
- [Findings Pack](#)
- 7** **Assets of Community Value Policy Review** **19 - 22**
- To receive recommendations from the Communities and Housing Scrutiny and Policy Development Panel in relation to the Assets of Community Value Policy Review.
- Documents Attached:
- Report
- Further Information:
- [Findings Pack](#)
- 8** **Scrutiny Board Work Programme** **23 - 34**
- To consider latest update on the Scrutiny Board Work Programme.
- Documents Attached

Report

Appendix A – Current Work Programme for 2017/18

Appendix B – Progress against Success Criteria for 2017/18

Appendix C – Progress against Success Criteria for 2017/18 – Panel
Breakdown

GENERAL INFORMATION

IF YOU WOULD LIKE A VERSION OF THIS AGENDA, OR ANY OF ITS REPORTS, IN LARGE PRINT, BRAILLE, AUDIO OR IN ANOTHER LANGUAGE PLEASE CONTACT DEMOCRATIC SERVICES ON 023 9244 6231

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BOROUGH COUNCIL

PROTOCOL AT MEETINGS – RULES OF DEBATE

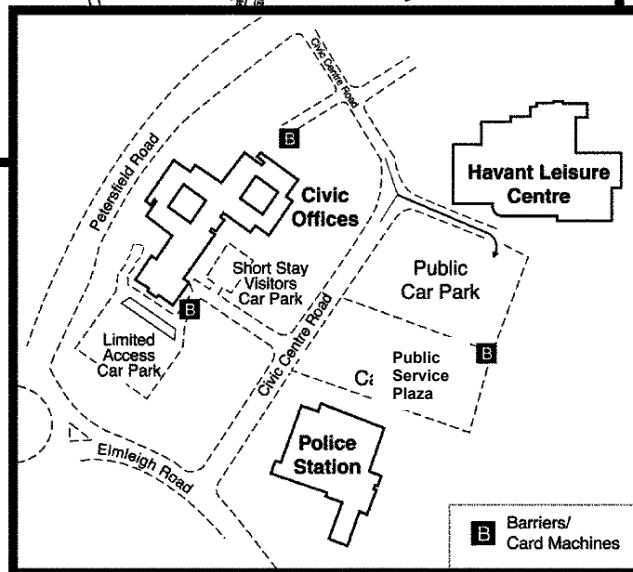
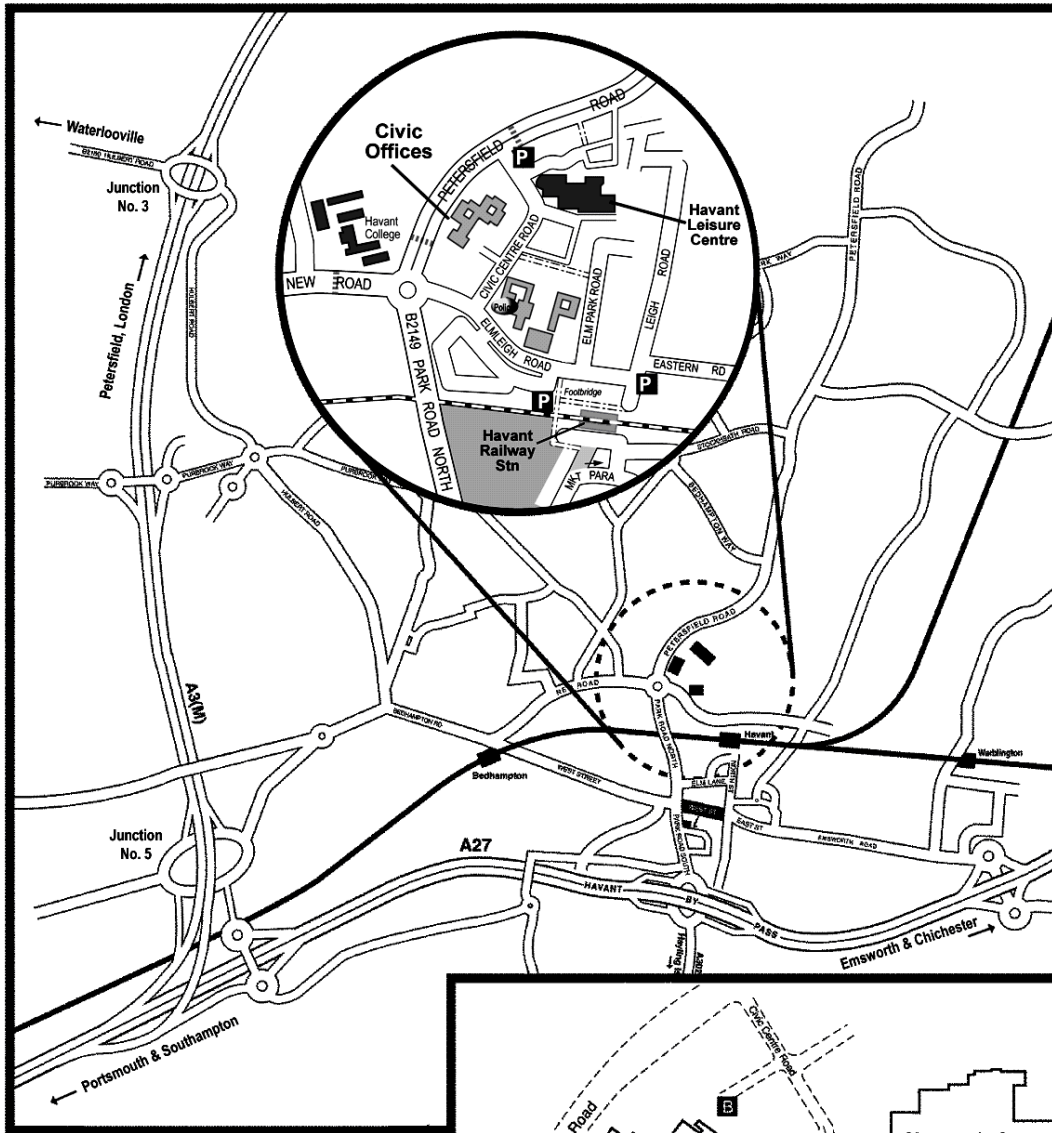
Rules of Debate

- Councillors must always address each other as “Councillor ...” and must always address the meeting through the Chairman
- Councillors may only take part in the debate if they are present at the meeting: video conferencing is not permissible
- A member of the Committee may not ask a standing deputy to take their place in the Committee for part of the meeting
- The report or matter submitted for discussion by the Committee may be debated prior to a motion being proposed and seconded. Recommendations included in a report **shall not** be regarded as a motion or amendment unless a motion or amendment to accept these recommendations has been moved and seconded by members of the Committee
- Motions and amendments must relate to items on the agenda or accepted by the meeting as urgent business
- Motions and amendments must be moved and seconded before they may be debated
- There may only be one motion on the table at any one time;
- There may only be one amendment on the table at any one time;
- Any amendment to the motion can be moved provided it is (in the opinion of the Chairman) relevant to the matter under discussion. The amendment can be a direct negative of the motion.
- The mover with the agreement of the seconder may withdraw or alter an amendment or motion at any time
- Once duly moved, an amendment shall be debated along with the original motion.
- If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion on which any further amendment may be moved.
- If an amendment is rejected different amendments may be proposed on the original motion or substantive motion.
- If an amendment is lost, other amendments may be moved to the original motion or substantive motion
- If an amendment is lost and there are no further amendments, a vote will be taken on the original motion or the substantive motion
- If no amendments are moved to the original motion or substantive motion, a vote will be taken on the motion or substantive motion
- If a motion or substantive motion is lost, other motions may be moved

Voting

- Voting may be by a show of hands or by a ballot at the discretion of the Chairman;

- Councillors may not vote unless they are present for the full duration of the item;
- An amendment must be voted on before the motion
- Where there is an equality of votes, the Chairman may exercise a second (casting) vote;
- Two Councillors may request, before a vote is taken, that the names of those voting be recorded in the minutes
- A Councillor may request that his/her vote be recorded in the minutes



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HAVANT BOROUGH COUNCIL

At a meeting of the Scrutiny Board held on 26 September 2017

Present

Councillor Buckley (Chairman)

Councillors Branson, Francis, Hughes, Lloyd, Quantrill and Davis (Standing Deputy)

Councillors Invited to Attend:

Councillor(s): Briggs and Bains

47 Apologies

Apologies for absence were received from Councillors Carpenter, Fairhurst, Patrick, Shimbart and D Smith.

48 Minutes

The Minutes of the meeting of the Scrutiny Board held on 29 August 2017 were agreed as a correct record and signed by the Chairman.

49 Matters Arising

Minute 46 – In response to a concern raised that the future role of the Economic Development Service did not appear to include Leigh Park as area for securing investment for regeneration, it was agreed that this matter would be checked and reported back to members of the Committee.

50 Declarations of Interests

There were no declarations of interests.

51 Chairman's Report

The Chairman reported that he would be attending meetings of the Push Overview and Scrutiny Committee and the Five Councils Partnership Corporate Services Scrutiny Committee in October 2017.

52 Scrutiny Board Work Programme

The Scrutiny Board considered the Scrutiny Work Programme 2017/18 and the Panels' performance since the last meeting of the Board.

The Board was advised that:

- (a) the Budget Scrutiny Panel was waiting for a response to comments raised and information requested arising from an initial discussion on the proposed strategy;
- (b) the Operations, Environmental Services and Norse Scrutiny and Policy Development Panel hoped to be a position to complete its review of the Beach Huts before the end of October 2017;
- (c) the review of the Council's Taxi Licensing Policy by the Marketing, Business Development and Five Councils Scrutiny and Policy Development Panel would be delayed to enable the officers to obtain Counsel's opinion on issues raised by the public consultation;
- (d) the Economy, Planning Development and Prosperity Havant Scrutiny and Policy Development Panel was working on the terms of reference for the proposed review of the Development Management Service;
- (e) it was anticipated that the Board would meet its success criteria by the end of this municipal year

The Chairman brought to the Board's attention that the Cabinet Lead for Communities and Housing had reported at the last Council meeting that the Built Leisure Facilities strategy was due to be completed in October 2017. The Panel considered that, in view of its importance to the current and future provision of sports provision in the Borough, this strategy should be reviewed by a Scrutiny and Policy Development Panel before being submitted for approval.

RESOLVED that;

- (a) the Scrutiny Board Work Programme 2017/18 be approved subject to the addition of a review of the forthcoming Built Leisure Facilities Strategy being included as the next scrutiny project for the Marketing, Business Development and Five Councils Scrutiny and Policy Development Panel;
- (b) the performance of the panels be noted.

53 Exclusion of Press and Public

RESOLVED that the public be excluded from the meeting during consideration of the minutes headed and numbered as below because:

it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during those minutes there would be disclosure to them of exempt information of the descriptions specified in paragraphs of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972 shown against the heading in question; and

in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Minute 54 - 5 Councils Contract (Paragraph 3)

54 5 Councils Contract

The Leader of the Council, the Cabinet Lead for Marketing and Commercial Strategy the Head of Strategic Commissioning and the Head of Organisational Development were invited to join the meeting and answer questions in relation to the 6 Councils contract.

The Chairman, on behalf of the Panel, expressed his gratitude to those Councillors and Officers who attended the meeting and to all the officers involved with this contract.

The meeting commenced at 5.00 pm and concluded at 6.28 pm

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Chairman

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HAVANT BOROUGH COUNCIL

Scrutiny Board

7 November 2017

Beach Huts Review

For Recommendation

Key Decision No

Report By: Operations, Environmental Services and Norse Scrutiny and Policy Development Panel

1.0 EXECUTIVE SUMMARY

- 1.1 The review was undertaken in two distinct phases. The initial phase (Phase 1) was undertaken from July 2016 to February 2017 with the primary purpose of identifying alternative beach hut sites and to examine the economic viability of the current service. The report for this phase was adopted by the Scrutiny Board on 4 April. The recommendations of the Board in relation to this phase of the review have not yet been considered by the Cabinet.
- 1.2 On 22 February, the Council agreed to increase the prices for services, which included changes to the fees and charges relating to Beach Huts charges. Complaints were received in response to the changes to the Beach Hut fees and Charges and the Cabinet Lead, under delegated powers, reduced the transfer fee and agreed that the fees, could in some circumstances, be paid by instalments.
- 1.3 In view of the level of the complaints and at the request of some of Hayling Island ward Councillors, the Scrutiny Board on 27 June 2017 requested that the Panel consider the issues raised in these complaints (Phase 2).
- 1.4 This report revises the recommendations made following Phase One of the review and makes new recommendations in relation to Phase Two of the review.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that Cabinet:
 - 2.1.1 consider ways of improving the appearance and site layout of the beach huts;
 - 2.1.2 consider providing new beach huts in the car park adjoining the Hayling Island Skatepark as shown in Appendix A. Such development to be

constructed under permitted development rights subject to public consultation and consultation with statutory consultees;

- 2.1.3 endorse the view that any additional beach huts should infill within existing beach hut sites on Hayling Island;
- 2.1.4 freeze the current Beach Hut Plot Licence fees for three years (including this financial year) and to review these fees at the end of this period (2020/21);
- 2.1.5 reduce the Beach Hut Plot Transfer of Licence fee to £100 and review the level of the fee for next year (2018/19);
- 2.1.6 endorse the principle that the Beach Hut Plot Transfer of Licence Fee include other elements in additional to administrative costs;
- 2.1.7 agree that the facility to pay by instalments over a six month period be offered to new and existing licensees with no administrative charge included or added;
- 2.1.8 agree that the instalment facility be made available for every year and not just this financial year;
- 2.1.9 agree that a seven year lease be offered to beach hut plot licensees
- 2.1.10 request the officers of the Council and Norse South East be requested to build a working relationship with the newly formed Beach Hut Association; and .
- 2.1.11 endorse a more robust management of non payment of fees.

3.0 STRATEGY

- 3.1 The recommendations seek to make the Council's beach hut provision financially sustainable, while the review recognises that previous actions by the Council do not meet the standards for public service excellence and seeks to address concerns raised.

4.0 LEGAL

- 4.1 The provision of a 7-year lease for beach hut owners has been approved by Legal Services.

5.0 RESOURCES

- 5.1 The facility to enable instalment payment of the licence fee over a 6 month period represents additional administration and costs. The freezing of the beach hut plot licence fees for 2018/19 and 2019/2020 will restrict the amount of income that can be raised through beach hut fees. The Panel were assured by officers however that this would be manageable and not have a significant financial impact on the Council. The loss of income is justified in

view of the way the increase in fees has been communicated to the licensees this year and hopefully will repair some of the damage done to the Council's reputation.

6.0 STAKEHOLDERS

- 6.1 In total, 78 complaints were received from beach hut owners in relation to the rise in charges, introduction of a transfer of licence fee, removal of instalment payments and the communications between Norse and residents.
- 6.2 Hayling Island Ward Councillors were invited to discuss these concerns with Panel members, while beach hut association representatives were also invited to present their views to the Panel and discuss options for the future provision of beach huts. All those invited to speak to the Panel were given the opportunity to comment on the final report and findings pack.

7.0 RISKS

- 7.1 A failure to address the concerns of the licensees will lead to further damage to the Council's reputation. The recommendations seek to redress the concerns raised.

8.0 METHODOLOGY

- 8.1 Full details of the methodology of the project is set out in a separate Findings Pack

9.0 CONCLUSIONS

9.1 Phase One

- 9.1.1 Phase one of the beach huts review was started in June 2016 at the request of the Deputy Leader and Cabinet Lead for Operations and Environmental Services, NORSE. It was then decided that the review would examine the suitability of the current beach huts, the current beach hut sites and terms and conditions for letting beach huts; benchmark the Council's service in comparison to other local authorities; assess the demand for new beach huts and the use of the current beach huts; and identify any potential new site for beach huts.
- 9.1.2 This phase included the receipt of advice from Planning and Estates teams in the Council, a site visit to the Hayling Island beach huts, interviews with Norse officers and consultation with Hayling Island Ward Councillors.
- 9.1.3 The recommendations of this phase were agreed by the Scrutiny Board on 4 April 2017 and need to be considered by the Cabinet. A copy of the original report is attached as Appendix A

9.2 Phase Two

- 9.2.1 Phase two was instigated at the request of the Scrutiny Lead following complaints received from residents. The complaints concerned the rise in the licence fee and the introduction of the beach hut plot transfer of licence fee that were agreed as part of the budget at Full Council on 22 February 2017. The issues raised also included the removal of the option to pay via instalments and the tone of communications from Norse to residents.
- 9.2.2 In response to the complaints, the Acting Leader and Cabinet Lead for Operations, Environmental Services and Norse reduced the beach hut plot transfer of licence fee from £1200 to £500 and provided the option for payment via instalments in certain cases, through a delegated decision.
- 9.2.3 The Panel invited Hayling Island Ward Councillors to consult on the issues raised by residents. The Panel also invited representatives from beach hut owner associations to present their views to the Panel and discuss options moving forward.
- 9.2.4 The Panel accept that the way in which the increases were communicated to residents was unacceptable and fell way short of the Council's standards. It was pleased to note that this was recognised by officers and would be addressed moving forward.
- 9.2.5 The Panel considered the current licence fee, and options for future fees. It was felt that freezing the current fee for three years (including the current financial year) would be the best option for all parties moving forward. This option would enable beach hut owners to budget for future years and achieve a saving when compared to the average year-on-year rise of fees, while a review would be undertaken at the end of this period to ensure the licence fee was properly investigated and justifiable beyond this time. The option also ensured the Council did not incur any further costs and this did not have a large detrimental effect on the Council's financial position.
- 9.2.6 As part of phase one, the Panel recognised the need for a transfer of licence fee to be introduced to cover the Council's costs and retain a small profit, as is the case in most other local authorities. It was clear however that the introduction of the fee at £1200 was too large an increase from the original £59 administration fee. The Panel agree with the Cabinet Lead who reduced this to £500 and endorse the view that this be furthered reduced to £100 in the current format. The Panel was also of the opinion however that it would not be unreasonable for the Council to include elements in this fee, which did not relate to administrative costs.
- 9.2.7 The removal of the ability to pay by instalments had led to many beach hut owners struggling to pay for their hut. It is therefore recommended that the ability to pay over a 6 month timescale be reinstated. This facility should be made available in the current year and beyond, and the Council should not charge an additional fee for this method of payment.

9.2.8 It was also recognised that the renewal of a lease each year is a resource intensive activity for both Norse and beach hut owners. It is proposed that a 7-year lease be offered to negate these concerns, as this offers long-term stability and the clear period for owners to budget for their hut.

9.2.9 Throughout phase two of the review, it was clear to Panel members that the communication to beach hut owners had been poorly handled, confused and at times aggressive. In recognising these wrongs, the Panel were keen to ensure past mistakes were not repeated. During the course of discussions, the Panel noted that beach hut owners were in the process of forming an overarching 'Beach Hut Owners Association' and would welcome discussion with the Council on matters going forward. The Panel believe building a working relationship with this association would benefit both the Council and beach hut owners going forward.

9.2.10 Full findings, including detailed conclusions from both phases of the review, can be found in the separate findings pack.

10.0 Background Papers

[Findings Pack](#)

Appendices

Appendix A – Comments Received

Contact: Councillor Jackie Branson
Title: Scrutiny Lead for the Operations, Environmental Services and Norse Scrutiny and Policy Development Panel
E-Mail: jackie.branson@havant.gov.uk

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Appendix A

Beach Huts Review – Comments Received Relating to the Report and Findings Pack

A Comment

We are deeply concerned that your report does not address or even mention the most important issue raised at our meeting of 23 August and we therefore reject it.

“I was hopeful after meeting you and listening to what you had to say, that you would be ensuring that a full Scrutiny Review of the Beach Hut charges would take place.

Mike Bedford has worked very hard on presenting our case to prove to you that the current charges are way over-priced, far more than average, and we are getting far less in service.

We cannot accept a standstill in licence fees – THEY ARE RIDICULOUSLY HIGH!”

Response

The Panel has considered all the issues raised by the licensees. This review has included:

- (a) an analysis of the complaints received (see Section U of the Findings Pack);*
- (b) an analysis of the benchmarking exercise (see Section V of the Findings Pack);*
- (c) consultation with representatives of the beach hut licensees to understand their concerns (see Section Y of the Findings Pack);*
- (d) consultation with ward councillors (see Section Y of the Findings Pack); and*
- (d) consideration of all the options put forward to the Panel by the licensees and the Cabinet Lead including the financial implications of these options (see Sections C, S and T of the Findings Pack)*

B Comment

We expressly asked for an explanation of the 14.2% Licence Fee increase.

“We fully appreciate that the Council has a shortfall, and I was under the impression that most Councils were cutting costs to meet this. It sticks in your throat that you know Norse are taking a cut for their involvement and I personally, have no doubt that Norse are behind these hikes in beach hut charges.”

Response

At the suggestion of one of the Hayling Island ward members, the Panel agreed to “concentrate on ways to resolve the matter and not look back on past errors or decisions”.

The latest increase was part of a package of measures introduced to help the Council meet the predicted £1m deficit for this financial year (see page 151 of the Findings Pack)

C Comment

The Havant Borough Council justification was based on an untruth, namely, 'we are some way below the market rate for beach huts', when, in fact, we were 35% above the average for residents and 85% above for non-residents.

Response

The Panel has investigated and acknowledged that the “responses to complaints were found to be at best misleading and not based on evidence” (see pages 15 and 152 of the Findings Pack)

D Comment

There appears to have been no scrutiny at all, simply a wholesale adoption of suggestions made by Councillor Briggs at a previous meeting with you on 25 July.

Response

*See the response to A above
The Panel considered in detail all the options available to the Council, including the licensees' request and the options put forward by the Cabinet Lead (see Sections C, S, and T of the Findings Pack)*

E Comment

There has been much talk of the need to build trust and we feel this is still sadly lacking.

Response

See Recommendation 2.1.10 of the report

F Comment

Recommendation **2.1.7** – would it be possible to amend to read as follows to reflect the current practice

“Payment by instalments to be made in equal monthly instalments by direct debit, to be paid in full by end of September.”

Response

The recommendation needs to clarify the period in which the instalments need to be paid and how they are paid. However, the suggested amendment will not permit new licensees taking up a plot mid municipal year to be able to pay by instalments. It is therefore recommended that recommendation 2.1.7 be amended to read:

“agree that the facility to pay by equal instalments by direct debit over a six month period specified by Norse South East be offered to new and existing licensees with no administrative charge included or added”

G Comment

In the event of dissatisfaction with the outcome of the review, to which Councillor, officer or office should a formal complaint be addressed?

Response

There are a number of remedies available:

- (a) submission of a complaint under the Council’s complaints policy to the Head of Strategic Commissioning;*
- (b) if unhappy with outcome of the Council’s investigation into the complaint and the complainant feels there is evidence of maladministration, he or she may make a complaint to the Local Government Ombudsman. This is the independent organisation that looks into complaints against councils; and*
- (c) If the complainant wishes to challenge the validity of the decision, he or she may seek judicial review of the decision.*

H Comment

What do we get for £600 apart from ninety six square feet of single?

Response

The licence fee enables that licensee to erect a beach hut with views of the IOW and the Solent on Council land, which he or she would not be able to do without a licence.

I Comment

A point was raised, saying that the main grievance for hut owners, was the transfer of licence fee. This is not quite true. The real grievance has been the 14.2% increase in site fees. Very few huts appear to have changed hands this year. There are seven on the market at present.

Response

The analysis of complaints reveals that the two main issues for plot licence fees were:

- (i) the plot for hire licence fee (57%) and*
- (ii) the transfer for licence fee (54%)*

(see Section U of the Findings Pack)

With regard to the transfer of beach huts, it is estimated that up to 10 beach huts are transferred each year (see page 159 of the Findings Pack)

J Comment

The £1200 Transfer of licence fee introduced in April and now reduced to £100, in my opinion was an absurd concept. Norse South East appeared to be setting up as estate agents buying and selling beach huts. It is possible that the new fee discouraged buyer and sellers from doing business, especially in the summer season.

Response

The justification and rationale for the Transfer of Licence fee is set out on page 159 of the Findings Pack.

K Comment

The charges and conditions introduced in April are not fair or reasonable

Response

The terms and conditions of the licence have not been changed.

The Panel has fully considered that plot licence fees and its considerations are set out in the Findings Pack

L Comment

Those owners from outside the Borough find it difficult to understand the requirement to raise their site fees by £150 to £1200 (plus parking). They do

not have to pay double for their ice cream at the kiosk. The camper vans do not pay extra if from outside the Borough.

“50% of the income comes from non-residents who are paying twice as much, having suffered 375% in the last 10 years!!!

Can you explain why your non-resident hut owners are funding the shortfall in HBC services provided to their own residents? How on earth is that fair? We are being RIPPED OFF.”

Response

This issue is addressed in Section C of the Findings Pack. Charging a higher fee for non residents is in line with fee structures adopted by other Councils.

M Comment

Beach Hut owners should not be required to subsidise a shortfall in income from the Council recycling business

Response

The reference to recyclables on page 39 of the Findings Pack is in a paragraph which sets out the general case put forward at the initial review that income could be generated from the beach hut service by a number of options such as new beach huts, different letting arrangements, fees etc.

The increase in charges this year was not as a result of the initial review as explained in page 31 of the Findings Pack.

N Comment

Two conclusions to be drawn from the review

- (a) The provision of more beach huts for sale or hire is too complicated or difficult in the short term
- (b) Default position. Screw the beach hut community

Response

- (a) *The Council is currently in the process of identifying a site for new beach huts*
- (b) *See the response to comment A above*

0 Comment

“I applaud the idea of HBC putting up more huts, they cost around £1500 for a strongly built one – do come and see mine at B21 and I can show you – Renting it out weekly, the Council will have their money back in one year – you should have done it years ago. i.e. getting in more income from new sources NOT seeing how much you can squeeze out of your existing owners, who have paid fees, car park fees, supported local businesses, and brought in thousands more visitors to the beach who are visiting their friends and families beach huts.”

Response

The Council is currently in the process of identifying a site for new beach huts. Unfortunately the ecological survey and consultation with natural England has delayed the project.

The latest increase in fees was part of a package of measures introduced to help the Council meet the predicted £1m deficit for this financial year (see page 151 of the Findings Pack)

P Comment

“We at ‘B’ section have been surrounded in RV’s who stay overnight for most of the summer. We would suggest that they are not being charged enough, they seem to pay less than us and they get to sleep there! We of course are not allowed to sleep in our huts (unlike Mundeford Beach Huts which the Council chose to include in their calculations of an average beach hut rate!!)

We think you should be exploring NEW ways of increasing Council income such as these.”

Response

Car parking fees are not within the remit of this Panel’s review but is being included in a review by the Budget Scrutiny Panel’s review of other charges and fees set by the Council.

The Council is committed to “.. develop new income streams and efficiencies.....” in its Corporate Strategy.

Q Comment

“I have a letter to me personally from Councillor Briggs on 26th June promising a re-examination of the previous assessments of the hut charges, when he said he asked the Committee to carry out the review.”

Mike Bedford did this for you, and you have ignored it, despite promising you were listening in the meeting.

There is no mention of reassessment

Only a 'freeze' for three years."

Response

The Panel may consider requests from the Leader of the Council to undertake reviews but the content and structure of the review is decided by the scrutiny panels. In this case the Panel considered the request of the Leader of the Council and discussed the project plan of the review with the Cabinet Lead and the Hayling Island Ward Councillors. At the suggestion of one of the Hayling Island ward members, the Panel agreed to "concentrate on ways to resolve the matter and not look back on past errors or decisions".

The Panel has considered the issues raised by Mr Bedford undertaken a thorough review ((see Sections C, S, and T of the Findings Pack)

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HAVANT BOROUGH COUNCIL

Scrutiny Board

7 November 2017

Assets of Community Value Policy Review

For Recommendation

Key Decision No

Report By: Communities and Housing Scrutiny and Policy Development Panel

1.0 EXECUTIVE SUMMARY

1.1 The scrutiny was established to review the Assets of Community Value policy and procedures.

2.0 RECOMMENDATIONS

2.1 It is recommended that Cabinet:

2.1.1 agrees to the Council's website being updated to contain clear information for the public detailing exactly what an Asset of Community Value (ACV) is, how they can apply, what can and cannot be used as a reason for the application and the requirements for groups submitting nominations;

2.1.2 agrees to Councillors being sent information to enable clear direction to be given to residents;

2.1.3 agrees to the Local Plan be amended to include information on how the Council considers ACV applications;

2.1.3 agrees to a review of the resources used by the Council to facilitate the ACV process;

2.1.5 requests the Monitoring Officer to amend the Constitution to reflect the Cabinet's delegation of authority to determine nominations for the listing of AVCs to the Cabinet Lead for Communities and Housing (Minute 83/3/2013); and

2.1.6 delegates authority to the Head of Communities and Housing to select up to three Councillors to sit on the Assets of Community Value Panel on a meeting by meeting basis, provided that these Councillors are not members of the Cabinet or where the asset concerned is not within their ward.

3.0 STRATEGY

3.1 The improvement of information available to the public signals the Council's continuing strategic focus for public service excellence, while in-keeping with the drive for active and prosperous communities in the Borough.

4.0 LEGAL

4.1 The Localism Act 2011 and the subsequent Assets of Community Value (England) Regulations 2012 set out the duties and requirements of the Council in relation to ACV. This is not a discretionary service therefore, the Council cannot levy a charge to recover its costs.

4.2 There may be legal costs associated with appeals.

5.0 RESOURCES

5.1 It will depend upon the volume and intensity of any Community Rights interest as to whether services can provide the required support within existing financial resources. Further financial constraints will exacerbate difficulties in delivering support within the resources available.

5.2 In terms of compensation payments, it remains to be clarified who would bear the associated costs, but any Council liability may cause a pressure on the Council's revenue budget.

5.3 The recommendations seek to review the Council's resources when determining the ACV process.

6.0 STAKEHOLDERS

6.1 Whilst the initial framework for managing the implementation has been put in place, it is likely that adjustments may need to be made once First Tier Tribunal decisions have been made on nomination and compensation appeals.

6.2 This Right has an effect on the Council as a landowner as the Council holds a wide range of assets that are likely to meet the nomination criteria. It is important, therefore that the process for managing nominations is transparent, ensuring that all land and property owners in the area are treated equitably.

6.3 Equally, this right will impact on capital receipts planning whereby additional time will be required to allow for managing any bids from community interest groups to sites that are listed as assets of community value.

7.0 RISKS

7.1 The legislation requires a response from the Council to ACV nominations to be provided within 8 weeks of receipt.

7.2 Owners may claim compensation for loss and expense occurred through the asset being listed or previously listed. This includes claims arising from a delay in entering into a binding agreement to sell that is wholly caused by the interim or full moratorium period or legal expenses incurred in a successful appeal to the Tribunal. The format for any claim and timescales are specified in the Regulations.

8.0 METHODOLOGY

8.1 Full details of the methodology of the project is set out in a separate Findings Pack

9.0 CONCLUSIONS

9.1 The Panel found that the Council was only able to handle a few nominations at a time due to the limited number of staff available to undertake this function. This lack of resources restricted how far the Council could promote this facility (Sections H and J of the Findings Pack).

9.2 The Council's form, procedures and policy compared well with other Council and is considered fit for purpose subject to the policy being updated to reflect the officer who currently chairs the meeting (Section I of the Findings Pack).

9.3 The Council's website could be improved however as the amount of information available was less compared to other local authorities and did not encourage nominations. An improvement in the website could also lead to an improvement in the standards of the nominations thereby reducing the workload of the Community Manager and enabling the Panel to determine more nominations.

9.4 Further to this aim, the Panel considers that all Councillors should receive further information on the ACV process, to enable clear direction and information to be given to residents. Informing Councillors of the process could reduce the workload of the Community Manager and at the same time enable the Council to deal with more nominations.

9.5 The current statutory function represented a financial burden on the Council Tax payer as the service was provided free of charge. The Panel discussed the feasibility of levying a small charge to recover some of the administration costs. However, it was advised that as this was a statutory service, the Council could not levy such a charge.

9.6 The listing of an asset of community value is not automatically taken into account as a material consideration when determining a planning application, though the planning authority may choose to regard it as a material consideration in any individual case. The Panel did not consider this particularly helpful to community groups or landowners and that reference should be included in its Local Plan.

- 9.7 From interviews with officers on the Assets of Community Value Panel, it was clear to Panel members that the procedure was an extremely time-dependant process and although there were a number of prescribed stages there was considerable interpretation and ambiguity that required local determination for each nomination. Any changes to these processes had to take into account the limited resources available and the strict timetable imposed by legislation. The Panel felt that the resources used in undertaking the nomination process should be reviewed to ensure that officer time was available for this procedure.
- 9.8 The Panel felt it was important that the Cabinet Lead for Communities and Housing held responsibility for deciding on nominations, as this maintained Councillor oversight of the process. The Panel recognised however that this process needed to be properly stated within the Constitution to ensure proper decision-making procedures are followed.
- 9.9 Further to this, the Panel were keen to encourage as much Councillor involvement in the process as possible, and considered that the appointment of Councillors onto the decision-making Panel would provide this, while also providing an insight into the matters that have to be considered when determining a nomination. The Panel also considered that the appointment of councillors onto the panel will give councillors a greater involvement in the decision making process and at the same time give them and insight into the matters that have to been considered when determining a nomination. The selection of Councillors for the Panel should be on a meeting by meeting basis to give all those eligible councillors an opportunity to gain experience of the process in action and increase their knowledge. Appointments to this Panel will not be permitted to members of the Cabinet or ward councillors where the asset concerned is within their ward, to ensure the avoidance of the appearance of bias or contravening the rules of natural justice. Instead, ward Councillors would be encouraged to provide representations to support bids from community groups.
- 9.10 For the same reason, it is recommended that the appointment of a Councillor to the decision-making Panel is not made to a Cabinet member, to avoid the appearance of a member being both an advocate on behalf of their residents and an adjudicator on an application.

10.0 Background Papers

[Public Findings Pack](#)

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HAVANT BOROUGH COUNCIL

Scrutiny Board

7 November 2017

Scrutiny Board Work Programme - 2017/18

Report by Democratic Services Officer

Cabinet Lead: Councillor Lulu Bowerman

Key Decision: N/A

1.0 Purpose of Report

- 1.1 To give the Board an opportunity to identify topics to be considered by the Scrutiny and Policy Development Panels for inclusion in the Work Programme and the success criteria for 2017/18.

2.0 Recommendation

- 2.1 That the Board approve the work programme as set out in Appendix A;
- 2.2 That the Board note the progress against the success criteria for 2017/18 as set out in Appendix B; and
- 2.3 That the Board note the progress of the Scrutiny and Policy Development Panels as set out in Appendix C.

3.0 Summary

- 3.1 The Board oversees the work of the informal Scrutiny and Policy Development Panels, each linked directly to one of the five Cabinet Leads.
- 3.2 The Panels undertake research and report their conclusions and findings to this Board which will then decide whether to make recommendations to the Cabinet or Council as appropriate.
- 3.3 In recognising that the timescales for completing scrutiny/policy reviews will vary according to the subject matter in hand, the Scrutiny Board has asked to receive progress updates for those reviews that are ongoing at the time of each of its meetings.

4.0 Implications

- 4.1 Resources

There are no financial implications arising out of this report. If any recommendations made by the Scrutiny Board for adoption by the Council have financial implications they are identified separately in each report.

4.2 Legal

There are no direct legal implications arising from this report.

4.3 Strategy

The work of the Scrutiny Panels helps to ensure that new strategies are robust and actions are undertaken to deliver the desired outcomes.

4.4 Risks

The Board needs to ensure that there are clear outcomes from the scrutiny process that impact positively upon the people and communities within the borough and link to corporate priorities.

4.5 Communications

The Scrutiny Board needs to continue to promote and demonstrate clearly how it is contributing towards the improvement and efficiency of Havant Borough Council.

4.6 For the Community

The scrutiny reviews attempt to involve, if appropriate, local residents, community and voluntary sector groups; businesses etc and the views and evidence gathered are fed into the individual reports.

4.7 The Integrated Impact Assessment (IIA) has been completed and concluded the following: N/A

Appendices:

Appendix A – Current Work Programme for 2017/18

Appendix B – Progress against Success Criteria for 2017/18

Appendix C – Progress against Success Criteria for 2017/18 – Panel Breakdown

Background Papers: Nil

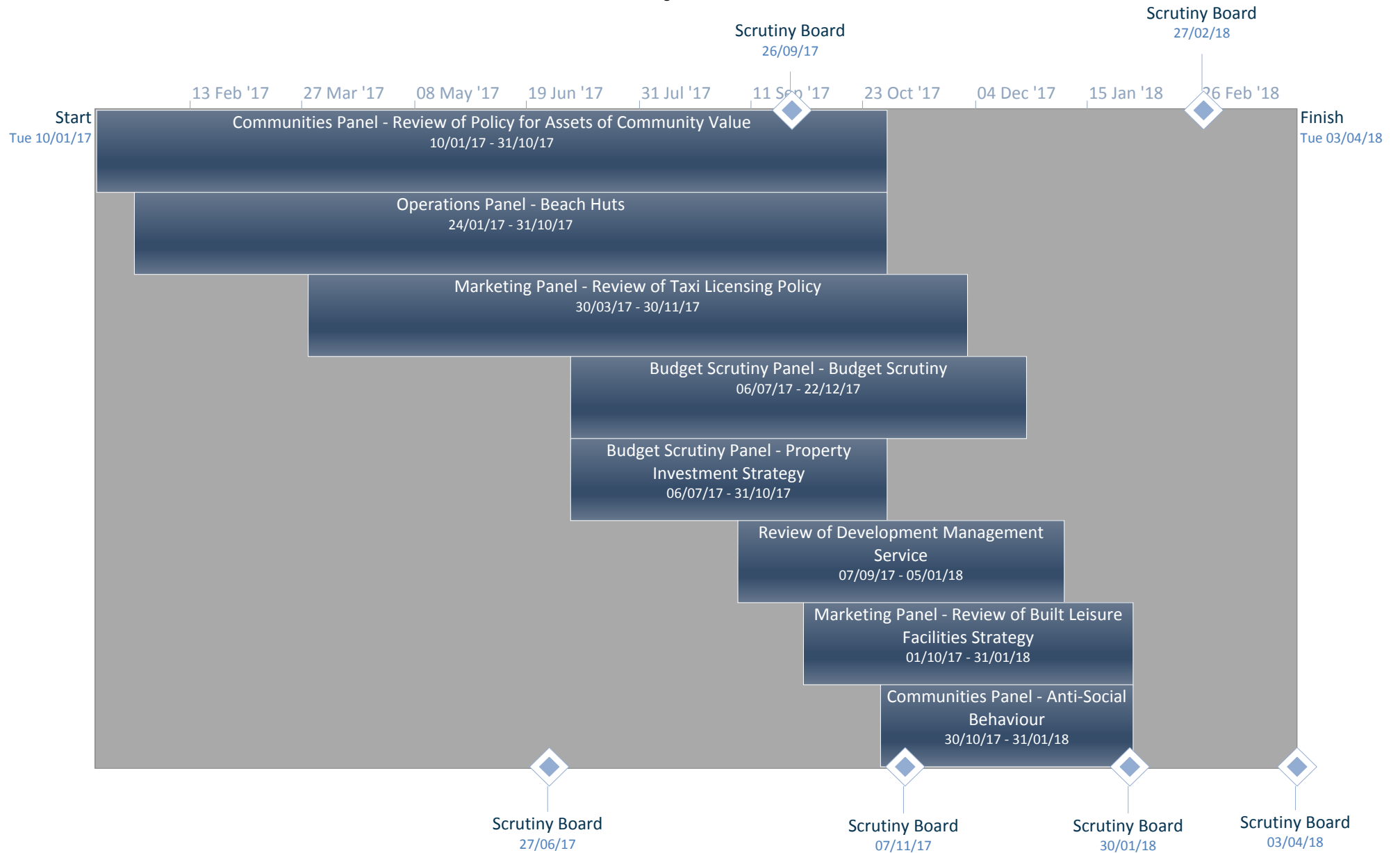
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Scrutiny Board Work Programme 2017/18

Current Projects Timeline



Other Projects to be Undertaken in 2017/18

Panel	Subject	Status
Budget Scrutiny Panel	2018/19 Budget Scrutiny	Ongoing
	Property Investment Strategy (prior to adoption by the Council)	Ongoing
	All Grants/Community Events*	Pending
Communities etc. Scrutiny Panel	Review of Assets of Community Value	Completed
	Review of Havant Locality Board – Anti Social Behaviour	Pending
	Review of Temporary Accommodation in the Borough	Pending
Economy etc. Scrutiny Panel	Economic Development Service	Completed and Recommendations adopted by Cabinet
	Tourism	Under Review
	Business Rates Revaluations	Deferred
	Review of the Development Management Service	Ongoing
Marketing etc. Scrutiny Panel	Review of Licensing Policy	Ongoing
	Review of the Built Leisure Facilities Strategy	At scoping stage
Operations etc. Scrutiny Panel	Beach Hut Charges**	Completed
	Norse – Grass-cutting, Weeding and Street Scene	Pending
	Review of Public Toilets	Deferred
	Litter (cleanliness of town centres and zero tolerance)	Pending

*Joint Review with Communities etc. Panel

** Joint Review with Budget Scrutiny Panel

Projects to be undertaken in 2017/18, if time permits

Panel	Subject	Status
Operations Scrutiny Panel	Roundabouts and Sponsorship	Pending
	Fly Tipping & Fly Posting (including estate agents' board on public land)	Pending
	Grass Verge Parking – Possible By Law	Pending
	Parking Enforcement	Pending

Unallocated Reviews for 2017/18

Review the Plans for the Council Campus, including Public Service Plaza, Police Station, Horizon Leisure and Havant Health Centre (One Public Estate)

Serving You

Customer Services (post reporting back)

Decisions/Reviews to be Monitored in 2017/18

Panel	Subject	Status
Budget Scrutiny Panel	To monitor spending and budget plans to make sure that resources are being used in the most efficient way	Ongoing
	Monitor the action taken since the scrutiny review on the Council's Standing Orders in the Constitution	Pending

	To evaluate/monitor work undertaken since the Council's review of Polling District and Polling Places	Pending
Communities etc. Scrutiny Panel	Monitor the action taken since the scrutiny review on Safeguarding	Ongoing
	Monitor the action taken since the scrutiny review on Independent Sheltered Housing in the Borough	Ongoing
	Monitor action taken since the scrutiny review on the introduction of a Public Protection Order for dogs	Pending
	To evaluate the success of the Councillor's Grant Scheme	Pending
Economy etc. Scrutiny Panel	To monitor actions taken since the scrutiny review on the provision of cemeteries in the Borough	Pending
Partnership etc. Scrutiny Panel	To monitor the implementation of the 5 Councils' Contract	Ongoing
	To monitor the action taken since the scrutiny review of the Shared Management Arrangements with East Hampshire District Council	Pending
	To monitor progress with the Hayling Seafront Masterplan	Pending
Operations etc. Scrutiny Panel	To monitor the Norse Joint Venture Scheme	Ongoing
	To monitor the actions taken since the scrutiny review on CCTV and the impact of ceasing CCTV in the Borough	Pending

Measuring success - performance indicators for the Scrutiny Board 2017/2018

Current Progress –

Target 1 – Critical Friend Challenge – to provide a constructive, robust and purposeful challenge to those responsible for policy development and decision-making			
Performance Indicator	How Monitored	Target 2017/18	Current Progress
% of items on the Work Programme taken from the Council and Cabinet Forward Plans	Quarterly	33%	33%
No. of reviews undertaken as a result of discussions with Cabinet Lead	Quarterly	2	2

Target 2 – To challenge Council policies and undertake reviews as appropriate			
Performance Indicator	How Monitored	Target 2017/18	Current Progress
No. of Policy / Service Reviews undertaken annually by each Panel / Board	Quarterly	1 by each Panel	Completed
% of recommendations accepted by Cabinet or Council	Quarterly	70%	100%

Target 3 - To Complete Each Review Within Timescale and Monitor the Outcomes			
Performance Indicator	How Monitored	Target 2017/18	Current Progress
No. of reviews to be undertaken each year	Quarterly	5	12
% of reviews completed within the timescale of the project	Quarterly	80%	33% °
No. of meetings a Panel should hold for each review	Quarterly	4	On track
% of reviews followed up	Quarterly	100%	On track
% of recommendations accepted by Council or Cabinet which are implemented	Quarterly	100%	On track

° Please note that the Assets of Community Value Policy scrutiny review was delayed due to a large benchmarking exercise and clashes with the workload of the Crime and Disorder Panel

Target 4 - Reflecting the voice and concerns of the public and its communities			
Performance Indicator	How Monitored	Target 2017/18	Current Progress

% of reviews on the Work Programme suggested by the public or undertaken in response to issues raised through surveys, comments or complaints from the public	Quarterly	2%	17%
No. of external people involved in the Scrutiny process	Quarterly	20	340

Target 5 - Taking the lead and owning the Scrutiny process

Performance Indicator	How Monitored	Target 2017/18	Current Progress
% of meetings attended by members (for which they were required to attend)	Quarterly	70%	69%
% of members involved in training on scrutiny	Quarterly	60%	63%
% of members that have a good awareness of the role of scrutiny and their role in the scrutiny process	Annual Survey	50%	n/a

Target 6 – To increase awareness and participation of Overview and Scrutiny by other stakeholders and the public

Performance Indicator	How Monitored	Target 2017/18	Current Progress
No. of visits to the authority's Scrutiny web pages	Annual	200	156
No. of external reviews of outside organisations	Annual	1	1

Measuring success – performance indicators for the Scrutiny Board 2017/2018 – Panel Breakdown

Target 1 – Critical Friend Challenge – to provide a constructive, robust and purposeful challenge to those responsible for policy development and decision-making						
Performance Indicator	Target 2017/18 (Target for S. Board)	Budget Scrutiny Panel	Communities etc. Scrutiny Panel	Economy etc. Scrutiny Panel	Marketing etc. Scrutiny Panel	Operations etc. Scrutiny Panel
% of items on the Work Programme taken from the Council and Cabinet Forward Plans	33%	100%	0%	0%	66%	0%
No. of reviews undertaken as a result of discussions with Cabinet Lead	2	0	1	0	0	1

Target 2 – To challenge Council policies and undertake reviews as appropriate						
Performance Indicator	Target 2017/18 (Target for S. Board)	Budget Scrutiny Panel	Communities etc. Scrutiny Panel	Economy etc. Scrutiny Panel	Marketing etc. Scrutiny Panel	Operations etc. Scrutiny Panel
No. of Policy / Service Reviews undertaken annually by each Panel / Board	1 by each Panel	2	2	3	3	2
% of recommendations accepted by Cabinet or Council	70%	n/a	n/a	100%	n/a	n/a

Target 3 – To complete each review within timescale and monitor the outcomes

Performance Indicator	Target 2017/18 (Target for S. Board)	Budget Scrutiny Panel	Communities etc. Scrutiny Panel	Economy etc. Scrutiny Panel	Marketing etc. Scrutiny Panel	Operations etc. Scrutiny Panel
No. of reviews to be undertaken each year	5	2	2	3	3	2
% of reviews completed within the timescale of the project	80%	On track	0%	0%	On track	100%
No. of meetings a Panel should hold for each review	4	On track	On track	On track	On track	On track
% of reviews followed up	100%	On track	On track	On track	On track	On track
% of recommendations accepted by Council or Cabinet which are implemented	100%	n/a	On track	100%	n/a	n/a

Target 4 – Reflecting the voice and concerns of the public and its communities

Performance Indicator	Target 2017/18 (Target for S. Board)	Budget Scrutiny Panel	Communities etc. Scrutiny Panel	Economy etc. Scrutiny Panel	Marketing etc. Scrutiny Panel	Operations etc. Scrutiny Panel
% of reviews on the Work Programme suggested by the public or undertaken in response to issues raised through surveys, comments or complaints from the public	2%	0%	50%	0%	0%	50%
No. of external people	20	0	11	53	196	80

involved in the scrutiny process						
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Target 5 – Taking the lead and owning the scrutiny process						
Performance Indicator	Target 2017/18 (Target for S. Board)	Budget Scrutiny Panel	Communities etc. Scrutiny Panel	Economy etc. Scrutiny Panel	Marketing etc. Scrutiny Panel	Operations etc. Scrutiny Panel
% of meetings attended by members (for which they were required to attend)	70%	61%	89%	65%	58%	70%

Target 6 – To increase awareness and participation of overview and scrutiny by other stakeholders and the public						
Performance Indicator	Target 2017/18 (Target for S. Board)	Budget Scrutiny Panel	Communities etc. Scrutiny Panel	Economy etc. Scrutiny Panel	Marketing etc. Scrutiny Panel	Operations etc. Scrutiny Panel
No. of external reviews of outside organisations	1	0	1	0	0	0

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