

## HAVANT BOROUGH COUNCIL

At a meeting of the Council held on 26 January 2022

Present

Councillor Raines (Mayor)

Councillors Bowerman, Bains, Branson, Briggs, Crellin, Francis, Howard, Hughes, Keast, Inkster, Kennett, Linger, Patel, Payter, Robinson, Stone, Thain-Smith, Lloyd, Milne, Patrick (Deputy Mayor), Pike, Rennie, Satchwell, Seal, Turner, Weeks, Denton and Wilson

### **42 Apologies for Absence**

Apologies were received from Councillors Prad Bains, David Guest, David Jenner, Tom Moutray, Ian Robinson, Isobel Scott, Elaine Shimbart and Peter Wade.

### **43 Declarations of Interests**

There were no declarations of interest from the members present.

### **44 Minutes**

Proposed by Councillor Branson and seconded by Councillor Wilson it was RESOLVED that the minutes of Council held on 03 November 2022 were confirmed as a correct record.

### **45 Mayor's Report**

There were no questions for the Mayor on her published report.

### **46 Public Questions under Standing Order 27.5**

There were 7 questions received from the public under the provision of this standing order.

2 questions received were read out and responded to as part of the substantive item, Withdrawal of the Joint Management and Shared Staff Arrangements with the remaining questions being responded to as part of this item.

Ms Hawdon addressed Council to ask her question, which was duly responded to by Councillor Bowerman, as relevant Cabinet Lead.

Ms Brooks addressed Council to ask her questions, which were duly responded to by Councillor Rennie as Leader of the Council and relevant Cabinet Lead.

A list of questions and answers are attached to the minutes as Appendix A for reference.

### **47 Cllr Allowance Scheme Independent Review**

The Mayor welcomed Mr Peter Moore, Mr Andrew Kirk and Mr David Heck, members of the Independent Remuneration Panel to the meeting.

Mr Peter Moore, as Chairman of the Independent Remuneration Panel introduced the panel's report and outlined their findings, which were also considered by the Standards Committee at their meeting of 13 December 2021.

Members debated the findings in the panels' report and Councillor Rennie thanked the panel for their work and their engagement with Members.

Following a vote, in which there were 23 Members 'in favour', 1 Member 'against' and 5 Members 'abstaining', it was RESOLVED that the motion proposed by the Leader and seconded by Cllr Crellin be AGREED that:

- (a) the Councillors' Allowances Scheme be amended to include the following SRAs:
  - Chairman of the Standards Committee - £3871
  - Chairman of the Audit and Finance Committee - £5692
  - Chairman of the Overview and Scrutiny Committee - £5692
  - Chairman of the Planning Policy Committee - £5237
  - Assistant to a Cabinet Member - £2505
- (b) the additional or adjusted SRAs recommended in 2.1(a) above be backdated to the beginning of the municipal (financial) year 2021/22, and the reduction for Chairman of Standards Committee SRA to commence from the new municipal year
- (c) the increase in the Leader's Allowance due to come into effect from 1 April 2022 should not lead to an increase in the other SRAs (including the SRAs recommended at 2.1(a) above).
- (d) all SRAs including those recommended at 2.1(a) above be increased each year from 1 April 2022 in line with any NJC increase.
- (e) In relation to the basic allowance:
  - That there be no change to the members allowance scheme in relation to the Basic Allowance
  - To be clear, that the Basic Allowance still be increased in line with any NJC increase each year from 1 April 2020/21

Councillor Bains as relevant Cabinet Lead introduced the item and presented the recommendations contained in the report, which had been recommended to Council from Cabinet at their meeting on 15 December 2021.

Proposed by Councillor Bains and duly seconded by Councillor Denton, following debate and vote, it was RESOLVED that:

- 1) the 2021/22 Council Tax Support Scheme is retained for 2022/23 but with the following amendments:
  - i) the Allowances and Premiums used in determining entitlement for working age claims are changed as set out in paragraph 4.6 of this report.
  - ii) the Non-Dependant deductions used in determining entitlement for working age claims are changed as set out in paragraph 4.7 of this report.
- 2) that the necessary amendments are made to the Council Tax Support Scheme document and that it is then published in accordance with Local Government Finance Act 1992 Section 13A(2).

## **49 Cabinet/Board/Committee Recommendations**

### **Cabinet – 26 January 2022**

#### **Withdrawal of Joint Management and Shared Staff Arrangements**

This matter was considered outside of this substantive item. The Mayor informed Council that this item directly affected Ms Gill Kneller, Chief Executive and Ms Kim Sawyer, Chief Operating Officer and duly invited both officers to leave the Council chamber whilst the matter was debated and decided.

Councillor Rennie, as Leader of the Council introduced the item and proposed the recommendations and reflected on the successful, positive partnership with East Hampshire District Council, but commented that this decision gave the Council the opportunity to focus on priorities for the benefit of the residents of the Borough.

The Mayor read out the questions from the member of the public related to this matter that was duly responded to by Councillor Rennie. Councillor Rennie further responded to questions from Councillors.

Seconded by Councillor Francis, following debate and a vote, it was RESOLVED that Council:

- a. note the initial discussions between the two Councils Leaders and their mutual view based on the reasoning set out in this report, that it is in the interests of both Councils to consider the withdrawal from shared management arrangements, with a degree of expediency.

- b. agree to withdraw from the Joint Management Team Agreement, subject to a business case being reported to the next meeting of the Council exploring the risks, issues, benefits and costs of the withdrawal and further exploring those in light of a proposed reduction of the 24 months exit period.
- c. In the interests of ensuring that both Councils ensure appropriate governance, to request that the Chief Executive
  - i. puts in place appropriate measures for both Councils to adhere to the conflict-of-interest policy as this matter is considered, and in that respect to ensure appropriate acting up arrangements or deputies are appointed to represent the interests of both Councils.
  - ii. to report to each meeting of the Council on progress against the proposals to exit the Joint Management Team Agreement with a view to reporting separate management structures to each Council meeting by May 2022, ensuring stability in the management teams at the earliest opportunity.
- d. request that Kim Sawyer is confirmed as the acting Chief Executive and Head of Paid Service for Havant Borough Council until such time as the Council may secure an interim Chief Executive.
- e. That Council receive legal advice on:
  - i. appropriate procedures to recruit an interim Chief Executive
  - ii. the process to secure a permanent Chief Executive and to make appropriate arrangements to begin a recruitment process, subject to confirming the advice received
- f. request that as part of the budget report to be brought to the next full Council, it includes a timetable and project plan in respect of the actions above

The Mayor invited Ms Gill Kneller, Chief Executive and Ms Kim Sawyer, Chief Operating Officer to re-join the meeting.

Councillor Rennie thanked the Chief Executive for her hard work and support she has provided Council in her time as both Chief Executive and prior to that as a Director and commended her dedication to the Borough.

The Mayor called a short adjournment and resumed with the meeting agenda as published.

## **Licensing Committee – 14 September 2021**

### **Hackney Carriage Fee Tariff**

Councillor Turner as Chair of the Licensing Committee introduced the item and proposed the Committee's recommendations to Council.

The Recommendation was seconded by Councillor Patrick.

Following a vote, it was RESOLVED that Council APPROVED:

- (1) The following increases in the Hackney Carriage Fares be advertised:
  - i) an increase in the 'flag drop' from £2.40 to £3.00;
  - ii) an increase in the rolling mile charge from £1.70 to £1.80;
  - iii) an increase in the fare charged from 18:00 hours on Christmas Eve to 24:00 hours on Christmas Day and from 18:00 hours New Year's Eve to 24:00 hrs on New Year's Day from time and half to double time; and
  - iv) an increase in the soil charge from £50.00 to £75:00
- (2) Any objections to the above proposals following the advertisement be considered by the Licensing Committee; and
- (3) If there are no objections then the increase be implemented 28 days from the date the proposed fare increases were first advertised.

## **Standards Committee – 13 December 2021**

### **Changes to the Constitution**

Councillor Wilson as Chair of the Standards Committee introduced the item, thanked key members for their work on this matter and proposed the Committee's recommendations to Council.

The recommendation was seconded by Councillor Patrick.

Following a vote, it was RESOLVED that:

- (A) The following paragraph be added to Access to Information Standing Order 57.1 in Part 3 Section B of the Constitution

"The Council will operate a presumption of access to confidential or exempt parts of Council, Committee, Sub-Committee or Cabinet meetings, and related documents, for all Councillors. The examples given below of where a "a need to know" will apply are

not exhaustive and there is an expectation that exclusion of a councillor from a meeting, or access to a document, will be exceptional.”

(B) (Paragraph 2.2.5 of Part 2 Section E1 be amended to provide as follows:

“Where, within four weeks of its receipt by the Council, or within seven days of being notified of an intended officer decision to determine a Planning Application:

- (a) The local ward Councillor (or in the absence of the local ward Councillor, the Chairman or Vice Chairman of the Planning Committee) requests in writing to the Head of Planning, giving good material planning reasons, that the application be determined by the Planning Committee, and/or
- (b) Where five or more individual letters, each raising material planning objections, have been received by the Council, and the referral is supported by a ward Councillor and is agreed by the Chairman of the Planning Committee, the Head of Planning and the Cabinet member with portfolio responsibility for Planning, that the application be determined by the Planning Committee.”
- (c) Paragraph 2.2.7 of Part 2 Section E1 be amended to read as follows:  
“Where the application is to vary or remove a condition that was imposed by the Planning Committee, on an application under section 73 of the Town and Country Planning Act 1990, or to make any other amendment to an approved scheme, which the Head of Planning in consultation with the Chairman of Planning Committee is of the opinion will have a significant impact on the relevant planning permission to which the amendment or condition may attach so as to change the character and basis of that planning permission.”

## **50 Leader's Report**

The Leader had nothing to add to his published report.

## **51 Cabinet Lead Reports**

There were no further matters that the Cabinet Leads wished to add to their published reports.

## **52 Cabinet Leads and Chairmen's Question Time**

At the invitation of the Mayor, the Cabinet Leads took questions from Councillors in connection with their published reports and the reports were NOTED.

## **53 Questions Under Standing Order 27.4.1**

There were no questions received under the provisions of this Standing Order.

## **54 Urgent Questions Under Standing Order 27.4.2**

There were no urgent questions received under the provisions of this Standing Order.

## **55 Appointments**

Proposed by Councillor Rennie and seconded by Cllr Bowerman it was RESOLVED that Council:

- (i) Reviews the representation of the different political groups on each of the Committee, Boards and Panels set out in Appendix A and determines:
  - (a) the allocation of seats on each of those bodies to each of the political groups into which the Council is divided and
  - (b) the membership of those bodies in accordance with the wishes of those groups; and
- (ii) Approves:
  - a) the appointment of Councillors to those Committees, Boards and panels as set out in Appendix B: Parts A & B and;
  - b) that all appointments at (ii) remain in place until the next Annual meeting of the Council.)

## **56 Special Urgency Decisions**

Members NOTED the special urgency decision.

## **57 Acceptance of Minutes**

Proposed by Councillor Wilson and seconded by Councillor Keast it was RESOLVED that the minutes of Committees held since the last meeting of Council be received.

**The meeting commenced at 6.00 pm and concluded at 7.49 pm**

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Item 5 – Public Questions Received under Standing Order 27.5

|   | Question From | Question to   |  |
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| 1 | Beth Hawdon   | Cllr Bowerman | <p>I have worked in Environmental Toxicology and Chemistry as a cell biologist since 1987 at Rutgers University, University California, National University Singapore and Portsmouth University. I also have an MSc in Environmental Management.</p> <p>Many news stories regarding sewage being released into rivers and the sea mention people and animals falling ill recently. I contacted HBC two years ago, before the media picked this up because of my concerns and was told that it was not the Council’s problem. However, as Councillors are elected to manage and ensure the health and safety of their constituents it is a problem to be dealt with by MPs and Councillors. My concerns are not just people and dogs falling ill when bathing, but the long-term degradation of the ecosystem around Hayling, Portsmouth, Havant and Emsworth. Natural England produced a paper developed from a large survey regarding the state of these waterways and in general they are dangerously declining.</p> <p>Thousands of papers are written every year by scientists about the chemicals in sewage and their effects on plants and animals near sewage outfalls, and these are written about treated sewage. In our harbours we are releasing a toxic solution of untreated sewage on a regular basis. All pharmaceuticals end up in wastewater because a large portion of medication is not broken down by the body and is excreted, hence present in high concentrations in pre-treated sewage. Current sewage treatments get rid of some but not all of compounds generated by humans including, hormones, anti-epileptics, anti-depressants, NSAIDS, and so on. Engineers and scientists are currently looking for further methods to remove these from sewage, but if we are allowing frequent releases of untreated sewage, their research becomes pointless, and money wasted.</p> <p>These scientists have shown the hormones and antidepressants do impact the organisms exposed because many of these tend to bioaccumulate. Concentrations so low that it requires specific equipment to detect them will accumulate over time and will</p> |

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|                            |  |  | <p>impact entire populations of plants and animals. Many of these organisms are at the foundation of the marine ecosystem. Hence you have three problems. First, they are the food for higher organisms such as fish, birds, and other wildlife so if the feed population is affected so are the feeders. Ultimately, these compounds will make it into fish people are eating. Another problem is the destruction of these populations will also destabilise the physical environment, which can lead to increased erosion, for example seagrass destruction.</p> <p>For my MSc I studied the measures taken to control polychlorinated biphenyls, a widely used compound in industry until scientists showed the problems they caused when they enter our ecosystem. They were banned and disposal was regulated, but it was not done quickly enough. Now, PCBs are found across the planet, even in the tissues of organisms in the Arctic. From a selfish perspective, they are in the seafood caught in most countries, and in some communities' human breast milk. Compounds used by humans must be dealt with correctly to protect everyone. Many of these chemicals are endocrine disruptors which will have an irreversible effect on humans and wildlife. Dilution of sewage is not the answer. We must stop releasing untreated sewage now, not in fifteen years when the compounds have already destroyed our precious marine ecosystems.</p> <p>My question is what will the council do to stop this threat? Examples of what they can do are: stopping any new sewage source being developed until Southern Water has the capability to deal with what they already have. Help Southern Water build their capacity by gaining funding from central government. Work with the EA and DEFRA to run a study to see to what extent these human toxicants are accumulating in sediments and wildlife tissues. These are just a few answers to my question.</p> |
| <p><b><u>Reply</u></b></p> |  |  | <p>The Council is aware of the concerns which have been raised and would like to thank Ms Hawdon for the depth of consideration of her question. The Council looks to Government to consider these matters in detail when putting together secondary legislation and other implementation measures for the Environment Act.</p>   |

Under the current legislative and policy framework raised, the Council's ability to act to unilaterally reduce the volumes of untreated wastewater discharged to the Harbour is extremely limited. Discharges to the environment from Wastewater Treatment Works are managed through an Environmental Permit which outlines the both the quality of treated wastewater discharges, and the circumstances under which discharges of partially treated or untreated wastewater may be made. This process is regulated by the Environment Agency, to nationally consistent standards and the Council is not part of this process. It is appropriate to highlight that the ability for wastewater treatment works to discharge in this way is also in place for good reason: to prevent flooding in urban areas during storm periods which would itself have significant impacts on both human health and the environment.

The Council's ability to control the development of new sources of sewerage is also constrained by the National Planning Policy Framework, whilst Southern Water's ability to reject new connections to its network is similarly limited by the provisions of the Water Industry Act. The policy and legal framework does not allow a moratorium on development based on current sewage network capacity to be put in place and so the Council simply cannot undertake the suggested action. If the Council were to refuse planning permission for residential development on this basis, planning permission would inevitably be granted through the appeal process, with costs awarded against the Council as the refusal would be considered unreasonable.

Nonetheless, the Council is working with our neighbours, through the Partnership for South Hampshire to advance discussions with the Environment Agency, Southern Water and the Department for Environment, Food and Rural Affairs (DEFRA). This has included pushing the Environment Agency to undertake a Review of Consents which is now being scoped and has a dedicated resource. It is hoped that this review should be complete in sufficient time to feed into the start of the next five year investment programme for Southern Water (2025-30). More details about work being done at a sub-regional level are in a report which was considered by the Partnership for South Hampshire's Joint Committee on 27 July 2021 (<https://www.push.gov.uk/wp-content/uploads/2021/07/Item-12-PfSH-Nutrient-Neutrality-Update.pdf>).

The Environmental Act gained Royal ascent on the 9th November 2021, and this legislation aims to address a number of the issues raised in this question. Environment Secretary George Eustice stated that the Act will "...crack down on water companies that discharge sewage into rivers, waterways and coastlines". It will see a duty enshrined in law to ensure water companies secure a progressive reduction in the adverse impacts of discharges from storm overflows. New duties will also require the government to publish a plan to reduce sewage discharges from storm overflows by September 2022 and report to Parliament on the progress towards implementing the plan. The Council supports the Environment Act and its provisions and looks forward to the implementation of these measures, and to the realisation of the expected environmental benefits."

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| 2  | Pat Brooks – Havant Climate Alliance and Friends of the Earth | Cllr Rennie | With the financial strain of separating from East Hampshire District Council, can we be assured that Climate and Environment issues will remain a priority for HBC, with the implementation of an effective Action Plan?   |
| <p><b>Reply</b><br/>The Council will bring forward its Corporate Strategy in February 2022 which outlines its commitment to the Climate Change Strategy.</p> <p>As Leader / PH I would like to thank the Havant Climate Alliance which continues to offer valuable support in developing our Environment Action Plan and for the insights it continues to offer on improvements we can all make to help our climate and environment.</p> <p>The last few years have been challenging for all Councils, however the Strategy outlines that this will remain a priority for the Borough Council. The Council would like to ask, in turn, for the continued support of the Havant Climate Alliance to help us tackle some of the considerable challenges we are facing over the coming weeks and months to ensure that our mutual work together produces the results the community needs.</p> |   |             |  |
| 3  | Pat Brooks – Havant Climate Alliance and Friends of the Earth | Cllr Rennie | Can you re-assure us that after the separation from EHDC, HBC will continue to fund a post for a Climate and Environment Officer, preferably several days per week? This will be essential if climate and environment issues are to be recognised in relation to all developments in the Borough. An example of just one issue, is the reference to the Future Role of the Hayling Billy Trail, where it is noted that the initial draft is to be sent to the Climate and Environment Officer so that the carbon impact of the proposals can be recognised. Many hours of officer's time will be needed if the same is to be applied to all proposals. |
| <p><b>Reply</b><br/>Having confirmed that the Climate Change Strategy is a Council priority, we recognise that we need the officer support to deliver the challenges ahead.</p> <p>We also recognise that we cannot achieve a change in our behaviours and attitudes without working in partnership, that we need our collective community power to deliver these changes and that we are reliant on officers to lead that work for the Councils.</p>  |   |             |  |

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| 4 | Pat Brooks – Havant Climate Alliance and Friends of the Earth | Cllr Rennie | As the Local Plan may be reconsidered, will it be possible to bring the Section on Building Standards more in line with the Climate and Environment Strategy? This would mean increasing standards required, to 2025 levels ahead of that date. Local Authorities do have leeway to set higher standards than those required by current building regulations. EHDC are incorporating net zero standards into their Local Plan for 2023. More work can be done to persuade developers that it will be easier to sell their houses if they are built to 2025 standards which reduce fuel bills. |
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**Reply**

The Council has recently adopted the Climate and Environment Strategy and this represents the up-to-date position on these matters and post-dates the Submission draft of the Local Plan. Government are also bringing forward the Future Homes Standard. In an ideal world, the Future Homes Standard would introduce a high standard of low-carbon design in Part L of the Building Regulations so that it is non-negotiable and must be implemented for all new homes right across the country. Planning policies for development quality standards in Havant Borough have essentially less weight at the current time due to housebuilding not meeting housing need over the last few years. Whilst this is not something which the Council supports, and I have written to the Secretary of State regarding this, it is nonetheless the case.

The submission local plan includes a policy whereby new homes will need to have carbon emissions 19% lower than the Building Regulations, which is a significant step. Nonetheless should Government not update the Building Regulations, we will be looking at the tools available to increase the local policy so that new homes in the Borough meet the aspirations set out in the Climate and Environment Strategy.

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| 5 | Ann Buckley Havant Borough Residents' Alliance | Cllr Satchwell | Nitrates - The Court of Appeal has granted permission to appeal against the judgement of Mr Justice Jay in Wyatt v Fareham Borough Council 2021. The challenge principally concerns the lawfulness of the advice contained in the Natural England's document 'Advice on Achieving Nutrient Neutrality for Development in the Solent Region.' Permission to appeal has been granted on four grounds, three of which raise questions about whether the advice note complies with the Habitats Directive. Havant BC has based its Nutrient Neutrality on the same advice. If Wyatt wins the appeal what implications does this have for Havant BC? |
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**Reply**

The Council has undertaken a huge amount of work regarding nutrient neutrality over the past three years, culminating in the multi-award winning mitigation project at Warblington Farm. As such, we are watching this case with great interest. The case referred to is

being considered in February and it is hoped that a judgement will be received shortly after that so that much-needed certainty can be brought to this matter for local authorities, the housebuilding industry and other stakeholders.

We are continuing to work closely with Natural England and our neighbouring local authorities on solutions for this matter. In contrast to when we launched Warblington Farm, there is now an active and growing market for nutrient mitigation in the Solent ([www.push.gov.uk/work/mitigation-schemes-available-to-developers/](http://www.push.gov.uk/work/mitigation-schemes-available-to-developers/)). Particularly in the East Hampshire catchment, which includes the majority of Havant Borough, there is a healthy supply of nutrients mitigation for several years of supply, which includes headroom to accommodate potential changes in approach which could be the result of this case (<https://cdn.havant.gov.uk/public/documents/EB69%20PfSH%20Joint%20Committee%20Report%20Nutrients%20Options.pdf>).

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| 6 | Ann Buckley<br>Havant Borough Residents' Alliance | Cllr Rennie | Decoupling of Havant Borough Council and East Hants District Council - It was noted in Councillor Rennie's report on the decoupling of the two Councils, that Havant is focused on Regeneration and Place-making, whereas EHDC focus is different based on Sustainable Planning and Enforcement, Welfare and Well-being. Can you reassure us that the four latter aims are also ones that remain important to HBC particularly as we have wards in the Borough with high levels of deprivation and why then are Sustainable Planning and Enforcement, Well-being and Welfare not a focus for Havant? |
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**Reply**

In asking this question Ms Buckley has identified the key difference between Havant and East Hampshire District Council. Havant is a more urbanised area than East Hampshire and this Council wants to take more active interventions to impact levels of deprivation and improve the economic forecast for our area.

The focus on regeneration means that we will focus on matters within our control like housing, development and community safety and work with our partners to tackle employment, health and transport improvements.

Whilst our focus is on economic development, we are committed to bringing forward regeneration that improves the lives of our communities. That means planning and enforcement, well-being, welfare and the environment remain important to us. They contribute to the positive regeneration of our area.

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| 7 | Ann Buckley<br>Havant Borough<br>Residents'<br>Alliance | Cllr Rennie | U-turn in policy on joint staffing - Residents are concerned that £100,000 was spent recently on consultant fees based on looking into the progression to joint staffing across the two authorities and there were also significant other costs. This was followed at both Councils by scrutiny and then votes taken in favour of this policy at Cabinet and full Council. How is it possible after such enthusiasm for and expenditure on this project that there suddenly is a U-turn which will bring even more expenditure which can only result in increased Council Tax for Havant residents at a time when many are under severe financial pressure? |
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**Reply**

The Council's investment into the transformation programme is a worthwhile investment. The transformation programme is about more than sharing staffing costs. It's primary objective is to improve the 'customer journey'. What does that mean? For our residents, our businesses and our community groups, it means understanding your priorities and putting our funding behind those priorities. For our staff it means investing in their training and development so that they provide the best possible support to their communities. The investment has given us a better understanding of what will make a difference to our area and how we can achieve improved outcomes.

The transformation programme is also showing us how we can improve our interaction with the public, how we can support our residents and our businesses better. It has also helped us to understand how we are structured. We are becoming a more performance focused authority as a result.

We know there are challenges ahead. By investing into the transformation programme and a dedicated management team we are making that upfront investment into providing a better future Havant Borough Council.

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