



NOTICE IS HEREBY GIVEN THAT A MEETING OF THE HART DISTRICT COUNCIL WILL BE HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, HARLINGTON WAY, FLEET ON THURSDAY, 16<sup>TH</sup> DECEMBER 2010 FOLLOWING THE SPECIAL COUNCIL MEETING AT 7.00 PM

Geoff Bonner  
Chief Executive

CIVIC OFFICES, HARLINGTON WAY  
FLEET, HAMPSHIRE GU51 4AE

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## **AGENDA**

**COPIES OF THIS AGENDA ARE AVAILABLE  
IN LARGE PRINT AND BRAILLE ON REQUEST**

- 1. PRAYERS**
- 2. APOLOGIES FOR ABSENCE**
- 3. MINUTES OF PREVIOUS MEETING**
- 4. DECLARATIONS OF INTEREST (PERSONAL OR PERSONAL AND PREJUDICIAL)**
- 5. COUNCIL PROCEDURE RULE 12 – QUESTIONS BY THE PUBLIC**

To confirm the Minutes of the meeting held on 25<sup>th</sup> November 2010.

To receive any question from members of the public submitted pursuant to Council Procedure Rule 12.

*Note: The text of any question under Council Procedure Rule 12 must be given to the **Chief Executive** not later than **Noon on Friday, 10th December 2010.***

**6. COUNCIL PROCEDURE RULE 14 – QUESTIONS BY MEMBERS**

To receive any questions from Members submitted pursuant to Council Procedure Rule 14.

*Note: The text of any question under Council Procedure Rule 14.3 must be given to the Chief Executive not later than 5.00 pm on Monday, 13<sup>th</sup> December 2010.*

*The text of any question under Council Procedure Rule 14.4 must be submitted to the Chief Executive before 10.00 am on Thursday, 16<sup>th</sup> December 2010.*

**7. CHAIRMAN’S ANNOUNCEMENTS**

**8. CABINET MEMBERS’ ANNOUNCEMENTS**

**9. CHIEF EXECUTIVE’S REPORT**

**10. MINUTES OF COMMITTEES**

The Minutes of the following Committees, which met on the dates shown, are submitted.

In accordance with Council Procedure Rule 14.1, Members are allowed to put questions at Council without Notice in respect of any matters in the Minutes to the Leader of the Council or any Chairman of the relevant meeting at the time those Minutes are received by Council.

<b>Meeting</b>	<b>Date</b>	<b>Minute Numbers</b>	<b>For Decision</b>
Overview & Scrutiny Committee	16 <sup>th</sup> November		
Cabinet	2 <sup>nd</sup> December		

Recommendations from the following meetings ONLY if required -

Audit Committee	7 <sup>th</sup> December
Planning Committee	8 <sup>th</sup> December
Overview & Scrutiny Committee	14 <sup>th</sup> December

**Date of Despatch: 7<sup>th</sup> December 2010**

## **COUNCIL**

**Date and Time:** Thursday, 16<sup>th</sup> December 2010 at 7.32 pm

**Place:** Council Chamber, Civic Offices, Fleet

**Present:**

### **COUNCILLORS –**

Ive - (Chairman)

Ambler	Davies	Murr
Appleton	Evans	Neighbour
Axam	Glen	Radley J R
Bailey	Gorys	Simmons
Billings	Haffey	Simpson
Blewett	Harward	Singh
Butler C	Healey	Southern
Butler G	Henderson	Wheale
Cockarill	Kennett	
Crookes	Kinnell	

Officers Present:

Geoff Bonner	-	Chief Executive
Rod Hursthouse	-	Monitoring Officer
Tricia Jackson	-	Senior Committee Services Officer

#### **63. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Barrell,, Hunt, Maughan, Parker, Radley J E and Street.

#### **64. DECLARATIONS OF INTEREST (PERSONAL OR PERSONAL AND PREJUDICIAL)**

There were no declarations of interest made.

#### **65. COUNCIL PROCEDURE RULE 12 – QUESTIONS BY THE PUBLIC**

No questions had been received.

#### **66. COUNCIL PROCEDURE RULE 14 – QUESTIONS BY MEMBERS**

No questions had been received.

#### **67. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had attended the following events on behalf of the Council.

Friday, 10 <sup>th</sup> December	Datanet.co.uk – Reception at Aspen House, Fleet
Friday, 10 <sup>th</sup> December	Hart District Council End of Year Dinner Dance
Saturday, 11 <sup>th</sup> December	Mayor of Wokingham’s Christmas Dinner Dance, Sindlesham Court

The **Vice-Chairman** had attended the Band of the Brigade of Gurkhas Concert at The Harlington, Fleet on 27<sup>th</sup> November.

The Chairman drew the attention of Members to a forthcoming event, which he hoped they would support:

8<sup>th</sup> January – Fashion Extravaganza at The Elvetham in aid of Help for Heroes.

## 68. **CABINET MEMBERS’ ANNOUNCEMENTS**

The Leader of the Council, **Councillor Crookes**, announced:

“(1) I have been informally advised that the Local Government Boundary Commission is minded to recommend this Council’s proposal for the future size of Hart District to be 33 Members across 11 wards. I expect this to be confirmed before the end of this week.

(2) Last Friday I attended a consultation meeting with the Department for Communities and Local Government on the new Localism Bill. I and other attendees stressed the role of District and Parish Councils in “Community Politics”. At the meeting attendees were introduced to the “Essential Guide to Decentralisation and the Localism Bill” which has since been published and sent to all Members. I commend this document to Members as a useful framework for understanding the Government’s policies of Decentralisation, Localism and the Big Society. The Localism Bill has now been published. The devil will, of course, be in the details.

(3) The Audit Commission’s Annual Audit Letter was received by the Audit Committee last week. To quote from the report - “This is the first time that I have issued an unqualified conclusion at Hart DC and this reflects the Council’s improved arrangements particularly in the workforce management area”. I would like to thank the Senior Management Team for their work in securing these improvements in the way this Council operates.

(4) We have now received details of our grant settlement for 2011/12. I thought I would share some details with members. Our current year Formula grant is £3.8m. This has been adjusted - note the word - not reduced to £3.5m to reflect the transfer of concessionary fares to the County. This adjustment represents a negative change of 7.5%. The adjusted figure of £3.5m has then been reduced to £2.9m, now called by the government “cash”. The cash to adjusted reduction is 16.6%. For 2012/13 the cash amount will further be reduced by £300k or another 10% plus. On the positive side there are some changes to specific grants, which for us are positive by £200k in 2011/12. The government have introduced a new term “spending power” and their figures show that Hart’s reduction in spending power is a mere 3.27%. So one can see there are plenty of opportunities for misunderstanding and mis-representation. In summary, we are pretty much where we expected to be and I’m sure that in his announcements the Chief Executive will explain all of this.”

The Cabinet Member for Planning, **Councillor Appleton**, had no announcements

The Cabinet Member for Housing & Health, **Councillor Butler**, announced:

“Firstly, there will be a Seminar for Members on Monday 10<sup>th</sup> January at 7.00pm to discuss the proposed changes to housing benefit and also the consultation on changes to social housing, including the possible ending of tenancies for life and increasing rent levels to 80% of market rates.

Secondly, I am pleased to announce that the Campbell Close development is very likely to open a couple of months ahead of schedule. There was a potential problem with the starting of the contract for the care providers, but thanks to Councillor Wheale and Councillor Hindson of Hampshire County Council, in conjunction with the County Council Officers, it has been possible to bring the care provision forward as well. This will be the first Extra Care facility in Hampshire to open.

And finally, the first occupations have now happened for social rented homes on Hitches Lane; these are the first new affordable homes for some two years.”

The Cabinet Member for Leisure & Recreation, **Councillor Kinnell**, announced:

“Work has begun on the first stage of the Fleet Pond restoration. We are already seeing results with the return of two rare plants to the pond after many years of absence.

We were pleased to welcome Laura Keighley to our team this month. Laura has joined our Countryside Service as a Trainee Ranger as part of the Future Jobs Fund, which is organised and funded by the National Skills Academy for Sport and Active Leisure. This position is a six month fully funded grant project, designed to help the employed by giving them valuable experience in the area they have studied or to develop themselves further to be more attractive to employers.

Laura will be working alongside our experienced Ranger Team and attending vocational training to further develop her skills.”

In his absence, the Leader presented the announcements for The Cabinet Member for Environment, **Councillor Parker**:

“(1) Members will recall that there was an issue a couple of months ago where a small but worrying number of green waste invoices had not been issued – in the low hundreds. Those invoices were resolved. However, as a result of that, Capita have investigated further and have found another tranche of cases in the order of 4000. They have started the process of catching these up, and are phasing it over the next few weeks, to be completed by the end of next month. I will update Members at January Full Council on progress.

(2) It is possible that Members may have noticed that there was a spot of snow a couple of weeks ago. As a result, we were unable to safely deploy the refuse fleet for two days. We used the draft snow policy to direct operations, and as a result we had substantially, but not completely, caught up with black bins by the end of Monday, and were able to resume the normal schedule on the Tuesday normal collection day. Thus, the Thursday collections have been caught up today, with Friday tomorrow and so on. During

the bad weather we piloted an email notification to a couple of hundred residents in addition to Members, Parish Councils and stakeholders. The feedback has been excellent, and Officers will be expanding the email list as far as our current technology will go. We will be inviting the Citizen's Panel to participate, and will be offering it via the Council website. Officers are looking at the email software issues before rolling it out more widely. We are also investigating text messaging announcements and other means of publishing such messages. I am indebted to Scrutiny Committee for the ideas they have contributed, along with their advice on the content of the policy.

(3) On a positive note, Members will recall an Executive Decision regarding the installation of voltage optimisation equipment intended to provide savings of both cash and carbon. The first unit was installed at Hart Leisure Centre at the end of October, so we now have the first month electricity monitoring figures. Despite temperatures in November on average more than 3% colder than the previous year, and 5% less daylight hours than last year, we saved in this first month more than 500 units of electricity. That is a modest saving, but to achieve a saving at all in such a cold November is remarkable. I will update Members again once all three units have been installed, and we have a few months' experience.

The Cabinet Member for Community Safety, **Councillor Singh**, had no announcements.

## **69. CHIEF EXECUTIVE'S REPORT**

The Chief Executive's report is attached as an Appendix to these Minutes.

## **70. MINUTES OF COMMITTEES**

<b>Meeting</b>	<b>Date</b>
<b>Overview &amp; Scrutiny Committee</b>	<b>16<sup>th</sup> November 2010</b>
No questions asked.	
<b>Cabinet</b>	<b>2<sup>nd</sup> December 2010</b>
No questions asked.	

The meeting closed at 7.47 pm.

CHIEF EXECUTIVE'S REPORT

1. **Budget** – on Monday the Council received the draft notification of the level of government grant it will receive for 2011/12 and also 2012/13. Members will be aware that this was the critical piece of information we were waiting for to prepare next year's budget.

The level of grant is broadly in line with the assumptions we have been using for planning purposes, as set out in the report to Overview and Scrutiny Committee on 16 November. This means the Council is looking for savings totalling around £1.25M for 2011/12. The total level of identified savings considered by Overview & Scrutiny Committee was £962,000

The 2012/13 grant will have a further reduction of approximately £326,000.

The Cabinet meeting scheduled for 6 January will consider how these savings should be achieved, in light of the final grant settlement figure and the recommendations of Overview and Scrutiny Committee.

2. The **planning application for the Queen Elizabeth Barracks** site at Church Crookham is expected to be submitted next week.

Geoff Bonner  
Chief Executive



NOTICE IS HEREBY GIVEN THAT A SPECIAL MEETING OF THE HART DISTRICT COUNCIL WILL BE HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, HARLINGTON WAY, FLEET ON THURSDAY, 16<sup>TH</sup> DECEMBER 2010 AT 7.00 PM

Geoff Bonner  
Chief Executive

CIVIC OFFICES, HARLINGTON WAY  
FLEET, HAMPSHIRE GU51 4AE

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## **AGENDA**

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- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST (PERSONAL OR PERSONAL AND PREJUDICIAL)**
- 3. EXECUTIVE ARRANGEMENTS**

A report from the Monitoring Officer is attached (Paper A).

### **RECOMMENDATION**

- (1) That for the purposes of Section 33F (1) of the Local Government Act 2000, the Council adopts the Leader and Cabinet Executive (England) model as set out in

this report and varies their current executive arrangements in accordance with Section 33 of the Local Government Act 2000 accordingly .

- (2) That the Chief Solicitor be granted delegated power in consultation with the Chairman of the Council to make any necessary technical and consequential amendments to the Council's Constitution required to give effect to the decision and to comply with legislative requirements.

**Date of Despatch: 7<sup>th</sup> December 2010**

**COUNCIL - SPECIAL MEETING**

**DATE OF MEETING: 16 DECEMBER 2010**

**TITLE OF REPORT: EXECUTIVE ARRANGEMENTS**

**Report of: Chief Solicitor**

**Cabinet member: Councillor Ken Crookes, Leader**

**I PURPOSE OF REPORT**

1.1 The purpose of this report is to ensure the Council's compliance with the requirement under the Local Government and Public Involvement in Health Act 2007 ("the Act") for the Council to formally adopt one of the approved forms of executive arrangements.

**2 OFFICER RECOMMENDATION**

2.1 That for the purposes of Section 33F (1) of the Local Government Act 2000, the Council adopts the Leader and Cabinet Executive (England) model as set out in this report and varies their current executive arrangements in accordance with Section 33 of the Local Government Act 2000 accordingly .

2.2 That the Chief Solicitor be granted delegated power in consultation with the Chairman of the Council to make any necessary technical and consequential amendments to the Council's Constitution required to give effect to the decision and to comply with legislative requirements.

**3 BACKGROUND**

3.1 The Local Government Act 2000 required councils to adopt one of three approved forms of "Executive Arrangements" for decision making. One of these, the "Leader with Cabinet" model, was chosen by Hart and operates in the Council today.

3.2 In practice two approaches to the Leader with Cabinet model have evolved. Under the first, the so-called "Strong Leader" model, the council elects a Leader and the Leader then appoints the Cabinet from among the other members. This is the approach built in to Hart's Constitution. Under the second approach, used by some councils (but not Hart), the "Weak Leader" model, the council elects both the Leader and the other Cabinet members.

3.3 The Local Government and Public Involvement in Health Act 2007 Act, passed by the last government, has amended the Local Government Act, 2000, and effectively outlawed the Weak Leader model, and requires all councils to adopt either the Strong Leader model, or to move to an Elected Mayor system. The legislation compels all councils to hold a Special Meeting before the end of December 2010 to take this decision, irrespective of whether their existing arrangements already substantially accord with the legislative requirements. The changes require the Executive Leader to be appointed for a four-year term and to have responsibility

themselves for the appointment of, and delegations to, the remaining Cabinet Members. This type of arrangement is referred to informally as the "Strong Leader and Cabinet" model, and in the legislation as the "Leader and Cabinet Executive (England) model. The Act requires the Council to draw up proposals and a timetable for making these changes (including transitional arrangements as appropriate), which must then be adopted by a resolution of the Council passed at a Special Meeting called for that purpose before 31 December 2010, and then implemented after the Annual General Meeting of the Council following the local government elections in May 2011.

- 3.4 The current Government has indicated that it intends to review the legislation surrounding executive arrangements, and therefore different arrangements are likely to be made in the future, including a possible return to the Committee system. At present it is not known when these changes might take place or what they might be. Accordingly the Council still needs to take the decision required by the 2007 Act.
- 3.5 In previous discussions within the Council and consultation with the electorate there has not been any evidence to suggest that there is any significant interest locally in a move to the Elected Mayor system. The electorate can by way of a petition to the authority request a move to this form of governance at any time. There have been no such requests made.
- 3.6 In anticipation of the need for this decision the Council has been running a consultation questionnaire on its website in recent weeks, and this will continue until the date of the Special Meeting of Council, when the results will be reported. On the assumption that this does not reveal any great desire in Hart for a move to an Elected Mayor, it is anticipated that the Council will therefore only need to reaffirm its use of what is effectively its existing approach.
- 3.7 There are some relatively minor other changes introduced by the new legislation – for example, to replace a Leader there now has to be an explicit vote to remove him or her, or he/she has to resign, rather than the Leadership being automatically voted upon at each Annual Meeting. There is also now a formal requirement for the Leader to appoint a Deputy Leader (Hart already does this, although it is not explicitly written into the Constitution), and the Council has to reaffirm its allocation of so-called “Local Choice” functions between the Executive and Non-Executive parts of the council. Assuming the council agrees to retain its current approach it is recommended the Chief Solicitor be given delegated powers in consultation with the Chairman of the Council to amend the Constitution to make the required amendments.

#### **4.0 PROPOSALS**

To comply with the requirements of the legislation, it is proposed that:-

- 4.1 the Council adopts the Leader and Cabinet Executive (England) model, to enable current executive arrangements to meet the provisions of the amendments to the Local Government Act 2000;
- 4.2 in future, the Leader of the Council be elected by the Council at the Annual General Meeting following the elections in May 2011 (N.B. the term of office of the Leader starts on the day of their election as Leader and ends on the day of the

post-election Annual General Meeting which follows their election as Leader, unless they are removed from office in the interim, resign, cease to be a district councillor, or are suspended from being a district councillor under Part III of the Local Government Act 2000);

- 4.3 the Leader appoints two or more Members of the Council, up to nine in number (ie to a maximum of a Cabinet of ten as now), to the Cabinet;
- 4.4 the Leader determines the scheme of delegation for the discharge of the executive functions of the Council;
- 4.5 the Council's executive arrangements continue to include provision for the Council to remove the Leader by resolution (and if the Council passes such a resolution to remove the Leader, a new Leader is to be elected at the meeting at which the Leader is removed from office or at a subsequent meeting);
- 4.6 the Leader appoints one of the Members of the Cabinet to be their deputy, to hold office until the end of the term of office of the Leader, unless they resign as deputy leader, or cease to be a member of the Council, or are removed from office by the Leader under the following provision;
- 4.7 the Leader may, if they think fit, remove the deputy leader from office, and must then appoint another person in his or her place; and
- 4.8 if for any reason the Leader is unable to act or the office of executive leader is vacant, the deputy leader must act in their place.
- 4.9 that all “Local Choice” functions as specified in the Local Government Act 2000 (as amended) continue to be the responsibility of the executive of the authority under the executive arrangements.

## **5.0 FINANCIAL IMPLICATIONS**

- 5.1 There are no significant financial implications arising out of this report, but if the Council should decide to opt for the directly elected Mayor and Cabinet executive there would be financial implications in respect of the costs of holding an election.

## **6.0 CONSULTATION**

- 6.1 For a move to the new executive arrangements the relevant legislation does not specify the nature of the consultation which has to be undertaken other than that the Council is required to “take reasonable steps to consult upon the proposals”. The Minister for Housing and Local Government has stated that the case for any consultation now about future governance arrangements is the minimal cost option. It is for each Council to decide, but in his view no more than a small newspaper advert or press release on the website may be proportionate and right in these circumstances. Accordingly, a suitable notice has been placed on the Council's website.
- 6.2 The Minister has also stated that whilst these requirements are in the Local Government and Public Involvement in Health Act 2007 and necessarily remain in force unless or until the Act is repealed by fresh primary legislation. However, the

Government has indicated its intention to repeal the current legislation with their commitment to allow Councils to return to the committee system, should they wish to do so.

## **7.0 TIMETABLE**

Timetable for the new executive arrangements:

Date	Event
16 December 2010	Special Meeting of Council to pass the resolution to adopt changes to the executive arrangements.
5 May 2011	Local Government Elections
8 May 2011	Implementation of the amended executive arrangements.
19 May 2011	Post-election Annual General Meeting at which the Leader of the Council will be elected and their term of office commences.

## **8.0 TRANSITIONAL ARRANGEMENTS**

8.1 The Council will continue to operate its current executive arrangements until the implementation of the amendments described above.

CONTACT:  
EXTENSION: 4156

Rod Hursthouse – Chief Solicitor  
Email: [@rod.hursthouse@hart.gov.uk](mailto:@rod.hursthouse@hart.gov.uk)

### **BACKGROUND PAPERS:**

The Local Government and Public Involvement in Health Act 2007  
Letter from the Department for Communities and Local Government (received August 2010)  
Consultation Document 2010  
Report to Cabinet 4 November 2010 – Paper G

## **SPECIAL COUNCIL**

**Date and Time:** Thursday, 16<sup>th</sup> December 2010 at 7.00 pm

**Place:** Council Chamber, Civic Offices, Fleet

**Present:**

### **COUNCILLORS –**

Ive - (Chairman)

Ambler	Davies	Murr
Appleton	Evans	Neighbour
Axam	Glen	Parker
Bailey	Gorys	Radley J R
Billings	Haffey	Simmons
Blewett	Harward	Simpson
Butler C	Healey	Singh
Butler G	Henderson	Southern
Cockarill	Kennett	Wheale
Crookes	Kinnell	

Officers Present:

Geoff Bonner	-	Chief Executive
Rod Hursthouse	-	Monitoring Officer
Tricia Jackson	-	Senior Committee Services Officer

### **58. PRAYERS**

The Chairman led a short prayer.

### **59. MINUTES OF PREVIOUS MEETING**

The Minutes of the Meeting held on 25<sup>th</sup> November 2010 were confirmed and signed as a correct record.

Note: Councillors Wheale, Simmons and Kinnell entered the meeting at 7.04 and 7.05pm respectively.

### **60. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Barrell, Hunt, Maughan, Radley J E and Street.

### **61. DECLARATIONS OF INTEREST (PERSONAL OR PERSONAL AND PREJUDICIAL)**

There were no declarations of interest made.

## 62. EXECUTIVE ARRANGEMENTS

A report from the Monitoring Officer was considered by Members, the purpose of which was to ensure the Council's compliance with the requirement under the Local Government and Public Involvement in Health Act 2007 ("the Act") for the Council to formally adopt one of the approved forms of executive arrangements.

The recommendations set out in the report were –

- (1) That for the purposes of Section 33F (1) of the Local Government Act 2000, the Council adopts the Leader and Cabinet Executive (England) model as set out in this report and varies their current executive arrangements in accordance with Section 33 of the Local Government Act 2000 accordingly .
- (2) That the Chief Solicitor be granted delegated power in consultation with the Chairman of the Council to make any necessary technical and consequential amendments to the Council's Constitution required to give effect to the decision and to comply with legislative requirements.

Councillor Neighbour referred to the "Local Choice" functions mentioned in 3.7 of the report, and moved the following amendment:

"That Council takes back the delegated authority to Cabinet to appoint Members to Outside Bodies".

On being put to the vote the amendment was LOST.

Councillor Crookes moved the Recommendation, which was seconded by Councillor Parker –

- (1) That for the purposes of Section 33F (1) of the Local Government Act 2000, the Council adopts the Leader and Cabinet Executive (England) model as set out in this report and varies their current executive arrangements in accordance with Section 33 of the Local Government Act 2000 accordingly .
- (2) That the Chief Solicitor be granted delegated power in consultation with the Chairman of the Council to make any necessary technical and consequential amendments to the Council's Constitution required to give effect to the decision and to comply with legislative requirements.

On being put to the vote the motion was CARRIED.

Note: Councillor Henderson entered the meeting at 7.24 pm.

The meeting closed at 7.30 pm.