



Borough of Gosport

Notice is hereby given that a **MEETING** of the **COUNCIL OF THE BOROUGH OF GOSPORT** will be held in the **TOWN HALL, GOSPORT** on **WEDNESDAY** the **ELEVENTH DAY** of **JULY 2007** at **6.00PM** AND **ALL MEMBERS OF THE COUNCIL ARE HEREBY SUMMONED TO ATTEND TO CONSIDER AND RESOLVE THE FOLLOWING BUSINESS –**

1. To receive apologies from Members for their inability to attend the Meeting.
2. To confirm the Minutes of the Annual and Adjourned Annual Meetings of the Council held on 16 and 17 May 2007 (copies herewith).
3. To receive, consider and pass such resolutions as the Council shall deem expedient on the Mayor's Communications (if any).
4. To receive Deputations in accordance with Standing Order No 3.5 and to answer Public Questions pursuant to Standing Order No 3.6, such questions to be answered orally during a time not exceeding 15 minutes.

(NOTE: Standing Order No 3.5 requires that notice of a Deputation should be received by the Borough Solicitor NOT LATER THAN 12 O'CLOCK NOON ON MONDAY, 9 JULY 2007 and likewise Standing Order No 3.6 requires that notice of a Public Question should be received by the Borough Solicitor NOT LATER THAN 12 O'CLOCK NOON ON MONDAY, 9 JULY 2007).

5. Questions (if any) pursuant to Standing Order No 3.4.

(NOTE: Members are reminded that Standing Order No 3.4 requires that Notice of Question pursuant to that Standing Order must be received by the Borough Solicitor NOT LATER THAN 12 O'CLOCK NOON ON TUESDAY, 10 JULY 2007).

6. To receive and determine the Part I Minutes of the Policy and Organisation Board held on 27 June 2007 (page numbers 4 – 5 refer)
7. To receive the following Part II Minutes of the Boards of the Council –

BOARD	DATE	PAGE NO
Policy & Organisation Board	17 May and 27 June 2007	6 - 11
Community & Environment Board	17 and 18 June 2007	12 - 17
Housing Board	17 May and 13 June 2007	18 - 22

8. Notice of Motion

In accordance with Standing Order 3.3 the following Notice of Motion has been received.

Councillor Taylor –

“That a review of car parking charges be undertaken with immediate effect to ensure parity for all traders in the Borough of Gosport.”

9. Holbrook Recreation Centre Working Group Meeting (10 July 2007)

To consider the report of the Leisure and Cultural Services Manager in connection with the above (copy to follow).

10. To appoint and elect nominees to serve on the under-mentioned Outside Bodies.

Hampshire Action Team (HAT) (Fareham and Gosport)

It is recommended to appoint two Councillors as the Borough Council's representatives to the vacancies on the Hampshire Action Team (HAT) (Fareham and Gosport) for the remainder of the Municipal Year.

Local Government Association Fourth Option Special Interest Group (SIG)

The Council's appointee has resigned his seat on the Council, therefore it is recommended to consider making a Borough Council nomination to the Local Government Association Fourth Option Special Interest Group (SIG) for the remainder of the Municipal Year.

IAN LYCETT

CHIEF EXECUTIVE

**TOWN HALL
GOSPORT**

3 July 2007

**NOTE: (1) MEMBERS ARE REQUESTED TO NOTE THAT IF THE
COUNCIL WISHES TO CONTINUE ITS BUSINESS BEYOND
9.30PM THEN THE MAYOR MUST MOVE SUCH A
PROPOSITION IN ACCORDANCE WITH STANDING ORDER
4.11.18.**

AN MEETING OF THE POLICY AND ORGANISATION BOARD

WAS HELD ON 27 JUNE 2007

The Mayor (Councillor Gill) (ex-officio); Chairman of the Policy and Organisation Board (Councillor Cully) (P); Councillors Burgess (P), Carter (P), Chegwyn (P), Hicks (P), Hook (P), Langdon (P), Smith, Taylor (P) and Wright (P) .

It was reported that Councillor Ms Ballard had been nominated to attend this meeting in place of Councillor Smith.

PART I

8. ANTI FRAUD AND CORRUPTION POLICY

Consideration was given to a report of the Head of Internal Audit and Risk Assurance (a copy of which is affixed in the Minute Book as Appendix PO1) concerning the above matter.

Members were advised that the policy had been approved by the Standards and Governance Committee on 23 April 2007; the Board being requested to recommend to Council the adoption of the Policy without amendment.

RECOMMENDED: That Council adopt the new Anti Fraud and Corruption Policy in line with best practice and the Audit Commission's Key Lines of Enquiry – Use of Resources, for inclusion in the Council's Constitution.

9. NEW DELEGATIONS UNDER THE HOUSING ACT 2004

Consideration was given to a cross reference from the Housing Board on 13 June 2007(a copy of which is affixed in the Minute Book as Appendix PO2) on new delegations under the Housing Act 2004.

RECOMMENDED: That Council approve the delegation of powers contained within the Housing Act 2004 to the relevant stated officers.

10. AUTHORISATION OF OFFICERS UNDER THE PROVISIONS OF PART ONE, CHAPTER ONE OF THE HEALTH ACT 2006

Consideration was given to a cross reference from the Community and Environment Board on 18 June 2007 (a copy of which is affixed in the Minute Book as Appendix PO3) on the above matter.

RECOMMENDED: That:

- a) the delegations to the Environmental Services Manager be amended to include the power to authorise officers as required by Section 10(5) of the Health Act 2006;

- b) the appointment of the Environmental Services Manager, or the Head of Environmental Health in his absence, as the appropriate person to decide upon the cancellation of a Fixed Penalty Notice be approved; and
- c) the Borough Solicitor be authorised to make all necessary amendments to the Council's Constitution to give effect to Recommendations a) and b) above.

11. LOCAL DEVELOPMENT FRAMEWORK: ADOPTION OF STATEMENT OF COMMUNITY INVOLVEMENT

Consideration was given to a report of the Development Services Manager (a copy of which is affixed in the Minute Book as Appendix PO4), which presented the recommendations of the Inspector and the subsequent revision to the draft Statement of Community Involvement (SCI) to the Board for adoption.

RECOMMENDED: That the Statement of Community Involvement, as amended by the Inspector, be adopted as a Local Development Document.

12. ASSET MANAGEMENT PLAN

Consideration was given to a report of the Development Services Manager (a copy of which is affixed in the Minute Book as Appendix PO5), which requested the Board to consider the Asset Management Plan with a view to its approval and adoption. The Asset Management Plan had been reported to both the Standards and Governance and the Overview and Scrutiny Committees and the necessary amendments had been made following comments from Members.

RECOMMENDED: That the Asset Management Plan be approved for adoption by the Council.

A MEETING OF THE POLICY AND ORGANISATION BOARD

WAS HELD ON 17 MAY 2007

The Mayor (Councillor Gill) (ex-officio); Councillors Burgess (P), Carter (P), Chegwyn (P), Cully (P) (Chairman), Hicks (P), Hook (P), Langdon (P), Smith (P), Taylor (P) and Wright (P).

1. APOLOGIES

There were no apologies for absence.

2. ELECTION OF VICE-CHAIRMAN

RESOLVED: That Councillor Wright be appointed Vice-Chairman for the Municipal Year 2007-08.

AN MEETING OF THE POLICY AND ORGANISATION BOARD

WAS HELD ON 27 JUNE 2007

The Mayor (Councillor Gill) (ex-officio); Chairman of the Policy and Organisation Board (Councillor Cully) (P); Councillors Burgess (P), Carter (P), Chegwyn (P), Hicks (P), Hook (P), Langdon (P), Smith, Taylor (P) and Wright (P) .

It was reported that Councillor Ms Ballard had been nominated to attend this meeting in place of Councillor Smith.

3. APOLOGIES

Apologies for inability to attend the meeting were submitted on behalf of the Mayor and Councillor Smith.

4. DECLARATIONS OF INTEREST

Councillor Hook declared a personal interest in the following agenda items. He remained in the meeting room throughout the meeting and took part in the discussion and voting on those items:

- Item no. 9: Asset Management Plan
- Item no. 11: Designated Public Places Order
- Item no. 14: Local Authority Business Growth Incentive Scheme
- Item no. 15: Play Strategy

5. MINUTES OF THE MEETINGS OF THE BOARD HELD ON 14 AND 29 MARCH AND 17 MAY 2007

RESOLVED: That the Minutes of the Board meetings held on 14 and 29 March and 17 May 2007 be approved and signed by the Chairman as true and correct records.

6. DEPUTATIONS

There were no deputations.

7. PUBLIC QUESTIONS

There were no public questions.

PART II

13. BUILDING CONTROL PARTNERSHIP: ANNUAL UPDATE AND ANNUAL REVIEW

Consideration was given to a report of the Head of Building Control which updated the Board on the progress and financial outturn of the Building Control Partnership in the year ending March 2006. Full details and information on the year 2006/2007 would be provided in a report later in this financial year. The report also requested confirmation of the continuation of the Partnership under the terms of the current open ended legal agreement as previously agreed by the Board.

RESOLVED: That the contents of the report be noted and the Board's support for the continuation of the Partnership under the terms of the existing Legal Agreement be confirmed.

14. DESIGNATED PUBLIC PLACES ORDER

Consideration was given to a report of the Head of Community Safety which requested Members to consider the making of a Designated Public Places Order to cover the Borough of Gosport.

Members were advised that there would be changes to the regulations governing the order and these would be covered in a report to Council when final approval was sought.

RESOLVED: That:

- a) the principle of making a Designated Public Places Order to cover the Borough of Gosport be approved;
- b) the Head of Community Safety, in consultation with the Borough Solicitor, undertake the statutory consultation for the order; and
- c) the results of the statutory consultation be reported to a future Council meeting in order to decide whether or not to make the Designated Public Places Order.

15. BUDGET STRATEGY 2008/09

Consideration was given to a report of the Borough Treasurer which considered the strategy for the preparation of the 2008/09 General Fund budget in the light of the Medium Term Financial Strategy.

RESOLVED: That the budget process for 2008/09 be approved.

16. APPROVAL OF THE 2006/07 STATEMENT OF ACCOUNTS

Consideration was given to a report of the Borough Treasurer which set out the background to the requirement for Members to approve the 2006/2007 Statement of Accounts, which was shortly to be made available for public inspection and audit, together with some brief notes on the Statement and outturn position.

Concerns were raised regarding increased expenditure within the Housing Revenue Account. The Borough Treasurer undertook to provide a report to the Chairman of the Housing Board on this matter.

RESOLVED: That:

- a) the Statement of Accounts for the financial year ending 31 March 2007 be received and approved;
- b) the revenue variances detailed in Appendix C of the report be noted;
- c) the capital programme slippage detailed in Appendix D of the report be noted; and
- d) the write offs approved under delegated authority at Appendix E of the report be noted.

17. LOCAL AUTHORITY BUSINESS GROWTH INCENTIVE SCHEME

Consideration was given to a report of the Borough Treasurer which considered how Local Authority Business Growth Incentive Scheme grant monies should be applied.

RESOLVED: That the priorities contained in paragraph 2.2 of the Borough Treasurer's report for the application of Local Authority Business Growth Incentive Scheme grant be approved.

18. PLAY STRATEGY

Consideration was given to a report of the Leisure and Cultural Services Manager which sought approval of the draft Play Strategy.

Officers involved in the preparation of the Strategy were thanked for their hard work.

RESOLVED: That the draft Play Strategy be approved.

19. FERRY PONTOON: PROGRESS ON REPLACEMENT FACILITY

Consideration was given to a report of the Leisure and Cultural Services Manager which advised Members of the status of the project to replace the existing pontoon.

RESOLVED: That the current status of the project be noted.

20. BANKING ARRANGEMENTS

Consideration was given to a report of the Financial Services Manager which set out the background to the Council's banking arrangements and sought approval for officers to negotiate and engage consultants in order to obtain the most cost effective contract for the Council.

RESOLVED: That approval be given for officers to negotiate and engage consultants in order to obtain the most cost effective contract for the Council.

21. IMPROVEMENTS TO FACILITIES AT BRIDGEMARY BOWLING CLUB, ROWNER CRICKET CLUB AND PRIVETT PARK TENNIS COURTS

By reason of special circumstances, the Chairman determined that this item be considered at this meeting notwithstanding the fact that the item had not been available for public inspection in accordance with the provisions of Section 100B(4)(a) of the Local Government Act 1972.

The special circumstances were created by the need to invite tenders and let contracts for work to be completed before the onset of winter.

Consideration was given to a cross reference from the Community and Environment Board held on 18 June 2007 seeking approval of the virement of £70,000 of Developers' Contributions for improvements to the above facilities.

RESOLVED: That the virement of £70,000 of Developers' Contributions for improvements to facilities at Bridgemary Bowling Club, Rowner Cricket Club and Privett Park Tennis Courts be approved.

22. LGA/PCT/LA HEALTH MEETING

By reason of special circumstances, the Chairman determined that this item be considered at this meeting notwithstanding the fact that the item had not been available for public inspection in accordance with the provisions of Section 100B(4)(a) of the Local Government Act 1972.

The special circumstances were created by the need to ensure that the Board was updated as soon as possible following the LGA/PCT/LA Health meeting.

Consideration was given to a briefing note dated 13 June 2007 from Councillor Edgar to Group Leaders and Members of Save Haslar Task Force.

Councillor Edgar was invited to present his briefing note to the Board. He advised Members of the South East England Health Strategy and that a response to the Government Office for the South East containing comments was required from the Council. It was decided that the response on behalf of the Council should be delegated to the Environmental Services Manager in consultation with Councillor Edgar. Councillor Edgar undertook to arrange for a copy of the document to be placed in the Members' Room in order to give Members the opportunity to make comments if they so wished.

Members of the Board made a number of comments including:

- Large numbers of people were now being discharged from hospital into the community, putting pressure on County Council resources
- It had been announced that £250 million would be made available from health budgets for health and after care
- West Sussex and Brighton Primary Care Trusts had announced that they would be consulting with regard to their main hospital being located at either Chichester or Worthing

RESOLVED: That the Environmental Services Manager, in consultation with Councillor Edgar, be requested to respond to the Government Office for the South East with the Council's comments on the draft South East England Health Strategy. The meeting ended at 7.05 p.m.

WAS HELD ON 17 MAY 2007

The Mayor (Councillor Gill) (ex-officio), Chairman of Policy and Organisation Board (Councillor Cully) (ex-officio) (P), Councillors Ms Ballard (P), Carr (P), Clinton (P), Dickson (P), Edgar (P), Kimber (P), Philpott (P), Smith (P), Wright (P) and Mrs Wright (P)

1 APOLOGIES

There were no apologies.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 ELECTION OF CHAIRMAN

RESOLVED: That Councillor Wright be appointed as Chairman of the Board for the Municipal Year 2007-2008.

4 ELECTION OF VICE CHAIRMAN

RESOLVED: That Councillor Mrs Wright be appointed as Vice-Chairman of the Board for the Municipal Year 2007-2008.

The meeting commenced at 7.00pm and concluded at 7.01pm

A MEETING OF THE COMMUNITY AND ENVIRONMENT BOARD

WAS HELD ON 18 JUNE 2007

The Mayor (Councillor Gill) (ex-officio); Chairman of the Policy and Organisation Board (Councillor Cully) (ex-officio), Councillors Ms Ballard, Carr (P), Clinton, Dickson (P), Edgar (P), Kimber (P), Philpott (P), Smith (P), Wright (Chairman)(P) and Mrs Wright (P)

It was reported that, in accordance with Standing Orders, notice had been received that Councillor Foster would replace Councillor Clinton for this meeting.

5. APOLOGIES

Apologies for inability to attend the meeting were received on behalf of The Mayor and Councillors Ms Ballard and Clinton.

6. DECLARATIONS OF INTEREST

There were no declarations of interest.

7. MINUTES

RESOLVED: That the Minutes of the Board meetings held on 5 March 2007 and 17 May 2007 be approved and signed by the Chairman as true and correct records.

8. DEPUTATIONS

It was reported that no deputations had been received.

9. PUBLIC QUESTIONS

No questions had been received from the public.

PART II

10. AUTHORISATION OF OFFICERS UNDER THE PROVISIONS OF PART 1 CHAPTER 1 OF THE HEALTH ACT 2006

Consideration was given to the report of the Environmental Services Manager informing Members that the Health Act 2006 introduced the prohibition of smoking in certain premises, places and vehicles and local authorities, including district councils, were the enforcing authority. Officers of the authority would have to be authorised to enforce the provisions of the Act and regulations made thereunder.

Members were advised that Fixed Penalty Notices would not be the first recourse of enforcement officers. The aim would be to educate and advise in the first instance. Enforcement officers would not be from Street Scene but would be from Environmental Health and Licensing.

In answer to a Member's question, it was confirmed that officers were liaising with local authorities in Hampshire and the Isle of Wight in order that consistent policies and processes could be put in place to enforce the new legislation. Liaison was also taking place with local Primary Care Trusts and Members welcomed this as part of the government Wellbeing Agenda.

RESOLVED: That the Policy and Organisation Board and Council be recommended to approve:-

- (a) the delegations to the Environmental Services Manager being amended to include the power to authorise officers as required by Section 10(5) of the Health Act 2006;
- (b) the appointment of the Environmental Services Manager, or the Head of Environmental Health in his absence, as the appropriate person to decide upon the cancellation of a Fixed Penalty Notice; and
- (c) the Borough Solicitor being authorised to make all necessary amendments to the Council's Constitution to give effect to Recommendations (a) and (b) above.

11. PLAY STRATEGY

Consideration was given to the report of the Leisure and Cultural Services Manager seeking the Board's approval of the draft Play Strategy. The Board was also requested to recommend the draft Strategy to the Policy and Organisation Board for approval.

The Chairman advised the Board that, on their behalf, he had thanked the officers involved for their hard work in the preparation of the draft Play Strategy and in the preparation of the bid to the Big Lottery Fund.

In answer to Members' questions, it was confirmed that budget options would be considered once the results of the Big Lottery Fund bid were known. If the bid was not successful, developer contributions could be used to implement some of the actions detailed in Appendix H to the report.

RESOLVED: That:

- (a) the draft Play Strategy be approved; and
- (b) the draft Play Strategy be recommended to the Policy and Organisation Board for approval.

12. CAMDEN ALLOTMENTS

Consideration was given to a report of the Leisure and Cultural Services Manager seeking approval for the use of funding received by the Council from the sale of land at Camden Allotments to provide areas within the facility for car parking requirements and skip locations. This work would incorporate creating new access to existing unused/inaccessible areas to bring further allotment plots into use.

Members were advised that the capital receipt was a fixed sum that was reducing but was accruing interest. The planned works had been identified through discussions with the Allotment Stakeholders Consultative Group and therefore were in accordance with the needs of the allotment holders themselves. Other works carried out at Camden included improvements to the security of the site.

Members approved the proposals as further plots would be made available to accommodate the increasing interest in allotment use. Problems with on-street parking in the surrounding roads would also be reduced by the introduction of parking places.

RESOLVED: That the use of £8,750 to facilitate car parking requirements and skip locations from the available funding for improvement works to Camden Allotments be approved.

13. IMPROVEMENT TO FACILITIES AT BRIDGEMARY BOWLING CLUB, ROWNER CRICKET CLUB AND PRIVETT PARK TENNIS COURTS

Consideration was given to a report of the Leisure and Cultural Services Manager seeking Board approval for the use of Developer Contributions for improvements to Leisure facilities at the following locations:

- Bridgemark Bowling Club
- Rowner Cricket Club
- Privett Park Tennis Courts

Members were advised that, in each case, the works would be carried out at the end of the main playing season but before the onset of winter weather.

Members welcomed the improvements in security that the proposed works would give to open spaces that were vulnerable to invasion by travellers.

RESOLVED: The Board approved the use of £70,000 funding as detailed in the report of the Leisure and Cultural Services Manager.

14. CHAIRMAN'S URGENT ITEMS

By reason of special circumstances, the Chairman determined that the following items be considered at this meeting notwithstanding the fact that the items had not been available for public inspection in accordance with the provisions of Section 100B(4)(a) of the Local Government (Access to Information) Act 1985.

i. Improvements to Privett Park Enclosure

The special circumstances were created by the fact that it had been intended to include this item in the report of the Leisure and Cultural Services Manager for Agenda Item 9. However, the quote for this work was not received until Monday, 11 June 2007 which was after the agenda for the Board had been despatched.

Consideration was given to a report of the Leisure and Cultural Services Manager seeking Board approval for the use of Developer Contributions for improvements to the facilities at Privett Park Enclosure.

Members welcomed the recent success of the Gosport Borough Football Club and approved the proposed improvements to the perimeter safety barriers and access to the ground for the disabled.

ii. Working Group to Consider the Christmas Lights

The special circumstances were created on the grounds that, in order to undertake the forward planning to which Members would have an input, the process would need to start well in advance of any scheme design. It was also possible that Members would wish to invite the business community to take part in the displays and therefore, time was required to meet with their representatives and consider options, prior to the Council placing any orders for lighting services.

The Chairman advised that a Working Group would need to be set up to consider improvements and changes to the display of Christmas Lights in the Borough as the present lights were getting old and becoming unreliable.

It was proposed that a Working Group be formed on a 1:1:1 political basis and Councillors Carr, Dickson and Wright were nominated.

RESOLVED: That

(a) the use of £11,500 funding from the Sports Pitches Account as detailed in the report of the Leisure and Cultural Services Manager be approved.

(b) A working Group consisting of Councillors Carr, Dickson and Wright be formed to consider proposals for the display of Christmas Lights in the Borough.

At the close of the meeting, Councillor Edgar requested that he be permitted to take this opportunity to record his thanks to the officers from Leisure and Cultural Services, especially to the Head of Parks and Service Facilities, and to the Civic Staff for all their hard work in making recent high profile civic events so successful. A number of last minute changes had had to be made to the organisation of the recent 25th Anniversary Falklands Memorial Service and Parade. The event had run smoothly and been very well received by all who took part. Councillor Smith also extended his thanks to Councillor Kimber for his moving and informative speech during the Service which helped to make it a special occasion.

The meeting commenced at 6.00 pm and concluded at 6.49 pm

A MEETING OF THE HOUSING BOARD

WAS HELD ON 17 MAY 2007

The Mayor (Councillor Gill) (ex-officio), Chairman of Policy and Organisation Board (Councillor Cully) (ex-officio) (P), Councillors Allen (P), Ms Ballard (P), Burgess (P), Champion, Mrs Cully (P), Foster (P), Foster-Reed (P), Mrs Mudie (P), Rigg (P) and Mrs Wright (P).

1 APOLOGIES

An apology for inability to attend the meeting was received from Councillor Champion.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 ELECTION OF CHAIRMAN

RESOLVED: That Councillor Mrs Wright be appointed as Chairman of the Board for the Municipal Year 2007-08.

4 ELECTION OF VICE CHAIRMAN

RESOLVED: That Councillor Mrs Cully be appointed as Vice Chairman of the Board for the Municipal Year 2007-08.

The meeting commenced at 7.01pm and concluded at 7.02pm.

A MEETING OF THE HOUSING BOARD

WAS HELD ON 13 JUNE 2007

The Mayor (Councillor Gill)(ex-officio), Chairman of Policy and Organisation Board (Councillor Cully)(ex-officio), Councillors Allen (P), Ms Ballard (P), Burgess (P), Champion, Mrs Cully (Vice Chairman), Foster (P), Foster-Reed (P), Mrs Mudie (P), Rigg and Mrs Wright (Chairman) (P).

Also in attendance: Tenant Representative – Mrs Janne Carter.

It was reported that, in accordance with Standing Orders, notice had been received that Councillors Carter, Hook and Wright would replace Councillors Champion, Mrs Cully and Rigg for this meeting.

5 APOLOGIES

Apologies for inability to attend the meeting were received from The Mayor (Councillor Gill)(ex-officio), Chairman of Policy and Organisation Board (Councillor Cully)(ex-officio) and Councillors Champion, Mrs Cully and Rigg.

6 DECLARATIONS OF INTEREST

There were no declarations of interest.

7 MINUTES

RESOLVED: That the Minutes of the meetings held on 7 March and 17 May 2007 be approved and signed by the Chairman as a true and correct record.

8 DEPUTATIONS

There were no deputations.

9 PUBLIC QUESTIONS

There were no public questions.

PART II

10 NEW DELEGATIONS UNDER THE HOUSING ACT 2004

The Board considered the report of the Housing Services Manager which sought to formally delegate powers contained within the Housing Act 2004 to the Housing Services Manager.

Officers responded to Members' questions regarding the scope of the proposed delegated powers to the Housing Services Manager. It was explained that enforcement powers available to the local authority would be used in instances where the landlord refused to repair a property but the powers could not be used in relation to owner/occupied properties. Part 4 of the Act related to Empty Dwelling

Management Orders (EDMOs). These orders could entail holding a separate property tribunal. Regarding additional control provisions for residential accommodation to determine whether a survey or examination of a property was necessary, it was confirmed that this piece of legislation was designed to ensure the safety of tenants and might not include areas such as roof aerial maintenance. The Borough Solicitor confirmed that the Government was delegating powers to local authorities under this piece of legislation.

RESOLVED: That:

- (i) the recommended delegated powers to the Housing Services Manager as set out in paragraph 3.3 of the report and contained within the Housing Act 2004 be approved; and
- (ii) the Policy and Organisation Board (27 June 2007) and Council (11 July 2007) be recommended to approve the delegation of powers to the Housing Services Manager as contained within the Housing Act 2004.

11 BEST VALUE SHELTERED HOUSING REVIEW

The Board considered the report of the Housing Services Manager which brought before Members the conclusions of the Best Value Sheltered Housing Working Group review and consultation with residents.

The Assistant Branch Secretary of Unison, addressed the meeting with regard to Unison's involvement with staff within the Sheltered Scheme Service. Discussions had centred on cleaning costs of communal areas and residential and non-residential staffing issues. Unison congratulated the Working Group and officers on the successful conclusion of this process.

Members were pleased that two bedroom units were being planned into redevelopments; it was hoped that new building designs would avoid any 'nooks and crannies' to minimise the potential for crime. When decanting residents, Members were in favour of consideration being given to residents' wishes to return to the same area or to be permanently re-housed elsewhere. Members were concerned that a recent News article had worried residents but it was confirmed that no press release had been issued by the Council.

Members welcomed the report and the valuable contribution made by the Working Group to initiate improvements. Following Members' questions regarding the source of finance for investment and redevelopment of the schemes, the Financial Services Manager explained that funding would come exclusively from the Housing Revenue Account (HRA), within the HRA business plan.

RESOLVED: That:

- (i) officers be instructed to work with an appointed Housing Association Partner or Partners to deliver detailed re-development plans for subsequent consideration by the Housing Board for The Leisure, Rogers House and Agnew House, including management options by the Housing Association

- Partner and/or the Council. Also that any re-development plans be subject to full consultation with the Ward Members for the particular schemes, with the views of Ward Councillors being included in the subsequent re-development report;
- (ii) officers be instructed to identify alternative solutions for the future of Behrendt House and that any future solutions be considered in consultation with the Trade Union and be approved by the Housing Board;
 - (iii) the retention of and investment in Alec Rose & Slocum House, Fortune House, Gloucester House and Woodlands House be approved and that investment in these schemes is programmed within the annual investment programmes approved by Members;
 - (iv) amending charges for guest rooms to £5.00 and £7.50 per night be approved, depending on the facilities on offer at the specific schemes, and that any increase in guest room charges be linked to annual average rent increases;
 - (v) officers be instructed to examine the cleaning costs for each scheme as part of a Best Value process;
 - (vi) a policy of providing scooter spaces/recharging facilities and buggy stores into any new scheme development, where feasible, be approved and that further approval be given to re-charging electricity to users of Mobility Scooters. Charging for storage spaces to be in line with charges for car parking bays.
 - (vii) when Sheltered Scheme Managers' accommodation becomes vacant, officers be instructed to explore ways to utilise the released accommodation and that any existing staff moving from tied accommodation be re-housed on a like for like basis.

12 HOMELESSNESS GRANTS TO EXTERNAL BODIES 2007/08

The Board considered the report of the Housing Services Manager which sought approval of the proposed grants to Gosport Citizens Advice Bureau; Housing Aid Centre, Rowner; Accommodation Resource Centre and the expansion of the Supported Lodgings Scheme.

Members were informed of an amendment to the report in that the Council's Best Value Performance Indicator for the prevention of homelessness in 2006/07 now stood at 6 (228 households) per 1,000 households in the district.

In response to Members' questions it was explained that officers were working to increase capacity for young homeless people as there is a lack of alternative accommodation for them in the Borough; this was borne out by the relatively high number of homeless identified in 2006/07.

Members were assured that although inappropriate allocation/s had recently been made, no precedent had been set as each case was considered on its own merits.

Officers confirmed that procedures had been put in place to avoid future instances occurring; however current tenancy agreements could not be rescinded. The Housing Services Manager explained that the current Choice Based Lettings scheme was under review and the planned new points system would be presented to a future Housing Board meeting.

Members were concerned as to what the funding sources were for the proposed grants and emphasised the need to be clear and to monitor expenditure on comprehensive information. Officers gave an explanation of the planned funding sources for the grants including the domestic violence alarm service and travelling time for the Housing Aid Centre at Rowner. After further discussion Members were in favour of deferring the decision on the grants until the next Housing Board meeting to allow time for officers to prepare a detailed analysis of sources of funding for these grants.

RESOLVED: That consideration of the grants be deferred to the next meeting of the Housing Board, such report to also include information justifying the outreach service request to fund travel time.

13 HOUSING EDITORIAL PANEL REVIEW

The Board considered the report of the Housing Services Manager which proposed a change in title for the 'At Your Service Panel' and which set out terms of reference for the new Housing Editorial Panel.

The Chairman considered it important to change the name of the Panel as this would enable consideration to be given to other Housing Services' publications.

RESOLVED: That:

- (i) the title of the 'At Your Service' Panel be amended to the Housing Editorial Panel; and
- (ii) the terms of reference for the new Housing Editorial Panel set out in paragraph 2.3 of the report be approved.

The meeting commenced at 6pm and concluded at 6.47pm

Appendix PO1

Board/Committee:	Policy & Organisation Board
Date of Meeting:	27 June 2007
Title:	Anti Fraud & Corruption Policy
Author:	Head of Internal Audit & Risk Assurance
Status:	FOR RECOMMENDATION TO COUNCIL

Purpose

Following discussion and approval at the Standards & Governance Committee (23 April 2007) the report is to advise the Policy & Organisation Board on the New Anti Fraud & Corruption Policy and recommends the adoption of the Policy without amendment.

Recommendation

That the Policy and Organisation Board recommends that Council adopts the New Anti Fraud & Corruption Policy in line with best practice and the Audit Commission's Key Lines of Enquiry – Use of Resources, for inclusion into the Council's Constitution.

1 Background

- 1.1 The Council has not had a formal Council wide anti fraud and corruption policy adopted within its Constitution, other than a whistleblowing policy, for over five years. The Council currently scores 2 (out of 4) within the Use of Resources (Internal Control) assessment (Audit Commission matrix). The Council may be able to move towards scoring a three once this Policy is incorporated within the Constitution.

2 Report

- 2.1 As part of the overall governance agenda it is good practice that the Council has an over arching policy covering ALL fraud and corruption. This is external as well as internal. As part of the Key Lines Of Enquiry – Use of Resources [UoR] (4. Internal Control – How well does the council's internal control environment enable it to manage its significant business risks?) this is a key policy to be incorporated within The Council's Constitution. It does feature within the UoR Action Plan (managed by the Resources Sub Group) with both a personal action for publication of the Anti Fraud & Corruption Policy by July 2007 as well as an element within the overall Assurance Framework.

- 2.2 It is also included within the CIPFA's Code of Practice for Internal Audit in Local Government in the UK 2006. It states that "Managing the risk of fraud and corruption is the responsibility of management." It goes on to say "...Internal Audit may go beyond the work needed to meet its assurance responsibilities and assist with, for example, the investigation of suspected fraud or corruption."
- 2.3 The updated Anti Fraud & Corruption Policy features in the Chief Executive's Service Improvement Plan under CXU/IA/003. Current status would remain green if the Committee agree the escalation of this Policy to Council.

3 Risk Assessment

- 3.1 The policy raises the profile and will assist in the detection and prevention of fraud in all Council business.

4 Conclusion

- 4.1 The Council, as a public body, should be safeguarded against the threat of fraud and corruption with robust policies, processes, procedures and systems to reduce the potential risk of varying degrees of fraudulent activities.

Financial Services comments:	Nil
Legal Services comments:	None for the purpose of this report.
Service Improvement Plan implications:	This is a key policy that the Council should adopt as part of its overall governance arrangements.
Corporate Plan:	The policy supports all elements of the business in the prevention and detection of fraud.
Risk Assessment:	See Section 3
Background papers:	<ul style="list-style-type: none"> • Appendix A - Extract from the Key Line of Enquiry - Use of Resources (Audit Commission) • Appendix B - Standards & Governance Committee (23 April 2007)
Appendices/Enclosures:	<ul style="list-style-type: none"> • Appendix C - Anti Fraud & Corruption Policy
Report author/ Lead Officer:	Chris Davis 023 9254 5306

An extract from the

Key lines of enquiry for use of resources

2007 assessments

To be used in conjunction with *Use of Resources Guidance for Councils*
for assessments covering the 2006/07 financial year

4. INTERNAL CONTROL		
How well does the council's internal control environment enable it to manage its significant business risks?		
Key line of enquiry		
4.3 The council has arrangements in place that are designed to promote and ensure probity and propriety in the conduct of its business		
Audit Focus		
Evidence that:		
<ul style="list-style-type: none"> the council has adopted codes of conduct and monitors compliance the council's arrangements to prevent and detect fraud and corruption are effective 		
Criteria for Judgement		
Level 2	Level 3	Level 4
<p>* The council has formally adopted a code of conduct for members that includes the mandatory provisions of the statutory Model Code of Conduct.</p> <p>* All elected and co-opted members have signed up to the code of conduct.</p> <p>* The council has adopted a code of conduct for staff.</p> <p>* The council has put in place arrangements for monitoring compliance with standards of conduct across the council including:</p> <ul style="list-style-type: none"> register of interests register of gifts and hospitality complaints procedure. <p>* The standards committee's membership and functions are in accordance with the requirements of the Local Government Act 2000.</p> <p>* There is a counter fraud and corruption policy applying to all aspects of the council's</p>	<p>* The council is proactive in raising the standards of ethical conduct among members and staff, including the provision of ethics training. (now bold)</p> <p>* The council has undertaken an assessment of standards of conduct, including how effectively members are complying with the code of conduct, the number and types of complaints received, and takes action as appropriate.</p> <p>* Members and staff are aware of the need to make appropriate disclosures of gifts, hospitality and pecuniary interests. There is evidence that members and staff are making appropriate disclosures in the registers and that they are regularly reviewed.</p> <p>* A strong counter fraud culture is supported and promoted by members and senior officers.</p> <p>* The council undertakes proactive counter fraud and corruption work which is determined by a formal risk assessment.</p>	<p>The council can demonstrate that its members and staff exhibit high standards of personal conduct.</p> <p>The council can demonstrate a strong counter fraud culture across all departments. Staff have clearly acknowledged and accepted their responsibility to prevent and detect fraud and corruption.</p> <p>The risk of fraud and corruption is specifically considered in the council's overall risk management process.</p> <p>The use of publicity in successful cases of proven fraud/corruption is routinely considered to raise awareness.</p> <p>The council has a track record for effective action in response to whistleblowing disclosures. There are periodic reviews of the effectiveness of the whistleblowing arrangements, and there are effective arrangements for receiving and acting upon disclosures from members of the public.</p> <p>The council can demonstrate that effective action</p>

Use of resources

<p>business which has been communicated throughout the council.</p> <p>* The council has arrangements in place to receive and investigate allegations of breaches of proper standards of financial conduct, and of fraud and corruption.</p> <p>* There is a whistleblowing policy which has been communicated to staff and those parties contracting with the council.</p> <p>* The council has provided the required data for the National Fraud Initiative (NFI), has notified data subjects of this use of data, and has established a process to follow-up NFI data matches.</p>	<p>* The council can demonstrate that counter fraud and corruption work is adequately resourced. (now bold)</p> <p>* Investigations into allegations of fraud and corruption are conducted in accordance with statutory requirements, eg, Police and Criminal Evidence Act, Regulation of Investigatory Powers Act, Data Protection Act, by appropriately trained staff.</p> <p>* The whistleblowing policy is publicised within the council and demonstrates the council's commitment to providing support to whistleblowers.</p> <p>The council has effectively identified the key NFI data matches for review from all levels of reports (high, medium and low).</p> <p>The council works with other bodies such as DWP when following-up data matches from NFI. Risks are followed-up promptly to prevent prolonged exposure.</p> <p>Weaknesses revealed by instances of proven fraud and corruption, including NFI data matches, are reviewed to ensure that appropriate action is taken to strengthen internal control arrangements.</p>	<p>has been taken to maximise the potential savings available through NFI.</p>
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Summary of modifications for 2007

The status of specified criteria has been changed for the 2007 assessment as consulted on in February 2006.

The changes are summarised below and annotated against the criteria as 'now bold'.

KLOE	Summary of criteria
Internal control	
4.3	The council is proactive in raising standards of ethical conduct among members and staff and can demonstrate that counter fraud and corruption work is adequately resourced.

APPENDIX B

EXTRACT FROM THE DRAFT MINUTES OF THE MEETING OF THE STANDARDS AND GOVERNANCE COMMITTEE HELD ON 23 APRIL 2007

60. ANTI FRAUD AND CORRUPTION POLICY

Consideration was given to a report of the Head of Internal Audit and Risk Assurance which advised the Committee of the New Anti Fraud & Corruption Policy and recommended its adoption without amendment.

It was reported that there were a number of strategies underlining this policy and that use had been made of best practice and CIPFA guidance.

Members were advised that, once the policy had been incorporated into the Council's constitution, the Council may be able to move towards a score of three within the Use of Resources (Internal Control) assessment.

The Committee thanked officers for their work in enabling the Council to achieve a "strong 2" Use of Resources score.

RESOLVED: That the Policy & Organisation Board and Council be recommended to adopt the New Anti Fraud & Corruption Policy in line with best practice and the Audit Commission Key Line of Enquiry – Use of Resources, for inclusion into the Council's Constitution.

GOSPORT BOROUGH COUNCIL

ANTI – FRAUD & CORRUPTION POLICY

APRIL 2007

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1. INTRODUCTION

- 1.1 Gosport Borough Council aims to set high standards of service provision and care for the community it serves and is committed to upholding the reputation of the Council and maintaining public confidence in its integrity.
- 1.2 In fulfilling its responsibilities to protect the public funds it administers against fraud and corruption both from within the Council and from external sources, the Council recognises the responsibilities placed upon it by statute and will actively promote an Anti-Fraud and Corruption Policy designed to:
- Promote standards of honest and fair conduct;
 - encourage prevention of fraud and corruption;
 - promote detection;
 - identify a clear process for investigation and remedial action;
 - pursue a zero-tolerance policy and bring to justice all persons who commit acts of fraud or corruption against the Council;
 - recover any losses incurred by the Council; and
 - maintain strong systems of internal control.
- 1.3 The Council requires that Members and staff at all levels to adopt the highest standards of propriety and accountability and will lead by example by ensuring adherence to legal requirements, rules, regulations and agreed policies, practices and procedures.
- 1.4 The Council also expects that individuals and organisations that come into contact with the Council e.g. the public, suppliers and contractors, will act with integrity and without intent or actions involving fraud and corruption.
- 1.5 Internal scrutiny of the Council's affairs occurs as a result of:
- The Deputy Chief Executive and Borough Treasurers' Section 151 Local Government Act 1972 responsibilities to ensure the proper administration of the Council's financial affairs and Section 114 Local Government Finance Act 1988 responsibilities ;
 - the establishment of sound internal audit arrangements in accordance with the Accounts and Audit Regulations 2003 and ;
 - the responsibilities placed on the Borough Solicitor as Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.
- 1.6 External Scrutiny of the Council's affairs occurs as a result of involvement by:
- Local Government Ombudsman ;
 - External Auditor appointed by the Audit Commission ;
 - Central Government Departments and Parliamentary Committees ;
 - HM Revenue & Customs ;
 - The Department for Work and Pensions ;
 - Inspectorates such as the Benefit Fraud Inspectorate ; and
 - the general public via the annual inspection of the accounts and the Council's complaints procedure.

Part of the External Auditor's statutory duties require them to ensure that the Council has in place adequate arrangements for the prevention and detection of fraud and corruption.

1.7 Fraud and Corruption are defined by the Audit Commission as:-

Fraud - "the intentional distortion of financial statements or other records by persons internal or external to the Council which is carried out to conceal the misappropriation of assets or otherwise for gain".

Corruption – "the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person".

1.8 This policy document embodies a series of measures designed to frustrate any attempt of a fraudulent or corrupt act. These cover:

- | | |
|-------------------------------|-----------|
| ➤ Culture | Section 2 |
| ➤ Prevention | Section 3 |
| ➤ Detection and Investigation | Section 4 |
| ➤ Training | Section 5 |

1.9 The following list highlights the key documents (held within the Council's Constitution) which together form the overall framework for the proper conduct of business within this Council.

- Delegations to Officers
- Access to Information Rules
- Contract Standing Orders
- Financial Regulations
- Codes & Protocols
- Codes of Conduct – Members & Officers
- Whistleblowing Policy

2. CULTURE

2.1 The Council has determined that the culture and tone of the Council is one of honesty, openness, integrity, accountability and opposition to fraud and corruption. The prevention/detection of fraud and corruption and the protection of the public purse is everyone's responsibility.

2.2 The Council's Members and staff play an important role in creating and maintaining this culture. They are positively encouraged to raise any matters that concern them relating to the Council's method of operation.

2.3 Full details of the arrangements for reporting concerns internally can be found in the Fraud Response Plans and the Council's Whistleblowing Policy. Concerns can be raised knowing that they will be treated seriously and will be properly investigated in a confidential and impartial manner. In raising concerns staff can be assured that there will be no victimisation, anonymity will be respected and it will not affect their current employment situation or future prospects with the Council.

2.4 Concerns should be raised in the first instance directly with the line manager or if this is not appropriate then the Whistleblowing Policy outlines other appropriate channels. In addition to these channels, concerns can also be raised with any of the following:-

- any Trade Union representative ;
- any member of Internal Audit either directly or via the publicised 24 hour fraud hotline (023 9254 5308) ;

- the publicised benefit fraud hotline (02392 545545) in the case of suspected benefit fraud ;
- an external investigator such as the External Auditor;
- a secure area on the Council's web site (under development) to record confidentially any concerns.

The Council will ensure that any allegations received in any way including anonymously will be taken seriously and investigated in an appropriate manner.

- 2.5 There is an expectation and requirement that all members of the public, partners, organisations, suppliers and contractors associated in whatever way with the Council will act with integrity and they are encouraged to raise any issues that concern them through whichever channel they consider appropriate. The numbers of two direct dial telephone lines are publicised, one is for the receipt of benefit fraud information and the other is for any other suspected fraud and corruption information (see 2.4 above).
- 2.6 Senior management are required to ensure that the risks of fraud and corruption are effectively managed at strategic and operational levels, with competent and trained staff working within systems that incorporate effective anti-fraud and corruption controls. Senior management must act in accordance with the Council's Financial Regulations when dealing with any allegations of fraud and corruption.
- 2.7 When it is found that fraud and corruption has occurred due to a breakdown in the Council's systems or procedures, senior management will ensure that appropriate improvements in systems of control are implemented in order to prevent a reoccurrence.
- 2.8 The Council will work in partnership with the Police and other public bodies and will maximise the use of internal and external data matching. A robust approach will be taken in all proven cases of financial malpractice, fraud or corruption including where appropriate, use of the Council's disciplinary procedures. A similar approach will be taken in relation to any allegations that are found subsequently to be malicious.
- 2.9 The Council will respect the Human Rights Act 1998 but it will use all possible lawful means to protect Council services and finances from fraudsters and it will fully meet relevant legislative requirements relating to fraud and corruption including the Regulation of Investigatory Powers Act (RIPA) 2000, the Proceeds of Crime Act 2005 and Money Laundering Regulations 2003.

3. PREVENTION

3.1 STAFF

- 3.1.1 The Council recognises that a key preventative measure in the fight against fraud and corruption is to take effective steps at the recruitment stage to establish, as far as possible, the honesty and integrity of potential staff. In this regard, temporary and contract staff will be treated in the same manner as permanent staff.
- 3.1.2 Staff recruitment will be in accordance with the Council's policies and procedures. Written references covering the known honesty and integrity of potential staff and evidence of qualifications will always be obtained before offers of employment are made. Further checks may be introduced in areas

where an increased risk of potential fraud and corruption has been identified. There will be an open and fair policy of recruitment with no 'canvassing' or 'favouritism'. The Council's Equal Opportunities Policy and all other Council Policies will be adhered to during this process.

- 3.1.3 Staff are expected to follow standards of conduct laid down by the Council's Code of Conduct for Employees (Part 5 Section 19 of the Council's Constitution), National Agreement on Pay and Conditions of Service, any other codes of practice and by professional bodies of which they are members. In the latter instance, the Council will report known impropriety to the relevant Institution for them to consider appropriate disciplinary action.
- 3.1.4 The Council's Disciplinary Procedure is administered by the Head of Paid Service and will be followed when staff are suspected of committing a fraudulent or corrupt act.
- 3.1.6 All staff are required to declare in a register any offers of gifts or hospitality which are in any way related to the performance of their duties in relation to the Council. The Employee Gifts and Hospitality Register is held by the Borough Solicitor.
- 3.1.7 Staff must declare any pecuniary interests in contracts that have been or are proposed to be entered into by the Council, in accordance with Section 117 of the Local Government Act 2000. The legislation also prohibits the acceptance of fees or rewards other than by means of proper remuneration.
- 3.1.8 Staff should also disclose any personal and private non-pecuniary interests to their Manager. This includes membership of any organisation which is not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.
- 3.1.9 Guidance on offers of gifts or hospitality and disclosure of pecuniary and non-pecuniary interests can be found in the Code of Conduct for Employees.
- 3.1.10 Management at all levels are responsible for ensuring that their staff are aware of the Council's Financial Regulations and that their requirements are being met. They are also responsible for the operation, management and monitoring of the internal control systems within their service areas. Under Regulation 4 of the Accounts and Audit (Amendment) (England) Regulations 2006 the Council has to maintain a sound system of internal control which facilitates the effective exercise of that body's functions and includes arrangements for the management of risk. To facilitate this, Managers are therefore required to give reasonable assurance that internal controls within their service areas are operating satisfactorily.
- 3.1.11 Managers should strive to create an environment in which their staff feel able to approach them with concerns they may have about suspected irregularities.

3.2 MEMBERS

3.2.1 Members are required to operate within:

- Government Legislation including the National Code of Local Government Conduct ;
- The Code of Conduct for Members (Part 5 Section 18 of the Council's Constitution);

- Council Contract Standing orders and Financial Regulations ;
- Any locally adopted Codes or Rules as listed within the Council's Constitution (eg. Part 5 Schedule 20 & 21 of the Council's Constitution).

- 3.2.2 These matters are specifically brought to the attention of Members on election to office by the Chief Executive and subsequent training. The Local Government Act 2000 requires all Members to sign an undertaking to observe the Code of Conduct and they are advised of new legislative or procedural requirements.
- 3.2.3 Members are required to provide specific information concerning their financial and other interests and keep this information up to date. The Members Register of Interests is held by the Council's Borough Solicitor.
- 3.2.4 Adherence to these matters is overseen by the Council's Standards and Governance Committee which has independent representatives within its membership and is responsible for the ethical framework of the Council working closely with the Chief Executive, Deputy Chief Executive & Borough Treasurer and Borough Solicitor.
- 3.2.5 The Council's Standards and Governance Committee is responsible for promoting and maintaining high standards of conduct by elected Members, co-opted members and officers of the Council; for the Members' codes of conduct; for the Council's protocols and ethical guidance; and for dealing with complaints about councillors in so far as permitted by law. It has the task of overseeing the Council's complaints procedure and reviewing the Constitution and making recommendations for changes and revisions to it to the Full Council.

3.3 **SYSTEMS**

- 3.3.1 The Council has in place Delegations to Officers, Codes and Protocols, Financial Regulations and Access to Information Rules within its Constitution, that place duties on all Members and employees to act in accordance with best practice when dealing with the affairs of the Council.
- 3.3.2 The Deputy Chief Executive & Borough Treasurer has a statutory responsibility under Section 151 of the Local Government Act 2000 to ensure proper administration of the Council's financial affairs. In addition, under the Accounts and Audit Regulations 2006, the Council is required to maintain an adequate and effective internal audit of its financial records and systems of internal control.
- 3.3.3 The Borough Solicitor has a statutory responsibility under section 5.5 of the Local Government and Housing Act 1989 and the Local Government Act 2000 to ensure the lawfulness and fairness of decision making and with the Standards Committee to promote and maintain high standards of conduct.
- 3.3.4 The Council is committed to systems which incorporate efficient and effective internal controls and which include adequate separation of duties. All Service Managers are required to ensure that such controls, including those in a computerised environment, are properly maintained and documented.
- 3.3.5 Internal and External Audit regularly assess the adequacy, efficiency and effectiveness of the Council's financial systems having regard to the risks of fraud and corruption. Any weaknesses identified will be reported to management who will ensure that corrective action is taken. The Section 151

Officer (Deputy Chief Executive & Borough Treasurer) will use his statutory power to enforce the required changes if necessary via the Council's Standards and Governance Committee.

3.3.6 The Council encourages liaison with other external agencies to exchange information where possible and appropriate to help prevent and detect fraud and corruption. These agencies include:

- Other Local Authorities and statutory Authorities;
- Treasurers Associations and Societies;
- local, regional and national Auditor networks;
- Government Departments;
- Police;
- External Audit (Mazars);
- Audit Commission (National Fraud Initiative);
- National & Local Anti-Fraud Network and
- Housing Benefit Matching Service.

3.3.7 The Head of Internal Audit & Risk Assurance is the Council's appointed Money Laundering Reporting Officer (MLRO) in accordance with the Council's Anti-Money Laundering Policy.

4. DETECTION AND INVESTIGATION

4.1 The Council's preventative systems, particularly internal control systems, provide indicators of, and help to deter any fraudulent activity.

4.2 It is the responsibility of Managers to prevent and detect fraud and corruption. However, it is often the alertness of members, staff and the general public to the possibility of fraud and corruption that enables detection to occur and appropriate action to take place.

4.3 Despite the best efforts of the Council, frauds are often discovered by chance or 'tip-off' and the Council has in place arrangements to enable such information to be properly and promptly dealt with.

4.4 Members, Chief Officers and staff are required by Financial Regulations to notify the Head of Internal Audit & Risk Assurance immediately of any instances or suspected instances of fraud and corruption. This is essential to the success of this policy and:

- ensures the consistent treatment of information regarding fraud and corruption and;
- facilitates a thorough investigation of any allegation received.

4.5 Suspicions that any transaction or dealing may involve the proceeds of crime should be reported to the Head of Internal Audit & Risk Assurance (MLRO) who will ensure such suspicions are reported to the relevant authorities as required by the regulations governing Money Laundering.

4.6 Depending on the nature and anticipated extent of the allegations, the investigating officer, usually the Head of Internal Audit and in the case of benefit fraud the Senior Counter Fraud Officer, will ensure that all allegations and evidence are properly investigated and reported upon and will work

closely with management and other agencies such as the Police to achieve this.

- 4.7 Procedures for dealing with the investigation of fraud and corruption are included in the Audit Manual of the Internal Audit section. Procedures and conduct for dealing with the investigation of benefit fraud are included in the Benefit Fraud Procedures Manual.
- 4.8 The Council's disciplinary procedures will be invoked where the outcome of the investigation indicates improper behaviour by a member of staff. In addition, if appropriate, offenders will be prosecuted by the Police where financial impropriety is discovered.
- 4.9 The Housing and Council Tax Benefit Counter Fraud Enforcement Policy will be followed where the outcome of the investigation indicates benefit fraud.
- 4.10 All investigations into suspected instances of fraud and corruption undertaken by the Council shall comply with the requirements of the Human Rights Act 1998, Regulation of Investigatory Powers Act 2000 and have regard to the Police and Criminal Evidence Act 1984.
- 4.11 The Council will also aim to recover from the perpetrators any losses that it sustains as a result of fraud and corruption.
- 4.12 Where appropriate, the Council will publicise the results of any action taken, including prosecutions, with regard to fraud and corruption activity perpetrated on the Council.
- 4.13 The Council's arrangements for the prevention, detection and investigation of suspected fraud and corruption are subject to review by the Council's external auditors.

5. TRAINING

- 5.1 The Council recognises that the success of its Anti-Fraud and Corruption Policy and its general credibility will depend largely on how effectively the policy is communicated throughout the Council and beyond, together with the effectiveness of programmed training and the responsiveness of staff throughout the Council.
- 5.2 To facilitate this, Management are responsible for ensuring that this Policy and the related policies and procedures, to which it refers, are communicated to their staff in order to promote greater awareness of fraud and corruption.
- 5.3 Management should ensure that positive and appropriate training provision is made for all employees involved in key internal control systems to ensure that their responsibilities and duties in this respect are regularly highlighted and reinforced.
- 5.4 Induction and refresher training for Members will be provided by the Head of Internal Audit & Risk Assurance.
- 5.5 Investigation of fraud and corruption is undertaken by the Internal Audit and Benefit Sections. Staff involved in this work are properly and regularly trained.

6. CONCLUSION

- 6.1 The Council has in place a robust network of policies, guidelines, systems and procedures which are designed to limit, as far as is practicable, acts of fraud and corruption and to detect and assist it in dealing with fraud and corruption should it occur. All such measures will be kept under review to ensure they keep pace with any developments in fraud prevention and detection techniques.
- 6.2 The Council will maintain a continuous review of all its systems and procedures through the work of both its Corporate Policy & Performance and Internal Audit sections.
- 6.3 The Council will continuously review its key policy documents including this Anti-Fraud and Corruption Policy.

GOSPORT BOROUGH COUNCIL

REFERENCE

**TO: POLICY AND ORGANISATION BOARD –
27 JUNE 2007**

FROM: HOUSING BOARD – 13 JUNE 2007

TITLE: NEW DELEGATIONS UNDER THE HOUSING ACT 2004

AUTHOR: HOUSING SERVICES MANAGER

Attached is a copy of the report that was considered by the Housing Board on the 13 June 2007 (Appendix 'B'), together with the Minute extract and Board Resolution (Appendix 'A').

RECOMMENDATION:

That Policy and Organisation Board (27 June 2007) and Council (11 July 2007) approve the delegation of powers to the Housing Services Manager as contained within the Housing Act 2004.

EXTRACT FROM THE MINUTES OF THE
HOUSING BOARD MEETING
13 JUNE 2007

Minute No.

10 NEW DELEGATIONS UNDER THE HOUSING ACT 2004

The Board considered the report of the Housing Services Manager (a copy of which is attached in the Minute Book as Appendix 'A') which sought to formally delegate powers contained within the Housing Act 2004 to the Housing Services Manager.

Officers responded to Members' questions regarding the scope of the proposed delegated powers to the Housing Services Manager. It was explained that enforcement powers available to the local authority would be used in instances where the landlord refused to repair a property but the powers could not be used in relation to owner/occupied properties. Part 4 of the Act related to Empty Dwelling Management Orders (EDMOs). These orders could entail holding a separate property tribunal. Regarding additional control provisions for residential accommodation to determine whether a survey or examination of a property was necessary, it was confirmed that this piece of legislation was designed to ensure the safety of tenants and might not include areas such as roof aerial maintenance. The Borough Solicitor confirmed that the Government was delegating powers to local authorities under this piece of legislation.

RESOLVED: That:

- (i) the recommended delegated powers to the Housing Services Manager as set out in paragraph 3.3 of the report and contained within the Housing Act 2004 be approved; and
- (ii) the Policy and Organisation Board (27 June 2007) and Council (11 July 2007) be recommended to approve the delegation of powers to the Housing Services Manager as contained within the Housing Act 2004.

Board/Committee:	Housing Board
Date of meeting:	13 June 2007
Title:	NEW DELEGATIONS UNDER THE HOUSING ACT 2004
Author:	Housing Services Manager/TC
Status:	For recommendation to the Policy and Organisation Board and Council

Purpose

To formally delegate powers contained within the Housing Act 2004 to the Housing Services Manager.

Recommendation

- 1) That the Board approves the powers set out in paragraph 3.3 of the report contained within the Housing Act 2004 to the relevant stated officers.
- 2) That the Board recommends to the Policy & Organisation Board (Meeting on 27th June 2007) and Council (Meeting on 11th July 2007) the delegation of powers contained within the Housing Act 2004 to the relevant stated officers.

1.0 Background

- 1.1 The Housing Act 2004 (the Act) which came into force on the 6 April 2006 makes provisions for dealing with the condition of private sector housing.
- 1.2 The Act replaces many of the powers contained within the Housing Act 1985. As a result a number of new delegations are required for officers to carry out their statutory functions.

2.0 Changes In Legislation

- 2.1 The Housing Act 2004 repeals many of the powers contained within the Housing Act 1985 and gives local housing authorities new statutory powers for enforcement of housing standards in the private sector. Four parts to the Act relevant to dealing with poor housing conditions are covered in this report.
- 2.2 Part 1 introduces the new Housing Health and Safety Rating System. This is a new risk assessment system for assessing the suitability of dwellings for occupation and it replaces the old standard of fitness for human habitation.
- 2.3 Part 1 also introduces a new range of enforcement powers that are available to the local authority to deal with poor housing conditions. These powers range from simple hazard awareness notices to emergency powers to resolve matters that pose a serious and imminent risk to the occupiers. If a dwelling is found to have hazards that pose sufficient risk to the health and safety of the occupants then the authority is obliged to take the most appropriate enforcement action.

- 2.4 Part 2 introduces new licensing powers relating to Houses in Multiple Occupation (HMO). This only covers certain HMOs that are three storey or more with more than five occupants. Each local authority has the power to extend licensing to other categories of HMO but the good condition and limited number of local HMOs in this Borough means that this is unlikely to be required.
- 2.5 Part 3 gives the local authority powers to designate areas for selective licensing. One of the conditions for designation is that the area is one of very low housing demand with extremely poor social and economic conditions. It is not anticipated at this stage that designation will be considered within the Borough of Gosport.
- 2.6 Part 4 gives local authorities the power to take control of certain dwellings. This includes the Empty Dwelling Management Order (EDMO) which will enable the Borough Council to take over the running of an empty property, carry out works, set up a tenancy and receive the rent. It is anticipated that these powers could be considered as part of the Borough Council's Empty Property Strategy.

3.0 Request For Delegation Of Powers

- 3.1 A local authority, referred to in the act as an enforcement authority, may authorise persons to act in matters arising under the Act.
- 3.2 The Private Sector Housing Team of Gosport Borough Council is part of the Housing Services Unit. It is therefore proposed to delegate the powers listed below to the stated officers.
- 3.3 The following powers are recommended to be delegated to the posts shown.

HOUSING ACT 2004

POWER DELEGATED

DELEGATION TO

Part 1 - Housing Conditions

Section 4 - To carry out inspections to see whether any Category 1 or 2 hazards exist.	Housing Services Manager.
Section 4 –To be the Proper Officer to whom any official complaint about the condition of residential premises must be made.	Housing Services Manager.
Section 11- To serve an Improvement Notice for Category 1 hazard	Housing Services Manager.
Section 12 - To serve an Improvement Notice for a Category 2 hazard	Housing Services Manager.
Section 14 - To suspend an Improvement Notice	Housing Services Manager.
Section 16 - To revoke or vary an Improvement Notice	Housing Services Manager.

Section 17 - To review a suspended Improvement Notice and give notice of the decision on a review.	Housing Services Manager.
Section 20 - To make and serve a Prohibition Order in respect of Category 1 hazards	Housing Services Manager.
Section 21 – To make and serve a prohibition order in respect of Category 2 hazards	Housing Services Manager.
Section 23 - To suspend a Prohibition Order	Housing Services Manager.
Section 25 - To revoke or vary a Prohibition Order	Housing Services Manager.
Section 26 - To review a suspended Prohibition Order and to serve notice of the decision of any review	Housing Services Manager.
Section 28 - To serve a Hazard Awareness Notice relating to a Category 1 hazard	Housing Services Manager.
Section 29 - to serve a Hazard Awareness Notice for a Category 2 hazard	Housing Services Manager.
Section 31 and Schedule 3 - To take action in respect of an Improvement Notice.	Housing Services Manager.
Sections 40 and 41 - To take emergency remedial action where there is a Category 1 hazard and to serve the requisite notices.	Housing Services Manager, subject to consultation with Hampshire Fire and Rescue Authority in respect of a fire hazard, in accordance with Section 10. Also: For the sole purpose of taking emergency remedial action in relation to blocked private sewers:- The Environmental Services Manager.
Section 43 - To serve an emergency prohibition order for Category 1 hazard	Housing Services Manager.
Section 46 (Housing Act 1985 S 265) – To serve a Demolition Order for Category 1 or 2 hazards	Housing Services Manager.
Section 47 (Housing Act 1985, S 289) – To declare a Clearance Area	Housing Services Manager.

Sections 49 - To make a charge for enforcement action	Housing Services Manager.
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Part 2 - Licensing of Houses in Multiple Occupation

Section 62 - To serve a temporary exemption from the licensing requirement for HMOs	Housing Services Manager.
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Sections 64, 69 and 70 - To grant or refuse a licence for an HMO, to vary or revoke the licence.	Housing Services Manager.
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Section 73 - To apply for a rent repayment order, and to serve the requisite notices	Housing Services Manager.
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Part 3 – Selective Licensing of Other Residential Accommodation

Section 96 - To apply for a rent repayment order and to serve the requisite notices	Housing Services Manager.
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Part 4 – Additional Control Provisions in Relation to Residential Accommodation

Sections 102, 111 and 112 - To make, vary and revoke interim management orders	Housing Services Manager.
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Sections 113, 121 and 122 – To make, vary and revoke final management orders	Housing Services Manager.
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Section 131 – Power of entry to carry out works where management order is in force, and to appoint, in writing, persons to enter the premises to carry out the work.	Housing Services Manager.
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Section 133 – To make an interim empty dwelling management order	Housing Services Manager.
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Section 136 – To make a final empty dwelling management order	Housing Services Manager.
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Section 139 – To serve an overcrowding notice	Housing Services Manager.
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Section 144 – To revoke and vary overcrowding notices	Housing Services Manager.
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Section 235 – To serve notice requiring documents to be produced	Housing Services Manager.
Section 239 – To enter premises for purposes of carrying out a survey or examination	Housing Services Manager.
Section 239 - To be the Proper Officer for determining if a survey or examination is necessary	Housing Services Manager.
Section 255 and 256 – To serve, and to revoke, an HMO declaration notice	Housing Services Manager.

3.4 There are no specific Crime and Disorder Implications to this report.

4.0 Conclusion

4.1 The Housing Act 2004 (The Act), which came into force on the 6 April 2006 makes provision for dealing with conditions within private sector housing. The Act replaces many of the powers contained within the Housing Act 1985. As a result new delegations to the Housing Services Manager need to be agreed.

Financial implications:	None
Legal implications:	The proposed delegations contained in this Report will amend the current scheme of delegation to Officers contained in The Constitution, and so will need to be approved by full Council.
Service Improvement Plan implications:	The implementation and monitoring of work undertaken under the provisions of the Housing Act 2004 will be part of the Housing Service Improvement Plan for 2007-08
Corporate Plan:	None
Risk Assessment:	Risk assessments have been carried out for separate elements of the Housing Act 2004:
Background papers :	None
Report author/Lead Officer:	Trevor Charlesworth Principal EHO

GOSPORT BOROUGH COUNCIL

REFERENCE

**TO: POLICY AND ORGANISATION BOARD –
27 JUNE 2007**

**FROM: COMMUNITY AND ENVIRONMENT BOARD – 18 JUNE
2007**

**TITLE: AUTHORISATION OF OFFICERS UNDER THE PROVISIONS
OF PART 1 CHAPTER 1 OF THE HEALTH ACT 2006**

AUTHOR: ENVIRONMENTAL SERVICES MANAGER

Attached is a copy of the report that was considered by the Community and Environment Board on the 18 June 2007 (Appendix 'B'), together with the Minute extract and Board Resolution (Appendix 'A').

RECOMMENDATION:

That Policy and Organisation Board and Council approve:

- (a) the delegations to the Environmental Services Manager being amended to include the power to authorise officers as required by Section 10(5) of the Health Act 2006;
- (b) the appointment of the Environmental Services Manager, or the Head of Environmental Health in his absence, as the appropriate person to decide upon the cancellation of a Fixed Penalty Notice; and
- (c) the Borough Solicitor being authorised to make all necessary amendments to the Council's Constitution to give effect to Recommendations (a) and (b) above.

EXTRACT FROM THE MINUTES OF THE
COMMUNITY AND ENVIRONMENT BOARD MEETING
18 JUNE 2007

Minute No.

**10. AUTHORISATION OF OFFICERS UNDER THE PROVISIONS OF
PART 1 CHAPTER 1 OF THE HEALTH ACT 2006**

Consideration was given to the report of the Environmental Services Manager (a copy of which is affixed in the Minute Book at Appendix 'A') informing Members that the Health Act 2006 introduced the prohibition of smoking in certain premises, places and vehicles and local authorities, including district councils, were the enforcing authority. Officers of the authority would have to be authorised to enforce the provisions of the Act and regulations made thereunder.

Members were advised that Fixed Penalty Notices would not be the first recourse of enforcement officers. The aim would be to educate and advise in the first instance. Enforcement officers would not be from Street Scene but would be from Environmental Health and Licensing.

In answer to a Member's question, it was confirmed that officers were liaising with local authorities in Hampshire and the Isle of Wight in order that consistent policies and processes could be put in place to enforce the new legislation. Liaison was also taking place with local Primary Care Trusts and Members welcomed this as part of the government Wellbeing Agenda.

RESOLVED: That the Policy and Organisation Board and Council be recommended to approve:-

- (a) the delegations to the Environmental Services Manager being amended to include the power to authorise officers as required by Section 10(5) of the Health Act 2006;
- (b) the appointment of the Environmental Services Manager, or the Head of Environmental Health in his absence, as the appropriate person to decide upon the cancellation of a Fixed Penalty Notice; and
- (c) the Borough Solicitor being authorised to make all necessary amendments to the Council's Constitution to give effect to Recommendations (a) and (b) above.

Appendix 'B'
AGENDA ITEM NO.

Board/Committee:	COMMUNITY AND ENVIRONMENT BOARD
Date of Meeting:	18TH JUNE 2007
Title:	AUTHORISATION OF OFFICERS UNDER THE PROVISIONS OF PART 1 CHAPTER 1 OF THE HEALTH ACT 2006
Author:	ENVIRONMENTAL SERVICES MANAGER
Status:	FOR RECOMMENDATION TO POLICY AND ORGANISATION BOARD AND COUNCIL

Purpose

The Health Act 2006 introduces the prohibition of smoking in certain premises, places and vehicles and local authorities, including district councils, are the enforcing authority. Officers of the authority have to be authorised to enforce the provisions of the Act and regulations made thereunder.

Recommendations

1. That the Policy and Organisation Board and the Council be recommended to amend the delegations to the Environmental Services Manager to include the power to authorise officers as required by Section 10(5) of the Health Act 2006.
2. That the Policy and Organisation Board and the Council be recommended to approve the appointment of the Environmental Services Manager, or the Head of Environmental Health in his absence, as the appropriate person to decide upon the cancellation of a Fixed Penalty Notice.
3. That the Borough Solicitor be authorised to make all necessary amendments to the Council's Constitution to give effect to Recommendations 1 and 2 above.

1 Background

- 1.1 The Health Act 2006 comes into force on 1st July 2007 and will require all workplaces, enclosed public places and certain work vehicles to be smokefree.
- 1.2 Regulations have been made under the Act which also come into force on 1st July and which have prescribed the type of premises and vehicles which will have to be smokefree and the size and type of "No Smoking" signs which will have to be fixed in premises and vehicles.

2 Report

- 2.1 The new smokefree law is being introduced to protect employees and the public from the harmful effects of secondhand smoke.

- 2.2 It is estimated that the new law will save thousands of lives over the next decade and help create healthier and cleaner workplaces and enclosed public places.
- 2.3 The Act will apply to all enclosed workplaces, including the Town Hall and to all work vehicles if they are used by more than one person. The law will also apply to enclosed public places, which include not only pubs, clubs and cinemas (which are also workplaces) but also to common areas in hotels, flats, sheltered accommodation.
- 2.4 Smoking will no longer be allowed in “smoking rooms” or in staff rooms; work vehicles used by more than one person must be smokefree at all times.
- 2.5 All workplaces, enclosed public places and work vehicles to which the legislation applies must display No Smoking signs.
- 2.6 Smoking in some bedrooms in hotels may be allowed, but only if they are designated as such in writing by the owner or manager and are provided with suitable ventilation. Smoking will also be allowed in designated rooms in care homes, hospices and prisons.
- 2.7 It will still be permissible to continue to smoke outside in the open air and in a person’s private dwelling not open to the public. Enclosed common areas (corridors, stairways etc) of houses in multiple occupation, such as students’ halls of residence, will also be exempt from the requirement to be smokefree unless those common areas are used as a workplace by more than one person, for instance by cleaners.
- 2.8 Whilst there is no legal requirement for owners or managers to provide an outdoor “smoking shelter” some premises (such as pubs) may wish to erect one. This may require planning permission and must be no more than 50% enclosed to be classed as a smoking shelter and not an enclosed place.
- 2.9 There are provisions in the Act for the service of Fixed Penalty Notices for non-compliance. Discounted fines are available if paid within 15 days. Failure to pay a fixed penalty fine may result in prosecution and the possibility of a higher fine being levied.
- 2.10 Members will note that there is no option to serve a fixed penalty notice for failing to prevent smoking in a smokefree place. The offence is committed by the manager, owner or occupier who controls the premises or vehicle and can result in prosecution without the service of a Notice.

The current national penalties are set out in Table 1 below :

TABLE 1
PENALTIES FOR BREAKING THE SMOKEFREE LAW

Offence	Who is liable?	Fixed Penalty Notice (if paid in 15 days)	Fixed Penalty Notice (if paid in 29 days)	Court awarded maximum fine (upon prosecution)
Smoking in smokefree place	Anyone who smokes in smokefree place	£30	£50	Up to £200
Failing to display the required Smokefree Sign	Anyone who manages or occupies smokefree premises or vehicle	£150	£200	Up to £1000
Failing to prevent smoking in smokefree place	Anyone who manages or controls smokefree premises or vehicle	N/A	N/A	Up to £2500

- 2.11 Whilst there are no formal provisions for appeal against the service of a Fixed Penalty Notice, the Smokefree (Vehicle Operators and Penalty Notices) Regulations 2007 allow for the recipient of a Notice to inform the Council in writing that they are requesting a court hearing in lieu of paying the fixed penalty. Legal proceedings can then be started before the end of the penalty payment period. However, if the person changes their mind and pays the penalty fine, then legal proceedings must be halted.
- 2.12 The regulations also require a named contact at the Council to be identified as the person to whom the recipient of a Fixed Penalty Notice may ask questions about the service of a Notice. The Council should therefore appoint an appropriate person to deal with such questions. It is suggested that the Environmental Services Manager and the Head of Environmental Health, in his absence, be appointed to deal with such enquiries and, if appropriate, to decide on the cancellation of a Fixed Penalty Notice.
- 2.13 Part 1 of the Health Act 2006 and the Regulations made under it relating to smokefree premises, places and vehicles and fixed penalty notices will be enforced by “Authorised Officers” of district councils and unitary authorities amongst others.

- 2.14 Authorised officers must be formally authorised in writing by the Council to act in matters relating to the smokefree legislation. Staff from the Environmental Health Commercial Team will be specifically authorised to enforce the Act as they are more likely to have contact with the commercial premises which will be mainly affected.
- 2.15 The service of Fixed Penalty Notices is still a relatively new means of enforcement for Council staff, particularly those in the Environmental Health Section, and specific training in the service of those notices is planned for officers within the Commercial Team.
- 2.16 Streetscene Enforcement Officers will not be involved with smokefree legislation enforcement at present.
- 2.17 It is recommended that the Environmental Services Manager be granted delegated authority in accordance with the Scheme of Delegation to Officers in Part 3 Schedule 10 of the Council's Constitution to appoint authorised officers for the purposes of Part 1, Chapter 1 of the Health Act 2006 as may be amended or replaced at any time.

3 Risk Assessment

- 3.1 There is a High Risk to the Council of failing to undertake its statutory duty under Part 1 of the Health Act 2006 if it did not appoint authorised officers to enforce the Act. Once officers have been authorised there will be a Low Risk to the Council.
- 3.2 There is a Medium Risk to the Council due to the current lack of staff skills in the Environmental Health Section of serving Fixed Penalty Notices. Training is planned for staff who are to be authorised to enforce the smokefree legislation in order to reduce this risk to a Low level.
- 3.3 There is also a Medium Risk of public complaints and complaints from business operators of inconsistencies in the enforcement of the Act throughout the borough. In order to mitigate this and to ensure consistency of enforcement by authorised officers, training in the requirements of the legislation will be given.
- 3.4 To further reduce the risk to a Low level, only those staff experienced in enforcement work will be authorised under the Health Act 2006 and they will also be made aware of any enforcement guidance issued by LACORS or any other agency or statutory body. Enforcement will be in accordance with the Council's General Enforcement Policy.

4 Conclusion

- 4.1 District councils will be responsible for enforcing the new smokefree laws in England from 1st July 2007. It will affect all owners, managers

and persons in charge of any business premises and certain work vehicles. Council owned premises and vehicles will not be exempted.

- 4.2 Whilst people will still be able to smoke in their own homes and personal private vehicles, they will not be able to smoke in any enclosed public place, including stairways and lifts in flats, or in certain designated hotel bedrooms.
- 4.3 Whilst advice and assistance will be given to businesses to help them to comply with the legislation, in accordance with the Council's General Enforcement Policy, it is necessary to authorise officers to serve Fixed Penalty Notices and to take prosecutions should the need arise.
- 4.4 The recommendation to delegate the power to appoint authorised officers under the Health Act 2006 to the Environmental Services Manager is in accordance with other similar powers delegated to that Manager under the Council's Constitution.
- 4.5 The recommendation to appoint the Head of Environmental Health to act on behalf of the Environmental Services Manager in his absence in order to decide on matters relating to the service of a Fixed Penalty Notice, or to cancel a Fixed Penalty Notice, is to ensure that there is no undue delay in reaching a decision on such matters.

Financial Services comments:	No additional resources are proposed
Legal Services comments:	Contained in the Report
Service Improvement Plan implications:	This is not included in the current Service Improvement Plan
Corporate Plan:	People – improved health of the population
Risk Assessment:	See Paragraph 3.1 above
Background papers:	None
Appendices/Enclosures:	None
Report author/ Lead Officer:	<i>Mike Smith, Principal Environmental Health Officer, Tel: 023 9354 5504 Email: mike.smith@gosport.gov.uk</i>

Appendix PO4

Board/Committee:	POLICY AND ORGANISATION BOARD
Date of Meeting:	27JUNE 2007
Title:	LOCAL DEVELOPMENT FRAMEWORK: ADOPTION OF STATEMENT OF COMMUNITY INVOLVEMENT
Author:	DEVELOPMENT SERVICES MANAGER
Status:	FOR RECOMMENDATION TO FULL COUNCIL

Purpose

To present the recommendations of the Inspector and the subsequent revision to the draft Statement of Community Involvement (SCI) to the Board for adoption.

Recommendation

That the Policy and Organisation Board recommend to Full Council that the Statement of Community Involvement as amended by the Inspector is adopted as a Local Development Document.

1 Background

- 1.1 Under the new planning system introduced by the Planning and Compulsory Purchase Act 2004, the Borough Council as the Local Planning Authority is required to produce a Statement of Community Involvement (SCI) as part of the new Local Development Framework (LDF). This document outlines how the Council will involve local residents, businesses and other interested parties in forthcoming planning policy documents that will be included in the Gosport Local Development Framework. It will also set out the Council's provisions for consulting on planning applications.
- 1.2 In preparing the SCI the Council distributed a questionnaire and leaflet which explained the new planning system, to local community groups and organisations. The questionnaire sought their views about whether they would like to be involved in the LDF process and what methods of consultation would suit them best. The results of this survey were incorporated into the Draft SCI.
- 1.3 The draft SCI was approved by members of the Transportation and Planning Sub Board in June 2006 and further consultation was undertaken in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004. The draft SCI was further revised in the light of consultation and the T & P Sub Board agreed to submit it to the Secretary of State for the Department of Communities and Local Government.

- 1.4 The SCI was submitted to the Secretary of State for the Department of Communities and Local Government for independent examination by a Government Inspector on 31 January 2007. Under the new planning system the Inspector's Report is binding on the Local Authority. In order for a local authority to adopt an SCI the Inspector must declare it to be Sound.

2 Report

- 2.1 The Inspector considered a total of 12 representations that were received on the submitted SCI. He also asked the Council to clarify minor points in a further written submission. Having considered these issues he concluded that the submitted SCI had met all nine of the Tests of Soundness, subject to some minor amendments.
- 2.2 The Inspector made seven recommendations and these are set out in his Report which is attached as Appendix 1. Officers carried out a factual check of the Inspector's conclusions and recommendations and confirmed with the Inspector that the proposed adopted SCI could be amended to include, in addition, to the text set out in his recommendation R5, reference to Bridgemary Library as one of the deposit points for making planning documents available for public inspection. At the time that the SCI was submitted Bridgemary Library was closed due to refurbishment.
- 2.3 The draft SCI has been amended to include the Inspector's recommendations and is included as Appendix 2.

3 Risk Assessment

- 3.1 The preparation of an SCI is a statutory requirement on Local Authorities made under the provisions of the Planning and Compulsory Purchase Act 2004. The preparation of an SCI has been identified in the current Gosport Local Development Scheme with a provisional date of adoption by August 2007

4 Conclusion

- 4.1 The proposed SCI for adoption has been prepared in accordance with the recommendations of the Inspector whose report is binding on the Council. Once the document has been formally adopted by the Council it can be published.

Financial Services comments:	None for the purposes of this report
Legal Services comments:	The Statement of Community Involvement can only become a Local Development Document if adopted by Full Council.
Service Improvement Plan implications:	Development Services SMP includes a task to prepare an SCI as part of the requirements of the Planning and Compulsory Purchase Act 2004. There are no direct SIP implications.
Corporate Plan:	The preparation of the SCI is consistent with the core values of the Corporate Plan
Risk Assessment:	This has been dealt with in Section 3.
Background papers:	None.
Appendices/Enclosures:	
Appendix '1'	The Inspectors Report.
Appendix '2'	Statement of Community Involvement Proposed Adoption.
Report author/ Lead Officer:	Chris Payne.

INSPECTOR'S REPORT
GOSPORT BOROUGH COUNCIL
STATEMENT OF COMMUNITY INVOLVEMENT

Inspector: David Robins BA PhD FRTPI

Date: 19th April 2007

Gosport Borough Council Statement of Community Involvement (January 2007)

INSPECTOR'S REPORT

Introduction

- 1.1 An independent examination of Gosport Borough Council's Statement of Community Involvement (SCI) has been carried out in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 (the Act), as applied by s18(4) of the Act.
- 1.2 Section 20(5) indicates the two purposes of the independent examination in parts (a) and (b). With regard to part (a) I am satisfied that the SCI satisfies the requirements of the relevant sections of the Act, in particular that its preparation has accorded with the Local Development Scheme as required by s19(1) of the Act.
- 1.3 Part (b) is whether the SCI is sound. Following Paragraph 3.10 of Planning Policy Statement 12: Local Development Frameworks, the examination has been based on the 9 tests set out (see Appendix A). The starting point for the assessment is that the SCI is sound. Accordingly changes are made in this binding report only where there is clear need in the light of tests in PPS12.
- 1.4 A total of 12 representations were received, all of which have been considered. The Council proposed a number of amendments to the SCI in response to representations received and these have been taken into account in the preparation of this report. Further information was requested from the Council in relation to Test v and this information is contained in Appendix B to this Report.

Test 1

- 2.1 The Council has undertaken the consultation required under Regulations 25, 26 and 28 of the Town and Country Planning (Local Development) (England) Regulations 2004.
- 2.2 This test is met.

Test 2

- 3.1 Paragraphs 3.2-3.3 acknowledges that the Local Development Framework (LDF) is a way of delivering the aims of the Community Strategy and states that the Council will work with the Gosport Local Strategic Partnership to make sure that the content of the two documents complement each other to avoid the duplication of consultation exercises. This joint approach to consultation will ensure that a co-ordinated response is fed into both the LDF and the Community Strategy.

3.2 This test is met.

Test 3

4.1 The Council has set out in Appendix 1 of the SCI those groups which will be consulted. This list includes the statutory bodies from PPS12 Annex E. It is stated at Paragraph 3.4 of the SCI that the Council holds a database of consultee details and that this will be updated as necessary.

4.2 The re-organisation of certain consultation bodies, such as the Strategic Rail Authority, should be acknowledged in the SCI and I recommend an additional sentence be added to this effect.

(R1) Insert the following to the beginning of Appendix 1:

"Please note, this list is not exhaustive and also relates to successor bodies where re-organisations occur."

4.3 As a result of a representation received on the submission document the Council proposes one change to the lists in Appendix 1 which I agree below should be made.

(R2) Add the Highways Agency to the list of Statutory Consultees for Planning Applications.

4.4 Subject to the recommendations above, this test is met.

Test 4

5.1 Section 3 and Appendix 3 of the SCI show that the Council will involve and inform people from the early stages of Local Development Document (LDD) preparation and Appendix 2 sets out the range of methods the Council will employ to do this. The Council clarifies in Tables 1 - 4 the stages at which consultation will take place and who will be consulted at those stages. Table 1 shows that consultation will take place with the key stakeholders during the issues and options stage of Development Plan Document (DPD) production in accordance with Regulation 25.

5.2 I am satisfied that providing these stages are followed the consultation proposed will be undertaken in a timely and accessible manner.

5.3 This test is met.

Test 5

6.1 Appendix 2 of the SCI sets out the methods that the Council proposes to use to involve the community and stakeholders. These cover a variety of recognised consultation techniques that will present information via a range of different media. The Council

acknowledges the benefits and disadvantages of the different methods and indicates through Tables 1 – 4 at what stages of LDD preparation the various methods might be employed.

- 6.2 The SCI should acknowledge that the Council may have to provide extra support to facilitate consultation with certain groups or individuals and also indicate how it might do this. The Council were asked to provide text to address this issue and I recommend that their response, given below, be inserted into the SCI.

- (R3)** Insert the following new paragraphs, Paragraphs 3.5a and 3.5b, after paragraph 3.5 (subsequent paragraphs should be re-numbering accordingly):

“3.5a The Borough Council recognises the value and importance of public consultation in seeking the views of local communities, local businesses and other stakeholders in informing the decision making process. In order to achieve this, the Council may need to provide additional support to certain groups or individuals who wish to participate. For the Local Development Framework, the Council will achieve this through the different methods of consultation summarised in Appendix 2 and the consideration of different venues, consultation times and alternative formats for documentation as described in paragraphs 3.32 – 3.33 in this document.

3.5b Groups or individuals seeking assistance in accessing those documents produced through the Local Development Framework should contact the Planning Policy Section on 02392 545461 or contact us by email on planning.policy@gosport.gov.uk or come to the Development Services Reception at the Town Hall in Gosport.”

- 6.3 The Council was also asked to provide the necessary contact details to enable access to the alternative format documents advertised in the SCI and I therefore recommend accordingly below:

- (R4)** Amend the text box on the title page to read:

“Gosport Borough Council is committed to equal opportunities for all. If you need this document in large print, on tape, in Braille or in other languages please contact the Planning Policy Section on 02392 545461 or email on planning.policy@gosport.gov.uk.”

- 6.4 The SCI explains in Paragraph 3.32 that the Council will make its information accessible to all members of society thus meeting the requirements of the Race Relations Act 2000 and the Disability Discrimination Act 1995.
- 6.5 As a result, I am satisfied that the methods of consultation proposed in the SCI are suitable for the intended audiences and for the different stages in LDD preparation.

6.6 Subject to the recommendations above, this test is met.

Test 6

7.1 Paragraphs 3.27 – 3.31 of the SCI explain how the Council will seek to ensure that sufficient resources are put in place to achieve the scale of consultation envisaged. I am satisfied that the Council is alert to the resource implications of the SCI.

7.2 This test is met.

Test 7

8.1 Paragraphs 3.21 – 3.26 of the SCI explain how the results of community involvement will be taken into account by the Council and used to inform decisions. The Council proposes to prepare reports at the end of the consultation period explaining how views have been considered and documents changed in light of the community involvement. The SCI should, however, state at the end where these will be made publicly available.

(R5) Add as a final bullet point to Paragraph 3.25 the following:

“These reports will be made available on our website, www.gosport.gov.uk and at the Development Services Reception, Town Hall; the following Public Libraries during normal opening hours: Local Studies Centre, Gosport Discovery Centre, High Street, Gosport, PO12 1BT; Elson Library, 136 Chantry Road, Gosport, PO12 4NG; Lee-on-the-Solent, PO13 9BZ, Bridgemary Library, 74 Brewers Lane, Bridgemary, Gosport, PO13 0LA and any other sites used at the preferred options stage for the LDD in question.”

8.2 Subject to the recommendation above, this test is met.

Test 8

9.1 Section 5 of the SCI explains that the Council will monitor the effectiveness of its consultation process for both the LDF and planning applications and that the SCI will be formally reviewed as part of this process and reported on through the Annual Monitoring Report.

9.2 I am satisfied that the Council has mechanisms for reviewing the SCI and have identified potential triggers for the review of the SCI.

9.3 This test is met.

Test 9

10.1 Section 4 of the SCI describes the Council’s policy for consultation on planning applications. Table 5 meets the minimum requirements and provides information on additional methods of consultation. This distinguishes between procedures appropriate to different

types and scale of application and Paragraph 4.11 includes information on how the consultation results will inform decisions.

- 10.2 The SCI does not address the longer statutory time period for consultation that may be applicable in certain circumstances and I recommend a change to acknowledge this.

(R6) Insert the following after the first sentence of Paragraph 4.3:

“Bodies such as Natural England will be allowed a longer period of time to comment on applications where this is prescribed by legislation.”

- 10.3 Subject to the recommendation above, this test is met.

Conclusions

- 11.1 The Council has set out in its Regulation 31 Statement one proposed change to the SCI in response to representations received on the submission document. This suggested amendment did not affect the substance of the SCI but did improve the clarity and transparency of the submission SCI and I agreed its inclusion in the body of this report.

- 11.2 The Council was asked to provide a schedule of information that would become redundant once the document is adopted. This schedule is given as Appendix B to this report and I agree that the changes detailed therein be implemented.

(R7) Implement the changes proposed in Appendix B to this report.

- 11.3 In the event of any doubt, please note that I am content for such matters as any minor spelling, grammatical or factual matters to be amended by the Council, so long as this does not affect the substance of the SCI.

- 11.4 Subject to the implementation of the recommendations set out in this Report, the Gosport Borough Council SCI (January 2007) is sound.

INSPECTOR

David Robins

David Robins BA PhD FRTPI

APPENDIX A

TESTS OF SOUNDNESS

Examination of the soundness of the statement of community involvement

3.10 The purpose of the examination is to consider the soundness of the statement of community involvement. The presumption will be that the statement of community involvement is sound unless it is shown to be otherwise as a result of evidence considered at the examination. A hearing will only be necessary where one or more of those making representations wish to be heard (see Annex D). In assessing whether the statement of community involvement is sound, the inspector will determine whether the:

- i. local planning authority has complied with the minimum requirements for consultation as set out in Regulations;¹
- ii. local planning authority's strategy for community involvement links with other community involvement initiatives e.g. the community strategy;
- iii. statement identifies in general terms which local community groups and other bodies will be consulted;
- iv. statement identifies how the community and other bodies can be involved in a timely and accessible manner;
- v. methods of consultation to be employed are suitable for the intended audience and for the different stages in the preparation of local development documents;
- vi. resources are available to manage community involvement effectively;
- vii. statement shows how the results of community involvement will be fed into the preparation of development plan documents and supplementary planning documents;
- viii. authority has mechanisms for reviewing the statement of community involvement; and
- ix. statement clearly describes the planning authority's policy for consultation on planning applications.

From: Planning Policy Statement 12: Local Development Frameworks

¹ The Town and Country Planning (Local Development) (England) Regulations, 2004.

INSPECTOR'S REPORT
GOSPORT BOROUGH COUNCIL
APPENDIX B - CORRESPONDENCE

Gosport Borough Council's comments in respect of Test v.

The Borough Council recognises the requirements set out in Test v and suggest that two new paragraphs could be inserted after paragraph 3.5 of the 'Who will be involved' section of the Submitted Gosport Statement of Community Involvement to provide greater clarity as follows (new text underlined):

- 3.5 The Borough Council is part of a partnership of voluntary, community groups and public bodies in Hampshire that have prepared a Compact agreement which sets out guidelines and develops best practice for partnership working between the voluntary and public bodies. The document is called One Compact for Hampshire and can be viewed at www.hants.gov.uk/compact.

Insert new paragraphs 3.5a and 3.5b after paragraph 3.5 (all paragraphs will require re-numbering accordingly):

3.5a The Borough Council recognise the value and importance of public consultation in seeking the views of local communities, local businesses and other stakeholders in informing the decision making process. In order to achieve this, the Council may need to provide additional support to certain groups or individuals who wish to participate. For the Local Development Framework, the Council will achieve this through the different methods of consultation summarised in Appendix 2 and the consideration of different venues, consultation times and alternative formats for documentation as described in paragraphs 3.32 – 3.33 in this document.

- 3.5b Groups or individuals seeking assistance in accessing those documents produced through the Local Development Framework should contact the Planning Policy Section on 02392 545461 or contact us by email on planning.policy@gosport.gov.uk or come to the Development Services Reception at the Town Hall in Gosport.

Schedule of changes needed on adoption of the SCI.

Paragraph number	Action required	Reason for proposed change
Contents Page	Delete reference to Section 6	Section 6 no longer required see below.
1.3	Delete existing paragraph 1.3 and replace with a new paragraph 1.3: <u>The SCI was adopted in XXX under Regulation 36 of the Town and Country Planning (Local Development) (England) Regulations 2004.</u>	To update the SCI.
1.8	Delete paragraph 1.8	Section 6 no longer required.
3.11	Amend paragraph 3.11 bullet point 3: Area Action Plans DPDs and bullet point 4: Other DPDs to include reference to the 2007 Local Development Scheme and delete the reference to the 2005 LDS.	To update the SCI.
6.0 Statement of Community Involvement: Next Steps	Amend Section 5.0 to reflect the adoption of the SCI and delete Section 6.0. Amend Section 5.0 as follows: Insert new paragraph 5.1: The SCI has been independently examined by an Inspector and has now been adopted by the Borough Council. The SCI will be reviewed as appropriate, for example if necessary the Statement of Community Involvement will be revised if it is found that changes are required to improve the Council's consultation arrangements or there has been a revision of Government Regulations, awareness of new best practice or material changes in local circumstances.	To update SCI and to improve clarity.

	<p>Renumber old paragraphs 5.1 and 5.2:</p> <p>Throughout the production of the Gosport Local Development Framework the Borough Council will maintain details of its consultation exercises, which will be formally submitted to the Government Office for the South East for each planning document. This record will be available at the Council Offices and on its website.</p> <p>Amend old paragraph 5.2 and renumber:</p> <p>The Borough Council will monitor the effectiveness of its consultation processes for both the LDF and planning applications. It will include an assessment in its Annual Monitoring Report which will be made available on the Council's website and at the Borough Council's offices and local libraries for inspection. If necessary the Statement of Community Involvement will be revised if it is found that changes are required to improve the Council's consultation arrangements or there has been a revision of Government Regulations, awareness of new best practice or material changes in local circumstances.</p>	
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Proposed Adoption

Delivering for Gosport



Statement of Community Involvement

Proposed Adoption

Gosport Borough Council is committed to equal opportunities for all. If you need this document in large print, on tape, in Braille or in other languages please contact the Planning Policy Section on 02392 545461 or email on planning.policy@gosport.gov.uk.

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INTRODUCTION

- 1.1 Planning ensures that there is sufficient land for employment, housing, community and health uses, retail and leisure facilities for local residents, workers and visitors. Importantly it also aims to protect and enhance the natural and historic environment, conserve open spaces and ensure that there is appropriate infrastructure to serve new development. It aims to ensure that new development is of a good standard of design and is appropriate to its surroundings.
- 1.2 Under the new planning system, local planning authorities are now required to prepare a Statement of Community Involvement (SCI) setting out the broad principles that will underpin the Borough Council's consultation process for planning documents and planning applications.
- 1.3 The SCI was adopted in XXX under Regulation 36 of the Town and Country Planning (Local Development) (England) Regulations 2004.
- 1.4 This document sets out who will be consulted and when, what methods of consultation will be used and how comments received will be dealt with. It also identifies management, resource and monitoring issues relating to consultation.
- 1.5 Locally, Gosport Borough Council is responsible for preparing planning policies and proposals for the Borough. These are currently contained in the recently adopted Gosport Borough Local Plan Review but will eventually be superseded by the Gosport Local Development Framework (LDF). Further details of what documents make up the LDF and the relevant consultation arrangements are contained in Section 3.
- 1.6 The Borough Council is also responsible for determining most planning applications within the area and will use the policies in the Gosport Local Development Framework to assess proposals. Community involvement is essential to this process. Section 4 contains further details of the Council's consultation arrangements for planning applications.
- 1.7 The SCI will be kept under review and the process is explained in section 5.
- 1.8 Finally, the Council is very aware that the new planning system has a large number of new terms and phrases and consequently a Glossary is provided at the back of this document to assist. Further assistance regarding the new planning system can be obtained from Planning Aid. This is an important source of planning advice and assistance to local groups and residents. For further information please visit the Royal Town Planning Institute's website http://www.rtpi.org.uk/the_rtpi/planning_aid or contact the local case officer socw@planningaid.rtpi.org.uk.

2.0 PRINCIPLES OF COMMUNITY INVOLVEMENT

2.1 One of the aims of the new planning system is to strengthen community involvement. Local planning authorities should improve opportunities to encourage public involvement in drafting planning documents and informing decisions on planning applications.

2.2 The key aims of the Statement of Community Involvement are:

- Within the resources available, the Borough Council will offer a wide range of opportunities to stakeholders and the local community to participate in the preparation of the Gosport Local Development Framework.
- The Borough Council will comply with, and where appropriate exceed, the minimum legal requirements for consultation and publicity for planning applications.

2.3 The key principles of how the Borough Council will involve the community are set out below:

- Present information in a clear and effective way.
- Value the opinions and expertise of stakeholders, groups and individual members of the community.
- Provide different opportunities for people to contribute their ideas and suggestions through the use of a variety of appropriate consultation techniques.
- Ensure fair and equal treatment for all and recognise the value of diversity.
- The Borough Council will try to ensure that its consultation methods encourage the involvement of people that do not normally become involved in the planning process.
- Involve the public at an early stage in the process.
- Ensure information is accessible and available in a variety of formats to encourage a wide readership and encourage views from all parts of the community.
- Analyse consultation responses and report them in a clear and understandable way.
- Provide feedback about progress and outcomes.

2.4 This SCI has been produced taking into account the Council's draft Corporate Consultation Policy and will have future regard to this Policy and its associated best practice toolkits.

3.0 INVOLVEMENT IN THE GOSPORT LOCAL DEVELOPMENT FRAMEWORK

Who will be involved?

Statutory Consultees

- 3.1 The Government Regulations require that the Borough Council consult particular organisations during the preparation of the Gosport Local Development Framework. A list of the statutory consultees is contained in Appendix 1.

The Gosport Partnership

- 3.2 The Gosport Partnership is the local strategic partnership and includes a number of key local stakeholders that have worked together to produce the Community Strategy for Gosport and accompanying Action Plans. The Strategy contains the main economic, social and environmental aims of the local community and has numerous implications for producing planning documents for Gosport. The current Community Strategy is being reviewed during 2006/07.
- 3.3 The Local Development Framework is a key mechanism for delivering aspects of the Community Strategy. Where appropriate joint preparatory work and consultation will take place to ensure the LDF and Community Strategy are closely linked and enable local residents and organisations and other interest groups an opportunity to comment on key issues and options. This approach will ensure that the local community is not burdened by too many consultation exercises and will enable the Borough Council and the Gosport Partnership to use its resources more efficiently. It will also ensure that a coordinated response is fed into both the LDF and the Community Strategy.

Other Organisations and Individuals

- 3.4 Appendix 1 outlines the types of organisations that the Borough Council will consult with on various planning documents. The Council maintains a database of organisations and individuals that have registered an interest in being consulted on the Gosport LDF. The database includes a number of local groups, businesses, developers and interest groups. The latest update of the database was undertaken as part of the Council's initial consultation on the SCI where numerous groups were contacted on whether they wished to be involved in the LDF process. The inclusion of additional contacts is welcomed at all stages of the process.
- 3.5 The Borough Council is part of a partnership of voluntary, community groups and public bodies in Hampshire that have prepared a Compact agreement which sets out guidelines and develops best practice for partnership working between the voluntary and public bodies. The document is called One Compact for Hampshire and can be viewed at www.hants.gov.uk/compact.
- 3.6 The Borough Council recognises the value and importance of public consultation in seeking the views of local communities, local businesses and other stakeholders in informing the decision making process. In order to achieve this, the Council may need to provide additional support to certain groups or individuals who wish to participate. For the Local Development

Framework, the Council will achieve this through the different methods of consultation summarised in Appendix 2 and the consideration of different venues, consultation times and alternative formats for documentation as described in paragraphs 3.34 – 3.35 in this document.

- 3.7 Groups or individuals seeking assistance in accessing those documents produced through the Local Development Framework should contact the Planning Policy Section on 02392 545461 or contact us by email on planning.policy@gosport.gov.uk or come to the Development Services Reception at the Town Hall in Gosport.

How will the Community be Involved?

- 3.8 The Borough Council has conducted a survey with local stakeholders on what consultation methods are preferred and these have been incorporated in Tables 1-4. The survey also asked respondents what planning documents they wished to be consulted on and this information has been incorporated in the Council's LDF Consultation database.
- 3.9 A summary of potential consultation techniques that could be used for all or various parts of the Gosport Local Development Framework are outlined in Appendix 2.
- 3.10 The preferred methods of consultation for each part of the Gosport Local Development Framework will also depend on a number of factors including:
- Issues raised by a particular Development Plan Document or Supplementary Planning Document;
 - Geographical coverage of the document;
 - The stage of preparation; and
 - Availability of resources (financial, staff, premises).

What Documents will the Community be consulted on?

- 3.11 The Local Development Framework will comprise of a number of documents including Development Plan Documents and Supplementary Planning Documents.

Development Plan Documents

- 3.12 The Borough Council will be producing a series of Development Plan Documents (DPDs). The DPDs will be examined by an independent inspector and the resulting recommendations will be binding on the Council. When adopted they will be statutory documents. The whole process of preparing a Development Plan Document is shown in table 2 of Appendix 3.
- 3.13 The types of DPDs that the Borough Council will or could produce are:
- Core Strategy DPD
 - This provides an overall vision for the Borough and sets out the Council's core policies for land use and development planning over the next twenty years.
 - It will relate closely to the Community Strategy and its land use implications.
 - It will include strategic policies that will be used to assess development proposals.

- It will establish the broad locations for key land uses and will include the future housing requirement for the area as set out in the South East Plan.
 - All other parts of the Gosport LDF will need to be in conformity with this document.
 - Site Allocations DPD
 - This document sets out the Council's proposals and policies for the allocation of key land uses in the Borough such as employment, housing, retail and leisure uses.
 - It includes infrastructure requirements in connection with development proposals.
 - Area Action Plans DPDs
 - Area Action Plans are used to provide a planning framework for areas of change and areas of conservation. Area Action Plans will have the status of Development Plan Documents. No Area Action Plans are currently programmed in the Council's March 2007 Local Development Scheme, however, the arrangements for carrying out consultation on these documents is set out below as they may be included in future work programmes.
 - Other DPDs
 - The Council will produce a DPD relating to detailed development control policies.
 - In addition to the Development Plan Documents outlined above, the Borough Council may need to produce other DPDs relating to a particular issue for example, housing, employment, open space or biodiversity. These are not currently programmed in the Council's March 2007 Local Development Scheme but it is considered necessary to outline the arrangements for carrying out other DPDs as they will be included in future work programmes where the need arises.
- 3.14 The DPDs will be subject to three stages of public consultation which will exceed the minimum requirements with the details set out in the tables below:
- Publication of Issues and Options (see Table 1).
 - Publication of Preferred Options (see Table 2).
 - Submission to the Secretary of State (see Table 3).
- 3.15 The Issues and Options report is the first stage in the preparation of the DPD. Following consultation on the Issues and Options stage, the Council will consider responses and prepare a Preferred Options version of the DPD.
- 3.16 Tables 1-3 set out in broad terms the type of consultation that could be carried out at each stage of consultation for DPDs.

Table 1: Issues and Options Consultation Stage (Regulation 25)

<p>Aim: To establish community views on planning issues affecting the Borough early in the process and provide feedback on possible options that may be appropriate to deal with these issues.</p>
<p>Requirements: Under Regulation 25 as set out in the Town and Country Planning (Local Development) (England) Regulations 2004 there are no formal periods for consultation for the Issues and Options stage. Consequently the local planning authority has greater flexibility on how it can consult the public at this stage.</p>
<p>Consultation period: Up to a six months period of informal consultation with a formal six weeks consultation period on the Issues and Options Paper at the end of this stage.</p>
<p>Consultees: Statutory consultees as set out in the Government Regulations (Reg. 25) and other relevant consultees on the Council's LDF database (see Appendix 1).</p>
<p>Discretionary consultation measures</p> <ul style="list-style-type: none"> • Letters to all statutory consultees and other interested parties requesting views on the Issues/ Options Papers. • Documents with questionnaires made available at Council Offices, the Gosport Discovery Centre and the other three libraries. Other appropriate sites will be considered. • Copy of the document and questionnaire on www.gosport.gov.uk/planning. • For the Core Strategy DPD it will be appropriate to hold a number of events at sites across the Borough. These will be held jointly with the Gosport Partnership (Local Strategic Partnership for the area) as part of consultation on the Community Strategy. These will enable participants to explore issues and options in more depth. • Certain allocations contained within the Site Allocations DPD may require active community participation at a local public venue. Exercises could include 'Planning for Real' or 'Enquiry by Design'. • Workshops/Focus Groups/other 'Active' type sessions may also be appropriate for other DPDs such as Area Action Plans depending on the nature and scope of document and the resources and time available. • One to one meetings with local amenity groups and other organisations. • Exhibitions at a network of venues including Council Offices and Libraries as well as other sites where appropriate. Certain exhibitions will be staffed at notified times. • Article in 'Coastline', the Council's community newsletter. • Summary Leaflets/Posters to raise awareness of consultation. • Press release and adverts in the press. • Media briefing.

Table 2: Preferred Options Stage (Regulation 26)

<p>Aim: To provide a formal opportunity for the local community and stakeholders to comment on the Council's proposed Preferred Options outlined in the DPD. Engagement at this stage should assist refinement of the preferred options and identify key issues to be explored at the independent examination.</p>
<p>Requirements: Formal stage in plan preparation with specific requirements set out in the Town and Country Planning (Local Development) (England) Regulations 2004 including minimum arrangements for making the document available for inspection and giving notice by local advertisement. The Council's proposals meet and exceed these minimum requirements.</p>
<p>Consultation period: Statutory six week period.</p>
<p>Consultees: Statutory consultees as set out in the Government Regulations (Reg. 26) and other relevant consultees on the Council's LDF database (see Appendix 1).</p>
<p>Minimum consultation requirements under the regulations 2004:</p> <ul style="list-style-type: none"> • Letters to all statutory consultees together with a copy of the DPD. • Documents with comments form made available at Council Offices, the Gosport Discovery Centre and the other three libraries. • Copy of document with comments form at www.gosport.gov.uk/planning. • Advertisement in local newspaper.
<p>Discretionary consultation measures that exceed the minimum statutory consultation requirements</p> <ul style="list-style-type: none"> • Notify other interested parties requesting views on the Issues/Options Papers. • Consultation letter or e-mail (for those that have requested one) to all individuals/ organisations on mailing list. • Other appropriate places where documents can be made available for inspection will be considered. • Articles in 'Coastline', the Council's community newsletter. • Media briefing. • Summary Leaflets/Posters to raise awareness of consultation. • One to one meetings with local amenity groups and other organisations. • Meetings and presentations with local amenity groups and other identified groups. • Exhibitions at various locations within the Borough. Some sites will be staffed at notified times to allow people to ask questions and raise issues. • Summary Leaflets/ Posters to raise awareness of consultation.

- 3.17 The draft Development Plan Document will be submitted to the Secretary of State. At the same time it will be published for a further six weeks statutory consultation period. The local community and other stakeholders will still be able to comment on the policies and proposals at this stage even if they have not been involved in the earlier stages although the consultation process is more formal than at the Issues and Options stage. At this stage, for Development Plan Documents that deal with specific site allocations, the Council will advertise any alternative sites proposed by objectors for consultation. There will be a six week period for representations on alternative sites to be made.

Table 3: Submission to the Secretary of State (Regulation 28)

Aim: To enable stakeholders to formally comment on the Council's final version of the DPD which has been submitted to the Secretary of State for Independent Examination. Outstanding representations will be dealt with at the Independent Examination.
Requirements: Arrangements are prescribed by the Town and Country Planning (Local Development) (England) Regulations 2004. These include minimum arrangements for making the document available for inspection and giving notice by local advertisement. The Council's proposals meet and exceed these minimum requirements.
Consultation period: Statutory six week period.
Consultees: Statutory consultees as set out in the Government Regulations (Reg. 28) and other relevant consultees on the Council's LDF database (see Appendix 1).
Minimum requirements under the regulations 2004: <ul style="list-style-type: none"> • Formal letters to statutory consultees together with a copy of the DPD. • Documents with comments form made available at Council Offices as well as the Gosport Discovery Centre and the other three libraries and other sites used at the Preferred Options stage for a particular DPD will also be used. • Advertisement in local newspaper. • Copy of document with comments form at www.gosport.gov.uk/planning.
Discretionary consultation measures that exceed the minimum statutory consultation requirements <ul style="list-style-type: none"> • Letters to other relevant consultees. • Press release. • Articles in Coastline.

Supplementary Planning Documents

- 3.18 Supplementary Planning Documents (SPDs) can provide additional policy guidance relating to issues such as design which are linked to policies in Development Plan Documents. They can also provide detailed guidance on specific sites allocated in a Development Plan Document (often referred to as Development Briefs). Community involvement will be important in preparing SPDs but they will not be subject to an independent examination by an

Inspector. The only stage of consultation is public participation on a draft SPD (see Table 4). However for certain large sites it will be necessary to undertake a consultation event (such as Planning for Real) prior to the publication of a draft SPD and use the feedback received to inform the draft SPD.

Table 4: Public Participation on Draft SPD (Regulation 17)

<p>Aim: To present draft SPD to the local community in order to seek their comments, and where appropriate make amendments to the SPD prior to formal adoption by the Borough Council.</p>
<p>Requirements: These are set out in the Town and Country Planning (Local Development) (England) Regulations 2004 including the availability of the document and press notification. The Council's proposals meet and exceed these minimum requirements.</p>
<p>Consultation period: The Council proposes to consult for six weeks (Reg. 18 requires a consultation period of between 4-6 weeks).</p>
<p>Consultees: Statutory Consultees and other relevant interested organisations/groups and members of the local community that are interested in particular issues included in the SPD (see Appendix 1). Details of interested groups will be kept on the Council's updated database.</p>
<p>Minimum requirements under the regulations 2004:</p> <ul style="list-style-type: none"> • Formal letters together with a copy of the SPD to statutory consultees. • Documents (including consultation statement) with comments form made available at Council Offices as well as the Gosport Discovery Centre and the other three libraries. • Adverts in paper. • Copy of document with comments form at www.gosport.gov.uk/planning. <p>Discretionary consultation measures that exceed the minimum statutory consultation requirements:</p> <ul style="list-style-type: none"> • Depending on the nature and scope of SPD other locations for viewing documents will be considered. • In certain cases, such as a high profile development site, an exhibition may be held in the Council Offices or other appropriate venue(s). Certain exhibitions will be staffed for specified periods. • Press release. • Consultation letter and document to all interested parties. • Summary Leaflets/Posters to raise awareness of consultation where appropriate • Presentation to local interest/amenity groups may be appropriate for certain SPDs. • For large sites it may be necessary to undertake a consultation event (such as Planning for Real) prior to the publication of a draft SPD and use feedback received to inform the draft SPD.

Local Development Orders

- 3.19 Local Development Orders (LDO) grant permission for the type of development specified in such an order and by doing so remove the need for planning application to be made by the developer. An LDO can only be made to implement policy that is set out in a development plan document or local development plan.
- 3.20 It is at the discretion of the Council whether it wishes to make a LDO, however, consultation is very important and the consultation and publicity arrangements are the same as for those required for preparing a development plan document. These arrangements are set out in Tables 1-3 of this document. In addition to these requirements, the Council will consult any organisation who would have been a statutory consultee for an application for planning permission for the development.

Sustainability Appraisal

- 3.21 The Council is required to carry out a Sustainability Appraisal for each of the Development Plan Documents and Supplementary Planning Documents it produces. This forms part of the Council's Strategic Environment Assessment of its policies, plans and programmes as required by the European Directive. The Sustainability Appraisal aims to identify the social, economic and environmental effects likely to arise from the different options, policies and proposals outlined in the various parts of the Gosport Local Development Framework. The Sustainability Appraisal report will include the Environmental Report of the Strategic Environmental Assessment as required by the Directive.
- 3.22 Each Sustainability Appraisal Report will be available for public comment at the relevant stage of consultation for the DPD or SPD. The Council will also consult with the relevant organisations prescribed by the Government on its Sustainability Appraisal Scoping Report which sets out the Council's framework for conducting Sustainability Appraisals.

How will the Borough Council deal with comments received?

- 3.23 Comments received from the public at each consultation stage of the Gosport Local Development Framework are highly valued by the Borough Council. All responses received by letter, fax or e-mail will be acknowledged. Anyone making comment on the early stages of the Gosport Local Development Framework will be automatically consulted at the later stages unless the respondent no longer wishes to be involved in the process.
- 3.24 The results of community involvement will be reported to the Council's Transportation and Planning Sub Board or equivalent, which will make decisions on how each of the comments will be considered and whether changes are required to the DPD or SPD.
- 3.25 At submission stage a copy of the representations made at Regulation 26, will be made available at the Town Hall and all other venues that displayed the 'Preferred Options' versions of a particular DPD or SPD. A summary of all comments received and how the Council proposes to deal with the comments

will be produced in a schedule and made available at the Borough Council's offices for inspection prior to the relevant Board meeting.

- 3.26 All respondents will be informed of how the representation has been considered by the Borough Council together with an explanation of the next stage of the process.
- 3.27 In relation to DPDs, the Borough Council will produce a statement outlining the following details at the Submission to the Secretary of State stage. The statement will include:
- A list of consultees;
 - How the consultees were consulted;
 - A summary of the main issues raised by consultation; and
 - How those main issues have been addressed in the DPD.

These reports will be made available on our website, www.gosport.gov.uk/planning and at the Development Services Reception, Town Hall; the following Public Libraries during normal opening hours: Local Studies Centre, Gosport Discovery Centre, High Street, Gosport, PO12 1BT; Elson Library, 136 Chantry Road, Gosport, PO12 4NG; Lee-on-the-Solent Library, High Street, Lee-on-the-Solent, PO13 9BZ, Bridgemary Library, 74 Brewers Lane, Bridgemary, Gosport, PO13 0LA and any other sites used at the preferred options stage for the LDD in question.

- 3.28 The Borough Council will inform those that have outstanding representations of the Independent Examination in accordance with the Government regulations (Reg. 34) and also advise them of the inspector's recommendations (Reg. 35) and the eventual adoption of the DPD (Reg. 36).

How will consultation be managed and resourced?

- 3.29 The appropriate Council Board will approve Development Plan Documents for the following purposes:
- Informal Consultation on Issues/Options;
 - Preferred Options Consultation; and
 - Submission to the Secretary of State.
- 3.30 Similarly, the appropriate Council Board will also approve Supplementary Planning Documents prior to consultation.
- 3.31 Final adoption of Development Plan Document and Supplementary Planning Documents will either be made by Full Council or the relevant Board.
- 3.32 The Council will work with the Council's Press Officer and the Corporate Policy and Performance Section to co-ordinate with other Borough Council consultation exercises including those related to the Community Strategy and the Gosport Partnership. This will save on resources and make consultation more effective by reducing the risk of consultation fatigue.
- 3.33 The Council will have regard to Government guidance and best practice carried out by other local planning authorities. Wherever possible the Borough Council will use local expertise to develop and conduct its consultation exercises including the production of publicity material, exhibitions,

PowerPoint presentations and maps. From time to time the Council will buy-in relevant expertise for certain aspects of the consultation process. This could include workshop facilitators or trainers to enable staff to manage and conduct workshops or apply other techniques.

3.34 The Council wishes to make its consultation processes as inclusive as possible and gather a diverse range of views. It will achieve this by using a range of different consultation techniques and will also consider the following:

- Venues
 - Physically accessible (to comply with the DDA 1995);
 - Accessible by public transport; and
 - Near to main populations.
- Consultation times
 - Different times of the day; and
 - Different days of the week.
- Format
 - Braille and tape versions upon request;
 - Other languages upon request;
 - Large print version upon request; and
 - Website.

3.35 The Council also has a good working relationship with the Gosport Access Group and Disability Forum who are able to advise on improving the accessibility of consultation processes and procedures for disabled persons.

4.0 INVOLVEMENT IN THE PLANNING APPLICATION PROCESS

Planning Applications

- 4.1 Decisions on planning applications may be taken by the Regulatory Board or an officer of the Council in accordance with the scheme of delegation set out in the Council's Constitution. This can be viewed at the Council's website at www.gosport.gov.uk/constitution.
- 4.2 The Borough Council currently consults on planning applications in accordance with the requirements of Article 8 of the Town and Country Planning (General Permitted Development Procedure) Order 1995. Bodies such as Natural England will be allowed a longer period of time to comment on applications where this is prescribed by legislation. Table 5 below summarises the consultation techniques that the Council uses to consult on planning applications which exceed the minimum requirements set out in the Order.
- 4.3 When the Borough Council consults on planning applications it allows a period of 21 days from the date of the notification letter, press notice and/or site notice in which the public can make written representations. After this publicity period expires the application can be determined. However, any representations received up to the date of determination will be taken into consideration. There are five categories of application that are advertised both by press and site notices.
- Major Development proposals, for example:
 - Residential dwellings of 10 or more, or site area 0.5 hectares
 - Non-residential floor space of 1000+ sq.m, or site area 1.0 hectare
 - Mineral workings /deposits.
 - Applications not included in the above category but likely to be of wider interest to the community.
 - Listed Building & Conservation Area Applications.
 - Applications accompanied by Environmental Statements.
 - Applications for proposals which are departures from the Local Development Plan.
- 4.4 All other types of applications except those for domestic extensions are advertised by a notice displayed near the site.
- 4.5 Applications for domestic extensions are advertised by individual letters sent to neighbouring properties. The Council defines these as properties with contiguous boundaries to the application site and those separated by only a pedestrian footpath. It does not include those separated from the application site by a service road or other road used by vehicular traffic. In cases where the neighbouring properties are blocks of flats, or institutions with a number of different occupants, or are undergoing re-development, or other cases where occupants/owners cannot easily be identified, site notices may also be used.
- 4.6 The Borough Council offers an on-line service where applications can be viewed on the Council's website www.gosport.gov.uk/gbcplanning. These are usually on the website within 2-3 days of validation. The notification letter that is sent out always gives a full three week consultation period as does the website. Prospective consultees can view the applications on the website.

By going online consultation is between 21 and 28 days. It is possible to make comments directly on-line if the application is still within the 21 day consultation period. The Council is able to take comments into consideration submitted by email or letter as long as the application has not been determined if it is delegated to officers and up until 5 p.m. on the day the application is considered by the Regulatory Board. The Council publishes weekly lists on-line and these are also available in local libraries. Hard copies of the applications are available to view at the Town Hall during normal office hours. The case officer's working file may also be viewed on request. (It is advisable to give 24 hours notice.)

- 4.7 Applicants and members of the public who have made representations, will be advised if and when the application will be considered by Members of the Regulatory Board. Agendas and reports are available 5 working days before the meeting in hard copy at the Town Hall and on the website. Deputations can be made at meetings of the Borough Council's Regulatory Board. Deputation requests must be made no later than 12 noon two working days before the meeting. The request to speak must be made in writing and must be supported by 10 signatures of electors of the Borough or signed by or on behalf of the person or persons having a private interest in the object or the deputation, and addressed to the Borough Solicitor at the Town Hall, High Street, Gosport, PO12 1EB. These arrangements may be subject to change but the Council's website will provide up to date guidance on how this process works. These guidelines can be viewed at www.gosport.gov.uk/sections/democratic-services.

Table 5: Consultation Methods for Planning Applications

Consultation technique	Application Types		
	Major	Minor	Other
Public Meeting	✓ ¹		
Consultation with specialist organisations	✓	✓	✓
Letter to statutory consultees	✓ ⁶	✓ ⁶	✓ ⁶
Letters to adjoining properties			✓ (house-holder only)
Discretionary press notices	✓ ²	✓ ²	✓ ²
Discretionary site notices	✓ ²	✓ ²	✓ ²
Statutory site notices	✓ ^{3, 4, 5}	✓ ^{3, 4, 5}	✓ ^{3, 4, 5}
Statutory press notices	✓ ^{3, 4, 5}	✓ ^{3, 4, 5}	✓ ^{3, 4, 5}
Committee agendas, reports and minutes are available at Council offices and on website	✓	✓	✓
Display of full details of application at Council offices and on website	✓	✓	✓

¹ These may be arranged through developers as part of their consultation with local communities.

² Where the application is considered as being of wider interest than the immediate environs of the site or in the case of householder applications, the occupiers of adjoining properties cannot be easily identified.

³ Listed Buildings and Conservation Area applications.

⁴ Applications with an Environmental Statement.

⁵ Departures from the Development Plan.

⁶ Statutory consultees are identified in Appendix 1.

- 4.8 Planning applications must be publicly advertised. The Council can undertake this in a number of ways through letters to adjoining properties or through press or site notices.
- 4.9 The Borough Council will consult the statutory consultees using any minimum thresholds for development they provide to the Council at both pre-application and application stage.

- 4.10 There are certain proposals that are not publicised such as those where there are interests of national security and applications for Certificates of Lawfulness for existing or proposed works. Although works to trees must be notified to the local planning authority they do not require planning permission and therefore are not publicised in line with the consultation methods outlined above. However if the Council is minded to make a Tree Preservation Order as a result of a Tree Notification local residents will be consulted through site notices.

How Comments are Considered

- 4.11 Representations made by interested parties are acknowledged and considered and taken into account when an application is determined. Comments made by the public and other interested groups and organisations can help to secure improvements to the original scheme or highlight particular issues. However, only comments that are relevant to planning can be taken into account. The impact on property prices and private disputes or matters dealt with under other legislation are not material considerations in the planning process. Issues that have been raised by interested parties are summarised and addressed in the final report on the application and anyone who has commented is advised of the eventual outcome in writing.

Pre-applications

- 4.12 The Council encourages pre-application discussion on proposals before applications are formally submitted. This allows for key issues to be identified prior to a formal submission of an application. This advice does not prejudice the full public consultation procedures as all or subsequent applications are subject to publicity procedures and the representations received are an integral part of the determination process. Pre-application advice does not influence how an application will eventually be determined. Further guidance on pre-application advice is available on the Council's website at www.gosport.gov.uk/pre-application-advice.
- 4.13 The Council wishes to encourage developers to undertake their own consultation arrangements with local communities to explain their development proposals. Updates to the Council's website will include advice to developers regarding the need for them to submit evidence demonstrating community consultation along with the planning application.

5.0 How will the Council monitor its Statement of Community Involvement?

- 5.1 The SCI has been independently examined by an Inspector and has now been adopted by the Borough Council. The SCI will be reviewed as appropriate, for example if necessary the Statement of Community Involvement will be revised if it is found that changes are required to improve the Council's consultation arrangements or there has been a revision of Government Regulations, awareness of new best practice or material changes in local circumstances.
- 5.2 Throughout the production of the Gosport Local Development Framework the Borough Council will maintain details of its consultation exercises, which will be formally submitted to the Government Office for the South East for each planning document. This record will be available at the Council Offices and on its website.
- 5.3 The Borough Council will monitor the effectiveness of its consultation processes for both the LDF and planning applications. It will include an assessment in its Annual Monitoring Report which will be made available on the Council's website and at the Borough Council's offices and local libraries for inspection.

Appendix 1: Consultees for Local Development Documents and Planning Applications

Local Development Documents

Specific Consultees

The following bodies are specific consultation bodies and must be consulted in accordance with the Act and the Town and Country Planning (Local Development) (England) Regulations 2004. Please note, this list is not exhaustive and also relates to successor bodies where re-organisations occur.

South East of England Regional Assembly (SEERA)

Hampshire County Council

Portsmouth City Council

Fareham Borough Council

Natural England or equivalent

The Environment Agency or equivalent

The Historic Buildings and Monuments Commission for England (English Heritage)

Network Rail

The Highways Agency

South East of England Development Agency (SEEDA)

Any person to whom the electronic communications code applies by virtue of a direction given under Section 106 (3)(a) of the Communications Act 2003

Any person who owns or controls electronic communications apparatus situated in any part of the area of the local planning authority

Any of the bodies from the following list exercising functions in any part of the local planning authority:

- Strategic Health Authority;
- Person to whom a licence has been granted under Section 7 (2) of the Gas Act 1986;
- Sewage Undertaker; and
- Water Undertaker.

Government Departments

The Government Office for the South East (GOSE) will also be consulted and will be the first point of contact for consultation with central Government.

Gosport Partnership Board

The Gosport Partnership Board steers and manages the Community Strategy process. It will play an important role when the Borough Council consults on local planning policy documents. The organisations that make up the Board will be main point of contact on joint initiatives.

Other organisations that make up the Gosport Partnership will also be consulted.

Other Consultees

There a number of types of organisations that the Borough Council will consult, many of them are already part of the Gosport Partnership. The LDF database of organisations and individuals for consultation is being continually updated and

additional interested parties are welcome to be included at any time. Types of organisations include:

- Bodies which represent the interests of different racial, ethnic or national groups within the Gosport area;
- Bodies which represent the interests of different religious groups in the Borough;
- Bodies which represent the interests of disabled persons in the Borough;
- Bodies which represent the interests of persons carrying out business in the Borough; and
- Other types of groups including environmental, amenity, youth, charities, sports, tenants, residents associations and neighbourhood groups.

An up to date database of known 'general consultation organisations' can be viewed at www.gosport.gov.uk/LDF.

Planning Applications

Statutory consultees

Ancient Monument Society
Council of British Archaeology
English Heritage
Garden History Society
Georgian Group
Hampshire County Council
Health and Safety Executive
Highways Agency
Natural England
Society for the Protection of Ancient Buildings
South East England Regional Assembly
Sport England
The Environment Agency or equivalent
The Historic Buildings and Monuments Commission for England
The Theatres Trust
Twentieth Century Society
Victorian Society

Other consultees

Crown Estate Commissioner
Defence Estates
DTLR Portsmouth Division
Gosport Society
Government departments as appropriate
Portsmouth Water
Queens Harbour Master
Southern Water Services

Appendix 2: Methods of Consultation on the LDF

A summary of potential consultation techniques that could be used for all or various parts of the LDF are outlined below.

Methods	Main Considerations
Availability of paper versions of consultation documents	<p>A copy of all documents will be available at the Council Offices. This is a minimum requirement prescribed by the Regulations. Copies will also be placed in the Gosport Discovery Centre and the Borough's three other libraries. Other venues could be used for particular documents depending on the cooperation of the site manager. The geographical extent of a document or issues covered will have a bearing on what venues are approached.</p> <p>The Council operates a popular community loan scheme whereby local groups and residents can borrow consultation documents. This improves availability to documents for those that do not have internet access or wish to consider the document over a period of time.</p> <p>These services can be provided at little cost but need to be well publicised. Attention will need to be given to how accessible the venues are in terms of location and the ease of being able to enter and move around the venue.</p>
Availability of documents in electronic format	<p>The Council's website includes information relating to the Gosport LDF www.gosport.gov.uk/planning. This will be updated regularly and allow access to all the relevant documents as well as an opportunity to make representations.</p> <p>This can deliver an extensive information base and interactive possibilities at relatively little cost. Regular updating is necessary. The Audience is limited to those with internet access. Website needs to be user-friendly.</p> <p>The Borough Council will also consider using website surveys for certain DPDs and SPDs where appropriate.</p>
Consultation by letter	The Borough Council has established a mailing list for any organisation or individual who wishes to be consulted on all or part of the Gosport LDF. A list of statutory organisations and a list of other types of organisations are shown in Appendix 1.
Consultation by e-mail	Alternatively, organisations and individuals can be consulted by e-mail upon request.
Use of Council's community newsletter	The Council will use its own newsletter 'Coastline' which is delivered to most homes in the Borough 3-4 times a year (circulation just over 32,400). The Council will use include articles to inform residents about the Gosport LDF, its progress, how they can get involved and make representations.
Use of the Council's Housing Department	The Council Housing Department already have some established methods of reaching Council tenants and other resident groups. These may represent an excellent opportunity

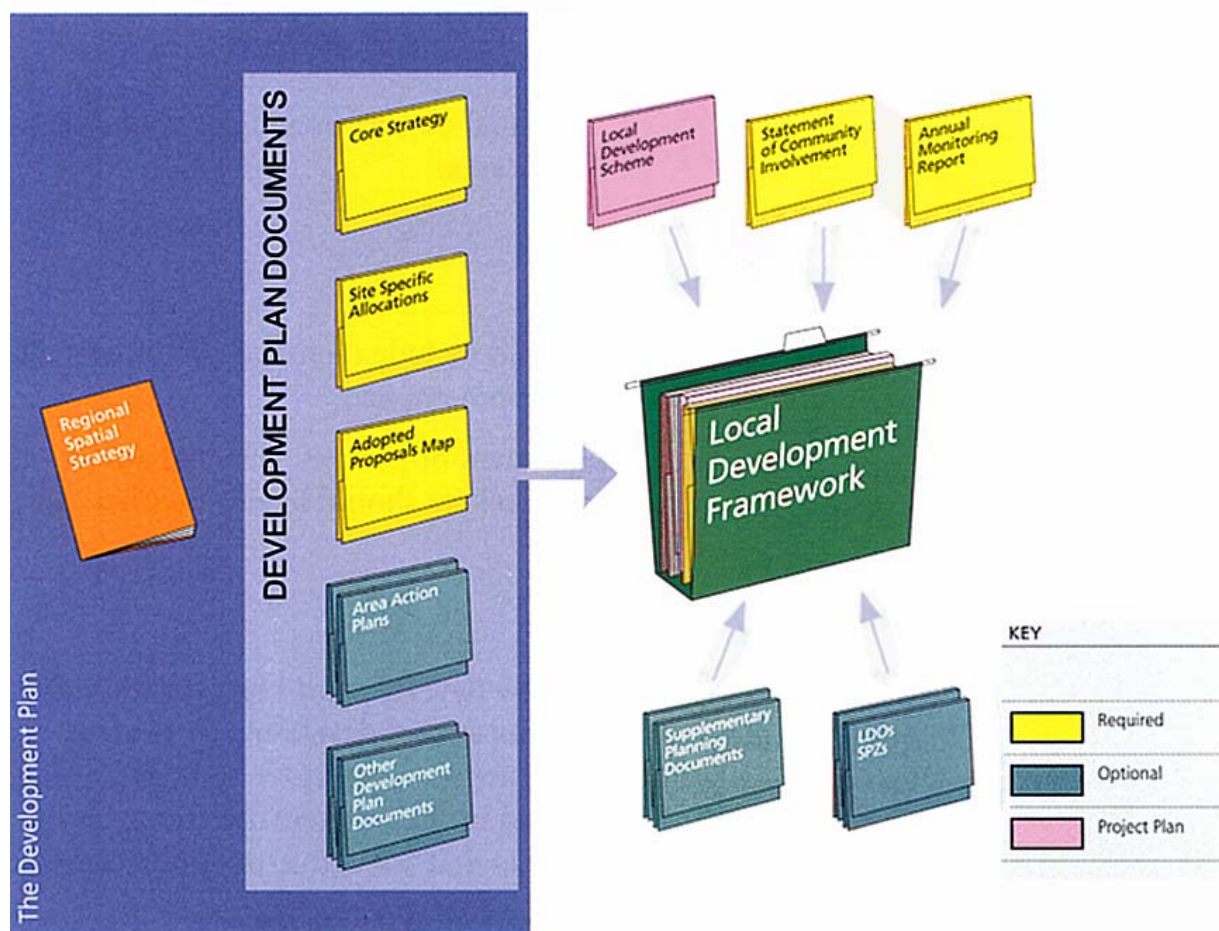
consultation initiatives.	<p>to consult with parts of the community that may not normally be engaged in long term spatial planning issues.</p> <p>Initiatives which could be used include:</p> <ul style="list-style-type: none"> • The Housing Forum which is attended by Resident Association representatives and Road Representatives. • Quarterly newsletter 'at your service' which is delivered to Council tenants and leaseholders. • Tenant and Leaseholder Consultation framework which is a network of tenants and leaseholders who wish to be consulted on local issues.
Use of local media (local press, TV and radio)	<p>In addition to statutory requirements to advertise development plan documents, the Council will brief local media (press, tv and radio) in the form of a press release. This can be a very good and cheap way of reaching a large proportion of the community.</p>
Leaflets	<p>The Council will produce short summary leaflets with certain consultation documents. These leaflets will be available as hard and electronic versions and be available in large print. These need to be well designed and user friendly</p> <p>Leaflets will be available at the Council Offices, local libraries, certain community venues, doctors' surgeries and other appropriate sites.</p>
Hotline	<p>Telephone link to a Planning Policy team member to assist with LDF queries.</p>
Public exhibitions/displays	<p>The Council will set up public exhibitions for certain Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs). The Council will assess which documents will require a public exhibition and whether these should be in a number of venues across the Borough or targeted at a specific site. Sites include the Council Offices, the Gosport Discovery Centre and the three other libraries in the area. Other sites could include Holbrook Leisure Centre, Explosion! Museum, Gosport Bus Station, Gosport High Street, community halls, local schools, local supermarkets and other sites accessible to the public. Choices for sites will depend on availability and appropriateness, for example where a document focuses on a particularly area, it will be good practice to hold the exhibition in a site nearby.</p> <p>Certain exhibitions will need to be staffed to provide further information and answer questions.</p> <p>This is a good method of bringing information and advice to local communities. Attendees are self-selecting and good publicity is required beforehand. Attention will need to be given how accessible the venues are in terms of location and the ease of being able to enter and move around the venue. Displays will need to be well-designed.</p>

<p>Use of notice boards, community information kiosks (on-street internet access) and Council Office plasma screen.</p>	<p>The Council will also raise awareness of the Gosport LDF and consultation arrangements through the use of the Borough Council's community notice boards, community information kiosks and the plasma screen located in the Council Offices reception area. Notices will also be placed in a network of community venues.</p> <p>This can be an inexpensive way of informing the community although only limited information can be conveyed.</p> <p>The Borough Council will also consider raising awareness from limited targeted advertising for example a notice on the Gosport Ferry or on local buses.</p>
<p>General surveys/questionnaires</p>	<p>The Borough Council will continue to conduct general surveys of public attitudes on issues facing the Borough.</p> <p>Where appropriate, research focussed on particular types of organisations/ individuals who may have an interest on a particular issue/topic will be undertaken.</p>
<p>One to One informal meetings</p>	<p>The Borough Council values the input of stakeholders and will arrange meetings where appropriate in order to inform various parts of the Gosport LDF as well as seeking to resolve any objections that are made.</p> <p>The Council will consider having one-to-one meetings with organisations and individuals as part of a wider event (focus group/workshop/active planning session).</p> <p>These are good for in-depth discussions but can be resource intensive.</p>
<p>Focus groups/Workshop Sessions</p>	<p>In order to inform certain parts of the Gosport Local Development Framework, the Borough Council will consider setting up focus groups/workshops to discuss particular issues. Focus groups could also be used to understand the views of a particular group within the community, including hard to reach groups.</p> <p>They are a good way of presenting information in detail. They can generate constructive comments and can create ownership of a policy document. They can be resource intensive and involve significant preparation work.</p>
<p>Active planning sessions</p>	<p>Where the Council is producing a development plan document or supplementary planning document relating to a particular site, it will consider the merits of using particular active methods of consultation with local residents, businesses and community organisations. Such methods could include Enquiry By Design and Planning For Real (see glossary).</p> <p>They can be expensive and resource intensive and generate significant preparation work. However they are a good way of presenting information in detail and generating ideas.</p>

Appendix 3: Local Development Frameworks

The Planning and Compulsory Purchase Act 2004 sets out the details of the new planning system. This Appendix outlines key elements of the new system relating to Local Development Frameworks that replace Local Plans. Table 1 below outlines the contents of the Local Development Frameworks. Further information is contained in the Government's Planning Policy Statement 12: Creating Local Development Frameworks and its Companion Guide.

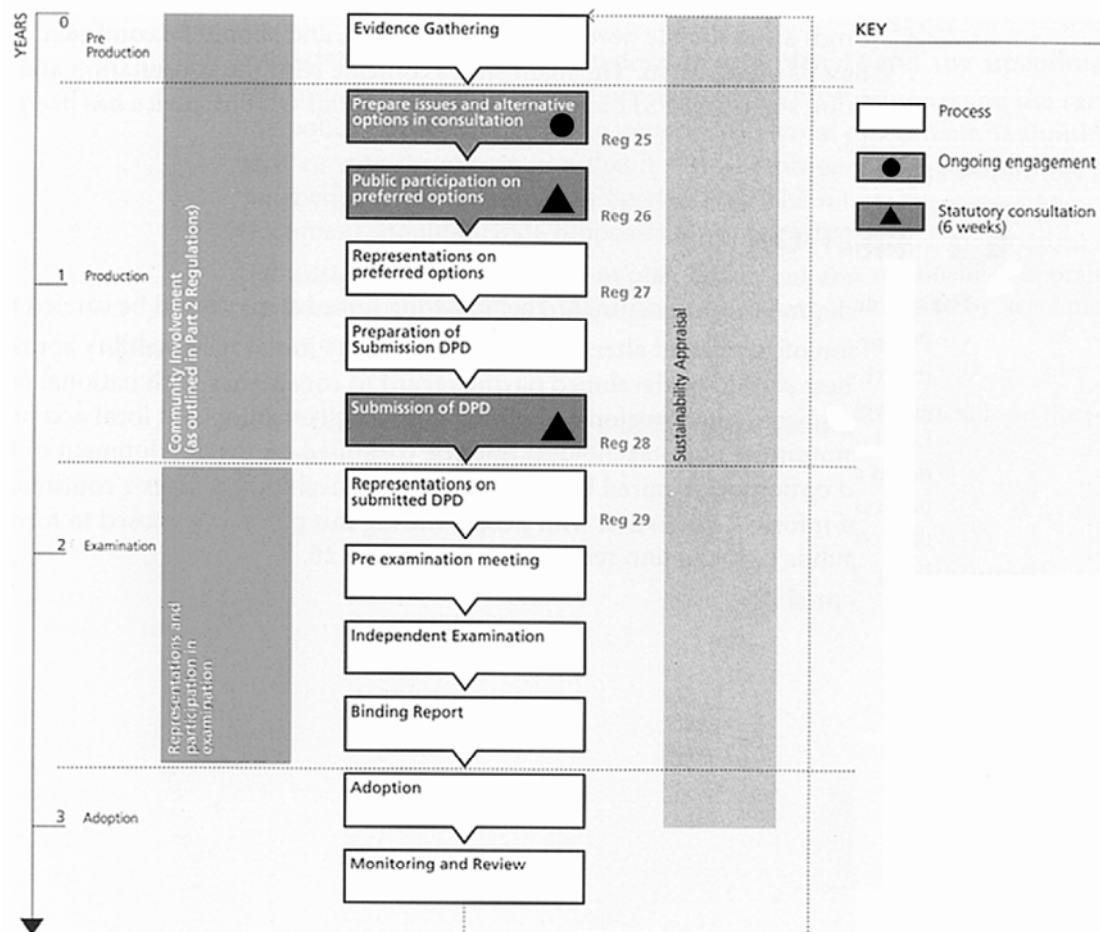
Table 1: The Contents of the Local Development Frameworks



Source: Creating Local Development Frameworks: A Companion Guide to PPS12 (ODPM 2004)

Table 2 outlines the detailed process of preparing a Development Plan Document including the various stages of consultation.

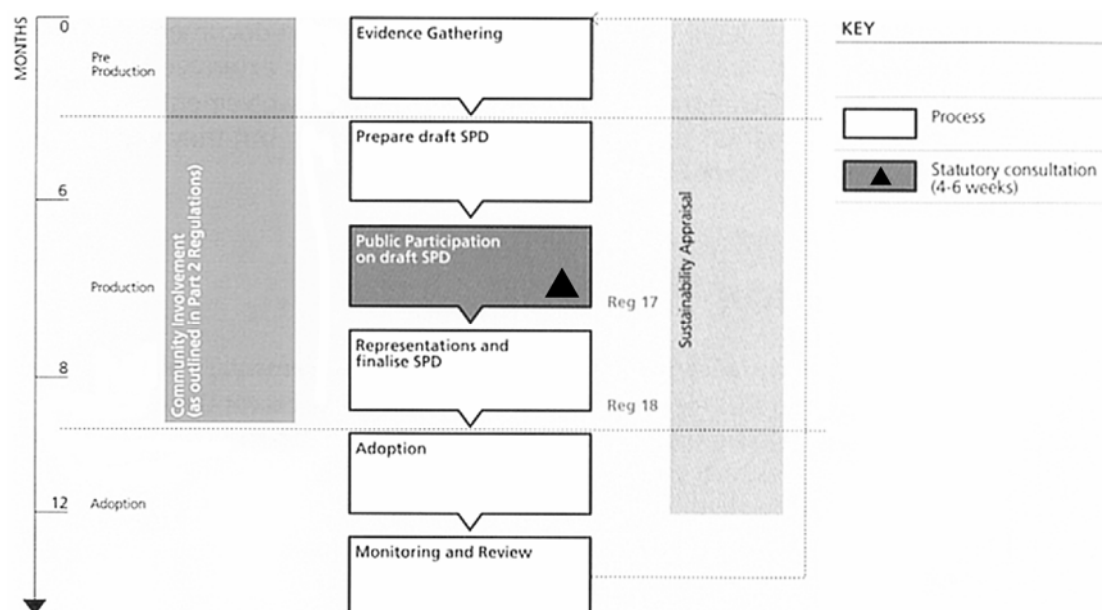
Table 2: Preparation of a Development Plan Document



Source: Creating Local Development Frameworks: A Companion Guide to PPS12 (ODPM 2004)

Table 3 outlines the detailed process of preparing a Supplementary Plan Document including the various stages of consultation.

Table 3: Preparation of a Supplementary Plan Document



Source: Creating Local Development Frameworks: A Companion Guide to PPS12 (ODPM 2004)

Appendix 4: Examination of the Soundness of the Statement of Community Involvement (SCI)

- 1) When the Borough Council formally submits its SCI for formal examination it publishes a notice and invites representations within a specified six week period.
- 2) The purpose of the examination is to consider the soundness of the SCI.
- 3) The presumption will be that the SCI is sound unless it is shown to be otherwise as a result of evidence considered at the examination.
- 4) A hearing will only be necessary where one or more of those making representations wish to be heard.
- 5) In assessing whether the SCI is sound the Inspector will determine whether:
 - The local planning authority has complied with the minimum requirements for consultation as set out in the Town and Country Planning (Local Development) (England) Regulations 2004;
 - The local planning authority's strategy for community involvement links with other community involvement initiatives e.g. the Community Strategy;
 - Statement identifies in general terms which local community groups and other bodies will be consulted;
 - Statement identifies how the community and other bodies can be involved in a timely and accessible manner;
 - Methods of consultation to be employed are suitable for the intended audience and for different stages in the preparation of local development documents;
 - Resources are available to manage community involvement effectively;
 - Statement shows how the results of community involvement will be fed into the preparation of development plan documents and supplementary planning documents;
 - Authority has mechanisms for reviewing the SCI; and
 - The Statement clearly describes the planning authority's policy for consultation on planning applications.

The Glossary

The Source of this information unless stated otherwise comes from: Creating Local Development Frameworks: A Companion Guide to PPS12 (ODPM 2004)

The Act: The Planning and Compulsory Purchase Act 2004.

Annual Monitoring Report: Part of the Local Development Framework, the Annual Monitoring Report will assess the implementation of the Local Development Scheme and the extent to which policies in Local Development Documents are being successfully implemented.

Area Action Plan: Used to provide a planning framework for areas of change and areas of conservation. Area Action Plans will have the status of Development Plan Documents.

Community Strategy: Local authorities are required by the Local Government Act 2000 to prepare these, with aim of improving the social, environmental and economic well being of their areas. Through the Community Strategy, authorities are expected to co-ordinate the actions of local public, private, voluntary and community sectors. Responsibility for producing Community Strategies may be passed to Local Strategic Partnerships, which include local authority representatives.

Core Strategy: Set out the long-term spatial vision for the local planning authority area, the spatial objectives and strategic policies to deliver that vision. The Core Strategy will have the status of a Development Plan Document.

Development Plan: As set out in Section 38(6) of the Act, an authority's development plan consists of the relevant Regional Spatial Strategy (the South East Plan in the case of Gosport) and the Development Plan Documents contained within its Local Development Framework.

Development Plan Documents: Spatial planning documents that are subject to independent examination, and together with the relevant Regional Spatial Strategy, will form the development plan for a local authority area for the purposes of the Act. They can include a Core Strategy, Site Specific Allocations of land, and Area Action Plans (where needed). Other Development Plan Documents, including generic Development Control Policies, can be produced. Designations and allocations will be on an adopted proposals map. Individual Development Plan Documents or parts of a document can be reviewed independently from other Development Plan Documents. Each authority must set out the programme for preparing its Development Plan Documents in the Local Development Scheme.

Enquiry by Design: This process challenges local stakeholders, planners and professionals to respond to the issues of a particular site through an intensive design process <http://www.princes-foundation.org/projects.html>

Generic development control policies: These will be a suite of criteria-based policies which are required to ensure that all development within the areas meets the spatial vision and spatial objectives set out in the Core Strategy. They may be included in any Development Plan Document or may form a standalone document.

Issues and Options: Produced during the early production stage of the preparation of Development Plan Documents and will be prepared for consultation to meet the requirements of Regulation 25.

Local Development Document: The collective term in the Act for Development Plan Documents, Supplementary Planning Documents and the Statement of Community Involvement.

Local Development Framework: The name for the portfolio of Local Development Documents. It consists of Development Plan Documents, Supplementary Planning Documents, a Statement of Community Involvement, the Local Development Scheme and Annual Monitoring Reports. Together, these documents will provide the framework for delivering the spatial planning strategy for a local authority area and may also include Local Development Orders and Simplified Planning Zones.

Local Development Order: Allows local planning authorities to introduce local permitted development rights.

Local Development Scheme: Sets out the programme for preparing Local Development Documents. All authorities must submit a Scheme to the Secretary of State for approval within six months of commencement of the Act.

Local Strategic Partnership: Partnerships of stakeholders who develop ways of involving local people in shaping the future of their neighbourhood in how services are provided. They are often single non-statutory, multi-agency bodies which aim to bring together locally the public, private, community and voluntary sectors.

Planning for Real: Consultation technique that uses simple models as a focus for people to put forward and prioritise ideas on how their area can be improved (www.communityplanning.net/methods/method100.htm). Process developed by the Neighbourhood Initiatives Foundation www.nif.co.uk

Preferred Options Document: Produced as part of the preparation of Development Plan Documents, and is issued for formal public participation as required by Regulation 26.

Proposals Map: The adopted proposals map illustrates on a base map (reproduced from, or based upon a map base to a registered scale) allocations and designations contained in Development Plan Documents, together with any saved policies. It must be revised as each new Development Plan Document is adopted, and it should always reflect the up-to-date planning strategy for the area. Proposals for changes to the adopted proposals map accompany submitted development plan documents in the form of a submission proposals map.

Regional Planning Body: One of the nine regional bodies in England (including the Greater London Authority) responsible for preparing Regional Spatial Strategies. The regional planning body covering Gosport is the South East of England Regional Assembly (SEERA).

Regional Spatial Strategy: Sets out the region's policies in relation to the development and use of land and forms part of the development plan for local planning authorities. Planning Policy Statement 11 'Regional Spatial Strategies' provides detailed guidance on the function and preparation of Regional Spatial

Strategies. The Regional Spatial Strategy that covers Gosport is known as the South East Plan.

Regulations: Town and Country Planning (Local Development) (England) Regulations 2004, and the Town and Country Planning (Transitional Arrangements) Regulations 2004.

Road Representative: This is a Gosport Borough Council initiative organised by the Housing Services Unit. It encourages a local resident to represent the needs and interests of a road, a group of roads or a block of flats. They look at issues affecting residents, encouraging greater participation and increasing the opportunity for local people to become involved. For further information contact the Tenant Initiatives Officers on 023 9254 5439/5441 or e-mail customerservices@gosport.gov.uk

Saved policies or plans: Existing adopted development plans are saved for three years from the date of adoption. The Gosport Borough Local Plan Review was adopted on 17 May 2006.

Site Specific Allocations: Allocations of sites for specific or mixed uses or development to be contained in Development Plan Documents. Policies will identify any specific requirements for individual proposals.

Strategic Environmental Assessment: A generic term used to describe environmental assessment as applied to policies, plans and programmes. The European 'SEA Directive' (2001/42/EC) requires a formal 'environmental assessment of certain plans and programmes, including those in the field of planning and land use'.

Supplementary Planning Documents: Provide supplementary information in respect of the policies in Development Plan Documents. They do not form part of the Development Plan and are not subject to independent examination.

Sustainability Appraisal: Tool for appraising policies to ensure they reflect sustainable development objectives (i.e. social, environmental and economic factors) and required in the Act to be undertaken for all local development documents. Includes the requirements of the Strategic Environmental Assessment.

Appendix PO5

Board:	Policy and Organisation
Date of Meeting:	28 June 2007
Title:	Asset Management Plan
Author:	Development Services Manager
Status:	For decision

Purpose

The Board is invited to consider the attached Asset Management Plan with a view to approval and adoption of the plan. The Asset Management Plan has been reported to both the Standards and Governance and the Overview and Scrutiny Committees and the necessary amendments made following comments from Members.

Recommendation

To approve the Asset Management Plan for adoption by the Council.

1 Background

- 1.1 The 2007 Asset Management Plan (AMP) replaces the 2002 AMP
- 1.2 An updated AMP is required to satisfy the Government's Key Lines of Enquiry with regard to the Use of Resources under the heading of Asset Base Management.
- 1.3 The purpose of the AMP is to optimise the use of assets in terms of service delivery and financial return. It is therefore a key contribution to the successful delivery of the Council's Corporate Plan.

2 Report

- 2.1 The Board is requested to consider the AMP attached as an Appendix to this report.

3 Risk Assessment

- 3.1 The only risks identified are those associated with not implementing those actions, identified in the AMP, for the reduction of risk.

4 Conclusion

- 4.1 The Board is invited to approve and adopt the attached Asset Management Plan.

Financial Services comments:	The Asset Management Plan will inform the preparation of both the revenue budget and capital programme as part of the annual budget process.
Legal Services comments:	None for the purposes of this report
Service Improvement Plan implications:	The linkage is shown in the Overview Diagram in the Asset Management Plan
Corporate Plan:	The linkage is shown in the Overview Diagram in the Asset Management Plan
Risk Assessment:	There is a high risk associated with not adopting the Asset Management Plan.
Background papers:	None
Appendices/Enclosures:	Appendix A: Gosport Borough Council Asset Management Plan 2007 - 2009
Report author/ Lead Officer:	Mark Pam, Head of Property Services



Gosport Borough Council

Asset Management Plan

2007 – 2009

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8. Action Plan
 - 8.1 Table of Actions

Glossary

AAM	Asset Assessment Matrix
AAR	Asset Assessment Report
ACES	Association of Chief Estate Surveyors
AMP	Asset Management Plan
AsR	Asset Register
BSI	British Standards Institute
BVPI	Best Value Performance Indicators
CMT	Corporate Management Team
COPROP	Association of Chief Corporate Property Officers in Local Government
CPA	Comprehensive Performance Assessment
CPO	Corporate Property Officer
DDA	Disability Discrimination Act
DRC	Depreciated Replacement Cost
EUV	Existing Use Value
GGP	GeoGraphic Systems Ltd
GIS	Geographic Information System
HBP	Housing Business Plan
P&O	Policy and Organisation Board
KLOE	Key Lines of Enquiry
LLPG	Local Land and Property Gazetteer
MoD	Ministry of Defence
MV	Market Value
NLPG	National Land and Property Gazetteer
OGC	Office of Government Commerce
PI	Performance Indicators
PPI	Property Performance Indicators
PSS	Property Services Section
PTL	Parker Torrington Ltd
RICS	Royal Institution of Chartered Surveyors
SEACES	South-east Association of Chief Estate Surveyors
SCAMS	Stock Condition and Asset Management Strategy
UPRN	Unique Property Reference Number

1. Introduction

1.1 The Gosport Context

1.1.1 The Borough of Gosport is on the South Coast of England, surrounded by water on three sides, The Solent to the west and south and Portsmouth Harbour to the east, providing 17 miles (27km) of water frontage. The Borough is relatively small, extending only 11 square miles (2518 ha) but with a population of approximately 79,000¹ and 36,500² households, it is one of the most densely populated urban areas in the South.

1.1.2 The Borough is urban but has a number of inlets reaching into the urban fabric and a narrow ribbon of countryside, the Alver Valley, separating the main town from Lee-on-the-Solent. These inlets and the coastal waters are of national and international nature conservation significance, while the Borough also contains 16 Conservation Areas. Almost one quarter of the Borough is currently in Ministry of Defence (MoD) ownership and there is only one principal single carriageway access. With all these factors development is constrained and access severely restricted.

1.1.3 The local economy has historically relied heavily on the MoD as a major employer, but rationalisation in the Defence Services has led to the closure of several establishments and in late 2006 the MoD confirmed that HMS Sultan would be closing within ten years. However, the subsequent release of large areas of former MoD sites has provided the opportunity for regeneration and the opening up of previously closed waterfronts. Despite this rationalisation the Borough economy still relies significantly on the MoD, with two thirds of the economy linked to this sector. The Borough's industrial estates are nearly fully occupied and the supply of new and additional industrial premises is not meeting demand in either quantity or quality. The balance of jobs to housing is unsustainable with significantly high levels of net out-commuting from the Borough.

1.1.4 While unemployment figures have recently fallen in the Borough, they remain one of the highest in the region. Although none of the wards in the Borough rank highly on the Government's Multiple Deprivation Index there are pockets of extreme deprivation and severely deprived communities, which are hidden within the statistics of some wards. This is reflected in factors such as low levels of car ownership, high levels of dependency on housing benefit, high levels of teenage pregnancies and poor academic achievement.

1.2 The new Asset Management Plan (AMP)

1.2.1 The Head of Property Services (CPO) was tasked with the creation of a revised asset management plan for Gosport Borough Council. The previous Plan was dated 2002, and there was considerable change to the data and assumptions held in that Plan. This revised 2007 AMP has been connected to the previous plan but has recognised that the Council faces new challenges, constraints and opportunities for growth and success.

1.2.2 Although the AMP addresses all Council assets, including Housing, the principal purpose of this document is to address the management of the Council's non housing assets. The management of the Housing assets is dealt with in the Housing Strategy and related documents.

1.2.3 From these changes a new approach to the AMP has been developed, with an aim to create an analytical approach that will provide detailed data and ensure that the Council optimises its asset base.

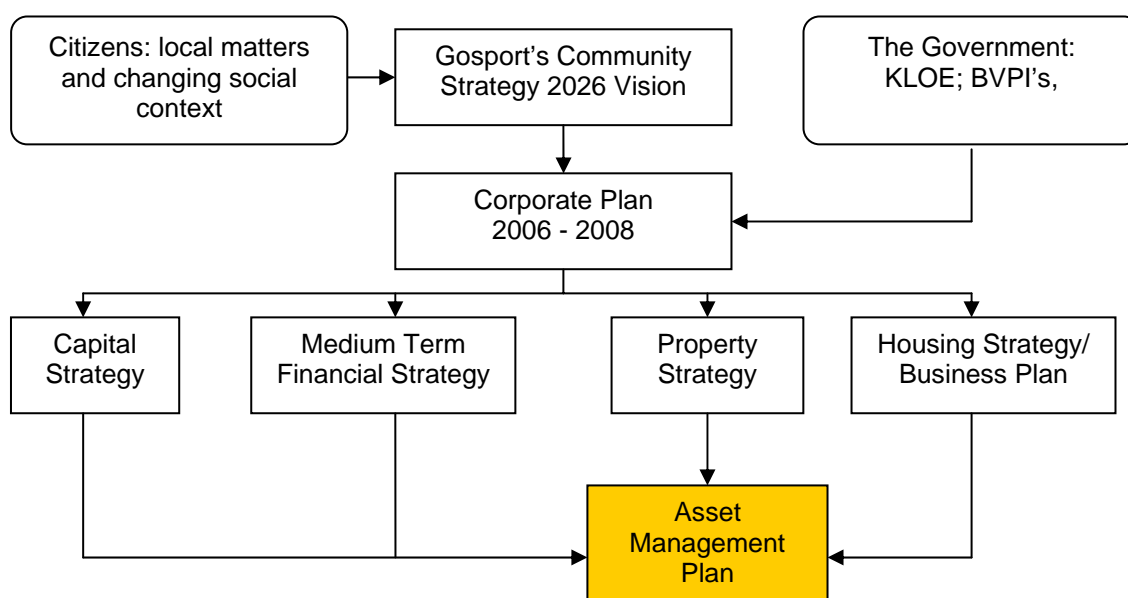
¹ Hampshire County Council Estimates 2006

² National Land and Property Gazetteer Jan 2007

2 The Policy Framework

2.1 Aim of the AMP

2.1.1 The purpose of the AMP is to optimise the use of assets in terms of service delivery and financial return. It is therefore a key contribution to the successful delivery of the Council's Corporate Plan. The Corporate Plan sets out the Council's Mission and Values which will help us provide quality service delivery today while planning for a better and more prosperous future. The Corporate Plan also identifies the Council's strategic priorities, which are based on a combination of factors including what matters most to local people; national priorities set by the Government; and the challenges arising from Gosport's changing social, economic and environmental context. The policy framework is represented by the diagram below:



2.1.2 The AMP is closely integrated with both financial and property planning frameworks and therefore contributes directly to the delivery of the Council's corporate objectives. Through the Comprehensive Performance Assessment (CPA) Key Lines of Enquiry (KLOE) were devised one of which relates to Use of Resources. This KLOE contain eleven themes, of which the asset base management theme links directly into the Property Strategy, setting requirements on the AMP which include reporting, maintenance backlog and planning and the development of Performance Indicators both Best Value (BVPI) and Local (Local PI's).

2.2 The Corporate Plan

2.2.1 The Council's strategic objectives are grouped under four main headings: **People**, **Places**, **Prosperity** and **Pursuit of Excellence**. Each of these headings is further sub-divided into desired outcomes and these are expanded within the Corporate Action Statement. It is important that the AMP makes direct linkage to these strategic objectives.

2.3 Linkage with Previous AMP

2.3.1 Many of the themes from the previous AMP (2002) are continued through to this version. This is because many of the drivers remain unchanged from this time for example maintenance, reporting, links to finance and planning, and consultation. However there are changes; notably that the Council now has a dedicated corporate Property Services Section (PSS) contained within the management structure of the Council. Many of the previously disaggregated property management practices have ceased although further progress to centralise currently disaggregated property and asset management function is anticipated.

2.4 Features of the New AMP

2.4.1 The new AMP devised within the PSS consists of the three principal elements:

- **Asset Assessment Matrix (AAM):** This is a spreadsheet that contains data for each of the Council's assets. Each asset, as soon as possible, is to be qualitatively assessed against national property performance indicators, and for logical purposes, is sub-divided into three criteria clusters: - condition, compliance and suitability for purpose. In all each asset will be assessed against twenty-one individual criteria, with a weighted score against each criterion to produce a quality standard on a traffic light basis. Other static data, valuations, life, tenancy etc will be added against each asset entry.
- **Asset Assessment Report (AAR):** This is a textual document, summarising the findings from the AAM, but furnished with additional qualitative data on matters such as value for money, option appraisal, maintenance needs, links to capital strategy, risk assessments and performance indicators.
- **AMP Processes:** These will be a set of textual documents that form a body of procedures, ensuring that the requirements of asset management best practice are embedded within the processes of the Council.

2.4.2 The new AMP will be under constant review: because the AAM will be updated in real time, both the AAM and the AAR will be kept constantly updated. Section 3, Asset Position, will be amended every year to reflect the revaluation of the portfolio and matters affecting the asset base.

3 Asset Position: 2007

3.1 The Revenue Budget

3.1.1 The Council's net revenue budget for 2006/07, after taking into account all specific grants and fees and charges income, was £11.7 million. This net budget figure is partially funded from Central Government support in the form of the Revenue Support Grant and a share of the National Non Domestic Rate Income with the residual net cost being met from the Council's council tax levy. The budget meets the Council's annual revenue costs which include Employees, Premises (e.g. maintenance and utilities) and Supplies and Services (e.g. equipment and licences).

3.2 Assets and Valuations

3.2.1 The Council is not a large landowner and its built non-housing assets are relatively low in comparison to other Local Authorities. The Authority's asset base is dominated by its housing stock, which numbered 3261 properties on 2 April 2007 with an estimated value of £148.9 Million representing 75.1% of the total asset value of £198.2 Million, see table below:

Council Assets 2007	Value	%
Council Dwellings (Sheltered Scheme and General Need)	£148,900,000	75.1
Other Land and Buildings (Garages and Operational Property)	£15,200,000	7.7
Vehicles Plant and Equipment	£1,500,000	0.8
Infrastructure (Coastal defences, footpaths, bridges)	£12,300,000	6.2
Community Assets (Parks, cemeteries, historic monuments)	£3,300,000	1.6
Non operational assets	£16,700,000	8.4
Intangible Assets (Software licences)	£200,000	0.1
Total	£198,200,000	100

3.2.2 Council garages were valued at £0.9m and Operational Property at £14.2m. Operational Assets are assets that are held and occupied, used or consumed by an organisation in the direct delivery for those services for which it has either statutory or discretionary responsibility or for the service or strategic objectives of the authority. A list of Operational Property categories with group valuation is listed below:

Category	Quantity	Value
Town Hall	1	£855,000
Pavilions	7	£781,000
Depot	2	£287,000
Museum	1	£4,400,000
Public Conveniences	17	£1,100,000
Car Parks	59	£6,184,000
Miscellaneous Properties	15	£600,000
Total		£14,200,000

3.2.3 The relatively high proportion of Infrastructure Assets (£12.3M) is primarily due to the coastal nature of the Borough and is comprised of sea defence features such as sea walls and pontoons. The Community Assets (£3.3M) include land set aside for recreation and leisure purposes (including the 27 designated parks within the Borough) although the artefact collection at Priddy's Hard Museum (£1.6M) is the largest item in valuation terms.

3.2.4 The relatively low value of non-operation properties is the result of the small size of the portfolio and partially attributable to the recent policy of actively seeking disposal opportunities to assist with the funding of the Capital Programme. The non-operational properties are listed below:

Property	Value
Holbrook Recreation Centre	£1,463,000
Kingfisher Caravan Park	£1,247,000
Huhtamaki Factory (Land)	£1,245,000
Bus Station and Ferry Terminal	£973,000
Stokes Bay Home Park	£786,000
Alverbank Hotel	£490,000
Stokes Bay Golf Course (Land)	£352,000
Haslar Car Park	£210,000
Olympia Amusement Arcade	£205,000
Waterfront Cafe	£152,000
Club Hampshire (The Anchorage)	£117,000
All others	£9,460,000
Total	£16,700,000

3.3 Method of Valuation

3.3.1 The valuations are prepared on the basis recommended by CIPFA and in accordance with the Statement of Asset Valuation Principles and Guidance Notes issued by the RICS:

- Operational, non-specialised properties are valued at existing use value (EUV).
- Operational, specialised properties are valued at depreciated replacement cost (DRC).
- Non-operational assets including investment properties and assets that are surplus to requirements, are included at open market value (MV)

3.4 Capital Programme

3.4.1 A more detailed breakdown of the Council's Capital Programme and proposed funding for the next 3-5 years is set out in the Council's Budget Book (published February 2007).

3.5 Property Disposals

3.5.1 Since the last AMP in 2002 there have been several major disposals, a list of which is below:

Property	Nature of Disposal
Priddy's Hard	Sale of land for residential development
Priddy's Hard	(Phase II) sale in progress
Priddy's Ramparts site	Sale of access rights in progress
176/178 Rowner Lane	Sale of residential properties
132/132a Beauchamp Ave	Sale of shop and residential upper part.
21 Ann's Hill Road	Sale of residential property
79 Avery lane	Sale of residential property
Land adjacent to Powder Pier	Sale of land
Huhtamaki	Sale of freehold reversion to enable Brune Medical centre
Whites Place (former allotments)	Sale of land for surgery
Hardway Sailing Club	Sale of freehold reversion

3.5.2 In addition to the major disposals, the Council maintains a policy of the sale of small pieces of land, usually for the purpose of enlarging private gardens to neighbouring owners. Such sales are dealt with on an individual case basis and the process does not guarantee that a sale will take place. On average there are four – five small land sales per year that complete the process.

3.5.3 Currently, the disposal of assets is not process driven, although arguably, given the small size of the portfolio this is not necessary. However, the new AMP processes will more accurately provide a qualitative assessment matrix for each asset, thereby providing CMT and the Boards with the data necessary to make more informed decisions regarding the suitability of an asset in the delivery of the Council's objectives.

3.5.4 The Council's most recent major acquisition (gifted by the MoD) was the Priddy's Hard site in 1999. In 2006, in addition to the Council's Explosion! museum, part of the site has been sold for residential development and the remainder of the built site is on the market awaiting disposal. The western rampart site (ancient monument) is to be developed as a public amenity.

3.5.5 To meet its operational requirements the Council acquired the leasehold interest of 137 High Street and 50 Stoke Road. No other acquisitions took place.

3.6 Condition Surveys and Maintenance

3.6.1 The task of managing and providing the information on the condition of corporate non-housing assets remains outsourced with PTL. PTL provide the CPO with detailed planned maintenance schedules on these properties, which has always informed budgetary considerations. The information from PTL will, in future, source the maintenance commentary on the AAR which will be presented annually to CMT.

3.6.2 A revised rolling programme of Condition Surveys has been commissioned for 2006/7 on these properties, and a prioritised list of additional assets, in accordance with the COPROP performance management initiative, which seeks to inform the relevant PPI's.

3.6.3 Through the condition surveys the prioritised maintenance costs will be used to populate the AAR and thereby achieve a qualitative ranking expressed in terms of the standard of repair. When 'married' to the other suitability criteria an overall assessment of the asset will be

demonstrated through a traffic light system which will, in addition to other qualitative assessments, inform a maintenance regime based on a 5 year rolling programme. It is intended that this detailed assessment will underpin future maintenance budgeting, and together with the linkage to the Corporate Plan objectives, provide CMT with comprehensive information so that holistic decisions can be made.

3.6.4 Until the AAM and AAR are embedded in the Council's processes, it is difficult to assess the overall impact of maintenance backlog.

3.7 Projects Delivered

3.7.1 For the non-housing portfolio, the Corporate Plan strategic objective PL3 – To develop a high-quality waterfront environment, has been a major driver. In this strategic objective there have been four principal projects completed.

3.7.2 The redevelopment of the Waterfront Café, Lee-on-the-Solent, was completed in December 2006. The new modern structure is a high-quality brasserie. Bayside Cabin, at Stokes Bay, is a new, modern structure replacing a mobile facility.

3.7.3 On a smaller scale, the Compass Point has been built in Walpole Park, which is a high-quality restaurant and bistro. There is also an Adventure Golf concession at Stokes Bay which replaced the disused putting green and now provides a high quality mini golf facility.

3.7.4 Other projects completed include the rationalisation of Pest Control. The building at Toronto Place has been vacated and is on the market for letting. The car park at Haslar Road has been leased to Dean and Reddyhoff Marinas with the Council sharing the pro rate car parking income.

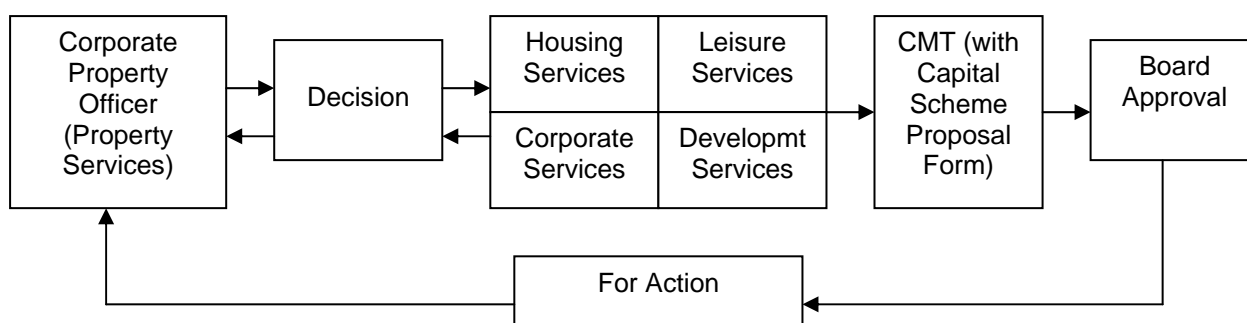
4. Organisational Arrangements for Corporate Asset Management

4.1 Board responsibility

4.1.1 The body responsible for the AMP is the Policy and Organisation Board, this is consistent with the Constitution of the Council Part 4, Schedule 16, which provides that, unless otherwise delegated to officers, no property can be disposed, sold or leased unless authorised by this Board.

4.2 Strategic Decision Making Framework

4.2.1 The Strategic Decision Making Framework is summarised in the diagram below:



4.2.2 Strategic decisions, for example on property requirements, are taken by the four services that hold responsibility for property - Housing, Leisure and Cultural Services, Corporate Services and Development Services (Property Services Section). These four units will consult with the Corporate Property Officer (CPO) in the Property Services Section (Development Services interest in property is represented only by the CPO, therefore obviously it will not consult with itself). The recommendations of the CPO will be fed back through the Service Unit to the Council's Management Team (CMT) and from there to the appropriate Service Board for recommendation to the Policy and Organisation Board (P&O). The Board will then instruct the CPO with the agreed action.

4.2.3 The Council's Management Team (CMT) is made up of all Service Unit Managers thus achieving full cross-service representation. CMT act as the Corporate Asset Management Team, which ensures that, with its other roles, the Council's assets are managed on a corporate basis. Operational delivery is thus considered collectively with due regard to the Council's aims, objectives and priorities.

4.3 Reporting Lines

4.3.1 The reporting lines for property and asset management are through CMT and include:

- Linking assets to corporate objectives and strategies, to both influence the plan and to deliver the outcomes.
- Ensuring that future service property requirements are established and that the results of audits, Best Value reviews and other feasibility studies are given due consideration.
- Ensuring that appropriate service asset management planning is taking place and that it includes user consultation.
- Provide a system of options appraisal to ensure that priorities are determined to meet the overall corporate objectives.

(With the small number of assets, options appraisals are completed on an individual basis as opportunities are identified.)

- Ensuring that the necessary monitoring systems are in place for performance measurement purposes, and introducing them where they do not yet exist.
(CMT currently monitors a number of key performance indicators and major projects as part of its performance management framework.)
- Provide appropriate Committees and/or Members with the information required to enable them to make informed decisions on questions of asset management including risk assessments where appropriate.

4.4 Strategic Partnerships and External Agencies

4.4.1 Strong links exist between the Council and the Local Strategic Partnership bringing together the public, private, voluntary and community sectors. The Partnership published the Gosport Community Strategy 2026 Vision which provided the basis for the Corporate Plan 2005/08. The Property Services Section (PSS) has built strong links by developing consultation forums and tenant groups. Linkages with other authorities are strongest through networking activity within the South East Association of Chief Estates Officers (SEACES) where a successful joint procurement contract has been secured for rating work. (The 2006 ACES award for excellence was received for this work).

4.5 Integration with Capital Strategy and other Finance Documents

4.5.1 The Council has limited capital resources of its own, and has consistently sought to make the most efficient and effective use of those resources to meet its corporate priorities. Traditionally, this has been carried out through the application of its management framework and processes.

4.5.2 Projects and the resource implications are considered corporately by Council Management Team, adopted in the Council's Corporate Plan and then cascaded down and applied across the Authority. The preparation of the Capital Strategy is used to further enhance this by requiring the identification of the contribution each capital project is making to the corporate priorities as part of the assessment of the Council's rolling Capital Programme.

4.5.3 Capital Projects must demonstrate how they will contribute to the corporate priorities before Council Management Team prioritises them. They must also demonstrate that they have fully considered the alternatives available, and how these have been evaluated. This procedure has been developed to be both transparent and objective and is referred to in detail in the Council's Capital Strategy.

4.5.4 In order for the Council to achieve its capital expenditure objectives it is essential that the Capital Programme is closely monitored with any problems quickly identified. To aid in this process a responsible officer is specified for each scheme, who ensures that the scheme progresses as planned. These officers will meet with contractors and partner organisations as appropriate, as well as the CPO. Any problems identified will be reported for consideration to the CMT and if necessary to the relevant Board. In addition the Deputy Chief Executive and Borough Treasurer will continue to periodically submit reports to the P&O Board showing expenditure against budgets and highlighting any major variances.

4.5.5 In addition to the monitoring of projects by the nominated lead officers and the overall Capital Programme by the Deputy Chief Executive and Borough Treasurer, the CPO will monitor the performance of the property portfolio and report its status to the P&O Board. This report will include reference to the national as well as any identified local performance indicators. The details and programme of this process will be determined as part of the Property Strategy Report in light of the implementation of the new political arrangements.

4.6 Service and Performance Monitoring

4.6.1 Through the AMP Property Assessment Process (see paragraph 5.2 below) the Council will manage, monitor and appraise its use of property resources. Property Assessments will be produced on an annual basis for the consideration by CMT and Board.

4.6.2 The national PPI's were initially reported but when this no longer became a requirement these lapsed. The Council reports on Best Value with a number of property related BVPI's and currently three Local PI's:

- BV156 The percentage of Council buildings that is open to the public which are suitable for access for disabled people.
- BV63 Energy efficiency of authority owned dwellings
- BV64 Number of private sector vacant dwellings that are returned into occupation or demolished during the financial year as a result of LA action
- BV212 Average time taken to re-let authority housing
- BV216a Number of sites of potential concern with respect to land contamination
- BV216b Number of sites for which sufficient detailed information is available to decide whether remediation is necessary as a percentage of all sites of potential concern.
- BV170a Number of visits to/usages of museums per 1000 population
- BV170b Number of visits that were in person per 1000 population
- BV170c Number of pupils visiting museums in organised school groups
- BV184A The proportion of local authority dwellings which were non-decent at the start of the financial year
- BV184b The percentage change in the proportion of the non-decent dwellings between the start of the year and the end of the financial year

4.6.3 The three local PI's that have been adopted are:

- PP01 The proportion of rent not received as a total of rents receivable for non-housing property assets.
- PP02 The proportion of void properties as a total of all lettable non-housing property assets
- PP03 The proportion of rent reviews outstanding as a total of all non-housing properties where the rent is reviewable

4.6.4 Membership of the newly formed Hampshire Benchmarking Club will assist the focus on PI's with the adoption of the OGC Performance Framework from which a suitability survey has been completed for the Town Hall and Depot offices.

5. The Role of the Property Services Section

5.1 Structure

5.1.1 The Property Services Section (PSS) comprises two people namely the Head of Property Services (CPO) who is a member of the Royal Institution of Chartered Surveyors (RICS) and an Administrative Assistant who also is the Local Land and Property Gazetteer (LLPG) Custodian. The PSS is part of the Development Services Unit. The PSS has been in existence since March 2002. It is responsible for the estate management functions relating to all non operational properties. The service units have retained responsibility principally for the maintenance of their operational properties but do refer to the CPO on estate management issues.

5.1.2 The focus of attention has, of necessity, been to assemble the disaggregated property information which, prior to the creation of the PSS had been held by the various service units. The first task was to create a spreadsheet listing all income producing non-housing property assets, with tenancy and rental information. Subsequently the Section has had to build up knowledge of these assets.

5.2 Key Services

5.2.1 Property Management is the principal service provided, elements of which are:

- New Lettings
- Rent Reviews
- Lease Renewals
- Covenant Enforcement
- Dilapidation Claims
- Property Maintenance
- Disposals
- Acquisitions
- Valuations
- Fire Insurance
- Compliance (Asbestos, DDA etc)
- Tenant Liaison
- Rating

5.2.2 As outlined in the 2002 AMP, the maintenance of five Corporate Properties remains outsourced with Parker Torrington Limited (PTL previously RPS). This level of work includes tasks outlined in the Memorandum of Agreement. Also the management of the mobile home park remains outsourced although this will be reviewed in March 2008 upon the manager's retirement.

5.2.3 As outlined in paragraph 5.1.1 above, other Service Units involve the CPO at the appropriate time in the planning process, where property related decisions need to be made, and such consultations will be placed before CMT. To assist this process regular steering group meetings are held with the service units at Wilmott Lane Depot (The Council's works depot). There remains a residue of non-operational assets still in the management of other service units, but these are being actively identified and transferred to the Property Service Section.

5.3 Delegated Powers and Budgetary Responsibility

5.3.1 Under the Constitution of the Council, only Service Unit Managers have the delegated powers to deal with certain land and property transactions. It is recognised that this is not best practice and this will be reviewed during 2008 to achieve best practice. Currently the CPO has no delegated authority and needs to work through the relevant Service Unit Managers who are empowered to delegate their authority.

5.3.2 The Section manages 32 budgets, 23 revenue and 9 capital. Monthly monitoring reports are produced and major decisions regarding maintenance expenditure is based on information provided by PTL. Regular meetings are held with the budget accountant for the Development Services Unit.

6. Asset Register and Property Data

6.1 Asset Register

6.1.1 The Asset Register (AsR) is held and maintained by the Financial Services Unit. It is recognised that the AsR has lacked robust scrutiny, and an initial examination of the AsR by Property Services has revealed some obvious inaccuracies. It is intended that the work undertaken by the Property Section in reviewing assets through the AMP exercise should feed into the AsR and thereby create a process of regular update. This process of asset review must be formalised among the CPO, Finance Unit and those Service Units holding management responsibility for the property assets. It is noted that not all operational property will be managed by CPO.

6.1.2 Operational Assets are defined as those held and occupied, used or consumed by the local authority in the direct delivery of those services for which it has either a statutory or discretionary responsibility. This includes Council dwellings, office buildings, sports centres and depots. Non operational assets are those not directly occupied, used or consumed by the local authority in the direct delivery of those services. Examples of non operational assets are investment properties and assets that are surplus to requirements pending redevelopment. Community assets are those which the authority intends to hold in perpetuity, that have no determinable useful life, and that may have restrictions on their disposal. Examples are parks and gardens; sea walls and museum artefacts.

6.1.3 The relatively small size of the Council's property portfolio enables changes both qualitative and quantitative to be made to the property database both quickly and effectively. This process will be assisted through the AAR review processes. Impairment assessments will be factored into this process and these will not be limited to just annual reviews, when the year end valuations are prepared, but will be recorded as and when impairment events occur.

6.1.4 It is obvious that there will be close linkage between the AsR and the AAM created by the Property Services Section, however the functions of the two databases are different. An asset identification number and the UPRN drawn from the LLPG will provide the connection between the two databases.

6.1.5 The Housing Revenue Account (HRA) Business Plan contains similar qualitative information about Council housing as the AAM will with the non-housing portfolio. The two datasets compliment and link to the AsR.

6.1.6 The HRA Business Plan was signed off by the Government's Regional Office in September 2003 and was deemed as 'fit for purpose'. The Business Plan (a 30 year plan) was compiled alongside the Housing Strategy but with a clear recognition of the difference between the two documents. There is a requirement for a new plan to be produced in 2007 and work on this is nearly complete.

6.1.7 The HRA Business Plan is designed to contribute towards fulfilling the Council's overall strategic objectives, by working with our partners to deliver high quality public services identified as important by the community and our customers, within a framework based on innovative modernising principles.

6.1.8 The key objectives of the business planning process for the years ahead are:

- Social Housing Need and Demand
- Tenant and Stakeholder Participation and Consultation
- Housing Management
- Stock Condition and Asset Management Strategy
- Historical Investment Patterns
- Decent Homes Standard
- Performance Measurement
- Resource Management
- Future Expenditure Patterns
- Risk Management and Sensitivity Analysis

6.2 Property Data and AAR Reviews

6.2.1 It is intended, as mentioned in section 2.4 above, that the property reports (AAR), created through the new AMP initiative, will contain evaluation of condition, compliance and suitability assessments and will therefore be placed before CMT on an annual basis.

6.2.2 In addition the AAR will contain references to PI's, option appraisal, maintenance requirements and general assessment narratives that will be presented to CMT and the relevant boards for consideration, much like a 'State of the Nation' report. It is at this point that reviews will be carried out to ensure that the asset base matches the aspirations of the Corporate Plan, and where there are mismatches, appropriate action will follow.

6.2.3 Property PI's are reported to the relevant Service Unit Managers on a quarterly basis. It is envisaged that the AAR and the Housing Business Plan (HBP) together, in a complementary process, will continue to provide this data but in a format that links among Service Units, permitting a more dynamic response to asset management. The PI's are produced in graphic form and contribute to the management appraisal of the asset base, thereby ensuring that targets and objectives cascading from the Corporate Plan are on track.

7. Monitoring

7.1 General

7.1.1 The AAR and the HBP contain sufficient detail on a wide range of asset assessment criteria to inform CMT on the suitability and status of an asset. It is recognised that the Council has limited capital resources of its own and the efficient and effective use of these assets is imperative.

7.1.2 The annual presentation of the AAR and the HBP should inform CMT as to the total asset position. The AMP becomes a critical review document, as it will identify those properties which are not fit for purpose and therefore are likely to constrain ambition in the Corporate Plan. In such cases CMT will need to decide whether capital investment is required. A transparent data based process will provide a clear and unambiguous link between the need for an asset and its contribution to the Council's objectives.

7.1.3 The CPO and the Housing Services Unit will constantly update the criteria assessment in the AAR and HBP respectively, to ensure that the data provided is accurate and CMT are aware of risks and maintenance costs needed, if necessary to bring an asset to suitability.

7.2 Capital Projects

7.2.1 Capital Projects are considered corporately by CMT. The preparation of a Capital Strategy is used to further enhance consideration. Sponsors of Capital Projects, apart from demonstrating the obvious need through the Corporate Plan, must also demonstrate how they have considered and evaluated alternative delivery of the objective. A form exists – The Capital Scheme Proposal Form – which should be used by the sponsor.

7.2.2 Performance of a Capital Project is monitored by the nominated Lead Officer, and the supporting financial capital programme by the Deputy Chief Executive (Borough Treasurer), who will provide periodic reports to the P&O Board showing expenditure against budgets and highlighting any major variances.

7.3 Maintenance

7.3.1 The bulk of the portfolio is leased, and many of these leases require the tenant to carry out all repairs and insurance. The Council is left with a small portfolio of non-operational investment properties in addition to its operational assets that require a maintenance regime.

7.3.2 The CPO outsources the maintenance of five key non-operational assets to PTL:

- The Alverbank Hotel
- Club Hampshire Building (The Anchorage)
- The Bus Station
- Nobes Hall
- Park Lodge (Residential property, Gosport Park)

Under the terms of the contract PTL are responsible for the principal aspects of property maintenance: annual inspections with reports, annual estimates with five year forecast costs, placing of contracts and project management.

7.3.3 The remaining non-housing investment properties are managed directly by the CPO, who will review on an annual basis the maintenance requirements and budget accordingly. The Corporate and Leisure operational assets are managed jointly by the CPO and relevant Leisure Services and Corporate Services Officers.

7.3.4 The Council Housing stock is managed through a partnering contract with Connaught/1st Saxon Ltd, which provides a comprehensive planned and reactive maintenance support. Housing Services review the competitiveness of this contract on a regular basis.

7.3.5 As can be seen Maintenance work is not procured, planned or managed centrally within the Council and therefore is a disaggregated process. This needs to be addressed and processes put in place to ensure that the maintenance of all the Council's property assets are dealt with centrally by personnel with the required skills to manage the process from budgeting through to procurement and delivery of a quality maintenance regime.

7.4 Legal and Contractual

7.4.1 It is the role of the CPO, The Corporate Services Manager, The Leisure and Cultural Services Manager and the Housing Services Manager to ensure that operational property is fit for purpose, and that statutory requirements are satisfied. For the CPO this extends to the contractual obligations between landlord and tenant.

7.4.2 The AAR and the HBP will contain specific commentary on compliance, health and safety, risk and performance matters, such as Disability Discrimination Act (DDA) requirements. The CPO will be the relevant officer with regard to instructing the Borough Solicitor for the service of notices under the Landlord and Tenant Act, including covenant enforcement (if necessary through the courts).

7.4.3 Through regular meetings the CPO will monitor the contract between the Council and PTL, and likewise the HSM will monitor the contract between the Council and Connaught/1st Saxon.

8. Action Plan

8.1 The Action Plan

8.1.1 The CPO has assessed the asset position, in relationship with the corporate drivers of the AMP, and has devised the following plan of action:

<u>Actions and Key milestones</u>	<u>Target date</u>	<u>Status explanation and comment</u>
1. Prepare a Property Strategy for operational and non operational portfolio	Dec 2007	Work yet to be prioritised and resourced
<ul style="list-style-type: none"> • Reasons for ownership. • Fitness for purpose • Suitability assessment • Potential for disposal • Disposal strategy • CMT approval • Report to Board 		
2. Populate the Asset Assessment Matrix	Mar 2008	Population of spreadsheet has commenced and is 10% complete
<ul style="list-style-type: none"> • Determine scope of AAM • Populate physical condition section • Populate compliance section • Add valuation data • Determine functional suitability criteria • Populate functional suitability section 	July 2007 Sep 2007 Nov 2007 Dec 2007 Jun – Dec 07 Mar 2008	Task begun, now 20% of properties done Task begun, now 15% of properties done
3. Assist Financial Services with a review of the Asset Register	Jul 2008	Work yet to be prioritised and resourced
<ul style="list-style-type: none"> • Scrutinise existing databases and identify the scope of the task • Devise a new identification system • Develop an integrated process of asset information exchange 		

4. Programme and monitor condition surveys	Dec 2008	Task begun and Bus Station survey completed
<ul style="list-style-type: none"> Identify properties requiring surveys Instruct PTL to carry out programme of surveys on most critical assets Analyse survey reports Prepare maintenance budgets Programme maintenance works by priority: (1) Statutory, (2) Emergency, (3) Preventative, (4) Planned 	Dec 2006 Jan 2007 May 2007 – Sep 2007 – May 2007 –	
5. AMP review	Feb 2008	Annual process to begin in Dec 2007
<ul style="list-style-type: none"> Amend and update AMP to include new requirements and guidelines from Central Government 	Dec 2007 – Feb 2008	
6. Develop improved ways of joint working	Dec 2008	Work yet to be prioritised and resourced
<ul style="list-style-type: none"> Promote a Property Working Group to include stakeholders and service departments. Improve procurement of maintenance contracts Draft a Rent Review policy Explore and report on the impact of Community Ownership principles for the Council Develop property processes to support asset management, which include: Legal work; Transaction approvals and delegations; rent reviews; lease renewals, surplus property procedures; insurance; tenant compliance and rent collection 		

AGENDA ITEM NO. 9

Board/Committee:	MEETING OF THE FULL COUNCIL
Date of meeting:	WEDNESDAY 11 JULY 2007
Title:	REDEVELOPMENT OF HOLBROOK RECREATION CENTRE – SELECTION OF CONSULTANT
Author:	LEISURE & CULTURAL SERVICES MANAGER
Status:	For Recommendation to Council

Purpose

The Holbrook Recreation Centre Working Group met on Tuesday 10 July 2007 to consider the submissions from two leisure consultancies to undertake preparatory work in advising the Council on options for redeveloping the existing facility. This report informs the Council of those submissions and the recommendation of the Working Group.

Recommendation

The Council is recommended to approve the appointment of PMP Consultancy Ltd. to undertake Stage 1 of the preparatory work to redevelop the Holbrook Recreation Centre.

1. Background

- 1.1 Following a meeting of the Holbrook Recreation Centre Working Group on Thursday 17 May 2007, a letter was sent to 4 consultancies listed below, inviting them to submit proposals to undertake the consultancy work in advising the Council of options to procuring a replacement facility for the Holbrook Recreation Centre.

Invitations were sent to:

PMP Consultancy Ltd. [PMP]
RQA Ltd.
Strategic Leisure Ltd. [SLL]
Torkildsen Barclay

- 1.2 A copy of the letter of invitation is attached as Appendix A.

2. Report

Evaluation and Selection of Preferred Consultant

- 2.1 Two of the consultants (PMP and SLL) submitted their proposals, copies of which were enclosed in the pack of information for the meeting of the Working Group. Members noted from the submissions

that each of the two consultancies had extensive experience in this field and had undertaken work for a range of authorities and other organisations.

- 2.2 Their methodologies demonstrated some similarities of approach and both had referred to the need for property specialists in their teams to assist and advise on market potential and facility mix. Both consultancies had undertaken work in the immediate region and therefore had a 'local knowledge' of facility provision in south Hampshire.
- 2.3 The PMP proposals had given consideration to the wider effects of the Holbrook project on the developments at Priddy's Hard and the Bus Station site. SLL confined their focus to the main Holbrook campus.
- 2.4 The track record of the PMP team included some very high profile and significant projects. The SLL team had completed a very broad range of projects.

Timescale

- 2.5 The PMP proposal set a target date for appointment of a developer by the end of 2007. This would then lead into the construction phase with an estimated operational date of mid 2009.
- 2.6 The SLL proposal indicated a target date for award of contract in late 2008.
- 2.7 Both timescales indicated the work to commence in early July. Given the need for approval by the Council, it is expected that these projected dates will slip by a few weeks.
- 2.8 Assuming approval of the recommendation by the Council, the Working Group indicated a desire to meet with PMP in early August.

3. Financial Implications

- 3.1 The respective fees indicated in the submissions are as follows:

PMP: £20,000 (+VAT + expenses capped at 10% max) for Stage 1
SLL : £31,775 (+VAT - expenses included)

Note 1: PMP indicate a further set of costs between £20,000 - 40,000 for Stage 2 which will comprise implementation and procurement of the preferred developer, subject to the procurement route selected by the Council.

Note 2: SLL indicate additional costs will be required for specialist input on property advice for the portfolio mix.

- 3.2 In view of the uncertainty, at this stage, as to how the Council may wish to source funding for the project, it is considered prudent to maintain

flexibility on the procurement route, as this will allow consideration of PPP / PFI if appropriate.

- 3.3 There is no budget yet allocated to the project for replacing Holbrook either for consultancy input or the main build programme. The Borough Treasurer has advised that a virement from within the capital programme may offer a source of funding for the consultancy work.

4. Conclusions

- 4.1 Both proposals had indicated a similar approach and methodology, although PMP's submission appeared to focus more clearly on the Council's requirements as indicated in the Brief.
- 4.2 Both consultancies demonstrated extensive experience and would utilise a team of the required skills and expertise to deliver the work.
- 4.3 The track record of the PMP team includes some very high profile and significant projects. Although the SLL team has completed a very broad range of projects, the calibre of the PMP list may offer other alternative innovative ideas that could be suitable for the Gosport scenario.
- 4.4 The estimated fees differed, although it was difficult to compare accurately, as the fees for Stage 2 of the PMP approach were unclear until more clarity became available on the Council's preferred procurement route. SLL indicated possible extra costs if they needed to engage CB Richard Ellis (CBRE) as their property advisor, although they had written their proposal as if CBRE were to play a role.
- 4.5 The Working Group Council agreed to progress Stage 1 as this was a known cost and then to review the position at completion of Stage 1. By then, it would be hoped that the capital funding options available to the Council would be clearer.

Financial Services comments:	The financial implications are detailed in section 3 of the report.
Legal Services comments:	
Service Improvement Plan implications:	The proposed action is in the current Plan.
Corporate Plan:	In line with the Council's duties as a local authority to deliver: <ul style="list-style-type: none"> i) better leisure facilities and increased usage; ii) enhanced customer service
Risk Assessment:	The Council has recognised that the Centre is in need of replacement and therefore this action begins the process of identifying suitable options to achieve that objective.
Background papers:	Proposals from PMP and SLL
Appendices/Enclosures:	
Appendix A	A copy of the letter of invitation
Report author/Lead officer:	David Martin

APPENDIX A

Holbrook Recreation Centre Redevelopment

Gosport Borough Council wishes to provide a recreation centre that reflects the current and future needs of the local community; this will be achieved in the provision of a new facility.

The Council is looking to engage a consultant to work on its behalf in advising and undertaking the process of the most suitable method of procuring such a facility. It is anticipated that the work will include the following outcomes:

- proposing an appropriate mix of facilities within a new centre
- researching and recommending the most appropriate procurement vehicle
- advising on available contract options
- evaluation of options that meet the Council's resources and future aspirations
- inviting interest from the market place
- assisting the Council with its engagement of a preferred developer

The current facility is being managed through a short term contract that expires in March 2009. The Council wishes to progress this exciting development opportunity in order to allow a new facility to be operational in early 2009, and with minimal loss of provision to the Borough.

You are therefore invited to submit your proposal for consultancy services to meet the outcomes identified above to the following address:

Leisure & Cultural Services Manager
Gosport Borough Council
Town Hall
High Street
Gosport PO12 1EB

Your proposal should include your proposed methodology, key outcomes including documentation, fees and timescale. Indication of previous experience and other similar projects will assist the Council in its evaluation of the submissions received.

Proposals are to be received at the Town Hall by no later than: **Friday 22 June 2007.**

I hope you will be able to send your submission to the Council expressing your interest in this redevelopment opportunity.