

# Public Document Pack



## NOTICE OF MEETING

<b>Meeting</b>	Executive Member for Policy and Resources Decision Day
<b>Date and Time</b>	Thursday, 13th December, 2018 at 2.00 pm
<b>Place</b>	Chute Room, Ell Court South, The Castle, Winchester
<b>Enquiries to</b>	members.services@hants.gov.uk

John Coughlan CBE  
Chief Executive  
The Castle, Winchester SO23 8UJ

## FILMING AND BROADCAST NOTIFICATION

This meeting may be recorded and broadcast live on the County Council's website. The meeting may also be recorded and broadcast by the press and members of the public – please see the Filming Protocol available on the County Council's website.

## AGENDA

**1. ACCESS TO EXEMPT/CONFIDENTIAL INFORMATION (Pages 3 - 12)**

To consider a report of the Chief Executive on access to exempt/confidential information.

**2. INVESTING IN HAMPSHIRE FUNDING (Pages 13 - 24)**

To consider a report of the Director of Corporate Resources – Corporate Services and the Director of Culture, Communities and Business Services regarding bids received for Investing in Hampshire funding.

**3. RESIDENTIAL RENT REVIEW – APRIL 2019 (Pages 25 - 30)**

To consider a report of the Director of Culture, Communities and Business Services regarding a review of rents for the County Council's residential properties.

**4. MAJOR HIGHWAY SCHEME: BOTLEY BYPASS - LAND PURCHASE (Pages 31 - 46)**

To consider a report of the Director of Culture, Communities and Business Services and Director of Environment, Transport and Economy regarding the Botley Bypass Major Highway Scheme.

**5. EXCLUSION OF THE PRESS AND PUBLIC**

To resolve that the public be excluded from the meeting during the following item of business, as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during this item there would be disclosure to them of exempt information within Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, and further that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons set out in the report.

**6. SCHEDULE OF ROUTINE TRANSACTIONS (Pages 47 - 64)**

To consider an exempt report of the Director of Culture, Communities and Business Services regarding proposed routine transactions.

**ABOUT THIS AGENDA:**

**On request, this agenda can be provided in alternative versions (such as large print, Braille or audio) and in alternative languages.**

**ABOUT THIS MEETING:**

**The press and public are welcome to attend the public sessions of the meeting. If you have any particular requirements, for example if you require wheelchair access, please contact [members.services@hants.gov.uk](mailto:members.services@hants.gov.uk) for assistance.**

County Councillors attending as appointed members of this Committee or by virtue of Standing Order 18.5; or with the concurrence of the Chairman in connection with their duties as members of the Council or as a local County Councillor qualify for travelling expenses.

## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker:</b>	Executive Member for Policy & Resources
<b>Date:</b>	13 December 2018
<b>Title:</b>	Access to Exempt/Confidential Information
<b>Report From:</b>	Chief Executive

**Contact name:** Barbara Beardwell

**Tel:** 01962 845157

**Email:** Barbara.beardwell@hants.gov.uk

#### 1. Recommendations

It is recommended that the Executive Member for Policy and Resources:

- 1.1. Notes the update in this Report on the legal and Constitutional framework and business and governance considerations relating to the access of Members to exempt and confidential reports.
- 1.2. Approves Option 4 as set out in this paper as the future business model for access of Members to Executive exempt and confidential reports, subject to reference to the Monitoring Officer in particular cases falling outside the generality of Option 4.
- 1.3. Agrees continuation of the position in respect of Committee Reports as referred to at Paragraph 5.4.

#### 2. Executive Summary

- 2.1. The purpose of this paper is to outline the legal and Constitutional framework in respect of the rights of access of Members to exempt and confidential information and the current procedure in place in respect of access to exempt and confidential reports, and to seek the view of the Executive Member for Policy and Resources as to whether, particularly with the benefit of Modern.gov, it might be appropriate to revise the current arrangement.
- 2.2. Historically, it is clear that exempt and confidential reports are very much the exception in the County Council's business, which operates on an open and transparent basis, and is fully compliant with the law relating to the rights of access of Members to exempt and confidential information. The County Council is however committed to continuous improvement.
- 2.3. This paper examines a number of varying options in this regard and suggests an appropriate option for a future business model going forward.

#### 3. Contextual information

- 3.1. The legal position regarding rights of access to exempt and confidential information is a combination of statute law, statutory guidance and common law which at times can be quite complex to interpret, not least because the position varies depending on what 'hat' a Member is wearing at any particular time – Opposition Spokesperson, Scrutiny Committee Member, Committee Member, local Member etc. With this in mind, specific guidance was prepared some time ago to assist the business in determining requests, with queries in particular cases being referred to the Monitoring Officer as Proper Officer for Access to Information under the Constitution (the Monitoring Officer having the authority in the County Council's Constitution to 'exempt' reports from publication in the first place).
- 3.2. Other than certain reports to the Executive Member for Policy and Resources which, because of the commercial nature of the portfolio may be exempt for good and proper business reasons, exempt and confidential reports are rare. To put this in context, in the 2017/18 municipal year, there were no exempt reports to Cabinet, or to the Executive Members for Education, Culture Recreation and Countryside, Public Health, Economy and Transport, Human Resources and Performance, or Communities, Partnerships and External Affairs. There were two exempt reports to the Executive Member for Economic Development, two exempt reports and two exempt Appendices to reports to the Executive Member for Adult Social Care and Health, and two exempt Appendices to the Executive Lead Member for Children's Services.
- 3.3. In reality, the overwhelming majority of exempt and confidential reports are routinely shared with Opposition Spokespersons on request, with Select Committee Chairmen and Vice Chairmen, and are also regularly shared with Opposition Spokespersons by Executive Members themselves at Executive Member Decision days. Reports are also shared on request with local Members of all political persuasions when matters relate to a local Member's division, subject, as appropriate, to any redacting of business sensitive information, figures etc.
- 3.4. The differing 'descriptions' of exempt and confidential information are set out at Schedule 12A of the Local Government Act 1972 ('the 1972 Act'), and are as follows:
  - a) Information relating to any individual e.g. appointment of staff
  - b) Information which is likely to reveal the identity of an individual
  - c) Information relating to the financial or business affairs of any particular person (including the authority holding that information) e.g. land disposals, confidential audit reports
  - d) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Authority or a Minister of the Crown and employees of, or office holders under, the Authority e.g. details of pay and benefit disputes
  - e) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings e.g. legal advice
  - f) Information which reveals that the authority proposes:-

- to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - to make an order or direction under any enactment e.g. statutory notices.
- g) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
- 3.5. The legal position including the specific rights of access by Members to exempt and confidential information is reflected in paragraph 5 of the Protocol for Member/Officer relations, contained within Part 4, Appendix D of the Constitution, and approved by the County Council at its meeting on 14 July 2011 as part of an overall review of the Constitution. A copy of paragraph 5 of the Protocol for Member/Officer Relations is attached at the link below.

[Part 4: Appendix D - Protocol for Member/Officer Relations](#)

- 3.6. So far as statutory provisions relating to Members goes, Members of the County Council have additional rights of access to Executive and Committee reports containing exempt and confidential information as set out at Paragraphs 16 and 17 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, and Section 100F of the 1972 Act. The important point to note is that unless a common law right to know applies, apart from the position of Scrutiny Committees (where different rules apply) certain information is always exempt from any statutory requirement to be open to Members for inspection. This includes information relating to individuals or likely to reveal the identity of individuals, labour relations and employment matters, legal privilege and information relating to criminal investigations. There is only a statutory right of Members to have access to certain 'business' reports, but then the position is complicated where the report relates to contractual or proposed contractual terms – information of this nature is excluded from the statutory right, plus proposals relating to statutory notices. In addition, in respect of Executive reports, the statutory right of Members only applies when an Executive Meeting is concluded / Executive decision is made, i.e. not at the time of publication of papers. Statutory rights are however in addition to any common law rights Members might have.
- 3.7. The position is further complicated by the fact that such case law as there is predates Executive Arrangements. Therefore, while the statutory position is helpful as a starting point in considering any requests for exempt or confidential Reports, individual requests need also to be considered purely on application of the common law rules. In consideration of a common law right, whilst a presumption of a 'need to know' might readily extend to all Members of a Committee, a local Member requesting access to an exempt or confidential report must make out a need to know in order to perform his duty as a Councillor.
- 3.8. The question of whether or not a report should be exempt is undertaken by the Monitoring Officer as Proper Officer for Access to Information in the Constitution, and a rigorous review of any such request is undertaken before it is agreed that a report should be exempt from publication. In cases where

only part of a report needs to be exempt, for example confidential legal advice, this would be contained in an exempt Appendix to the report, the report itself being published.

- 3.9. Other than a recent incident where a request was initially refused but on closer consideration agreed and one further instance in the 2013 Administration where an exempt report was requested by a local Member and released subject to redacting of business sensitive information, since the introduction of the current procedure, it is believed there has only been two occasions where access to an exempt report has been refused and this where the reports in question had already been shared with the relevant Opposition Spokesperson, plus a request for access to confidential appeal papers where again no 'need to know' could be demonstrated.
- 3.10. The present procedure agreed in 2011 is however in the context of circulation of exempt or confidential reports in hard copy on blue paper (which was the general procedure prior to Modern.gov and the ability to give 'private' access on the Modern.gov app) to avoid unauthorised transmission further and to allow a judgement call in case of particular issues.

#### **4. Review**

- 4.1. Notwithstanding the established procedure outlined above, with the advent of Modern.gov, it is considered timely to review the current arrangements in respect of access by Members to exempt and confidential information, in the interests of business efficiency, balancing the need for transparency and a recognition that Members increasingly work across Executive Portfolios, with the right and expectation of the organisation that sensitive information will be managed carefully and responsibly, and within the constraints of the law.

#### **5. Options**

##### **5.1. Executive Decision Reports**

###### **a) Option 1 (status quo)**

Notwithstanding the wider access of Members to exempt and confidential reports which exists, as outlined at paragraph 3.6 of this report, the present starting point is that there is full access of Members to final copies of all confidential / exempt decision reports containing exempt information falling within paragraphs 3 and 6 of the 1972 Act, subject to the exclusion of information where a report relates to contractual or proposed contractual terms, in accordance with the requirements of the 1972 Act. Individual requests outside the generality of the above are referred to the Monitoring Officer.

There is nothing unlawful in this position and, as indicated above, the starting point in consideration of any requests would be that unless there were clear legal or business reasons for the whole or part of a report to be withheld, any request for access would be agreed.

**b) Option 2**

Full access to final copies of all confidential/exempt decision reports via Modern.gov 'private', across all Executive portfolios to:

- Appointed relevant Opposition Spokespersons in receipt of an allowance in this regard under the Members' Allowances Scheme
- Select Committee Chairmen/Vice-Chairmen within the remit of the respective Select Committee

This would in effect extend existing custom and practice of allowing access automatically to all qualifying Opposition Spokespersons, rather than on request. It would allow qualifying appointed Opposition Spokespersons automatic access to reports in order to maintain comprehensive knowledge of their respective portfolio to continue to effectively fulfil the role to which they are appointed. This would however mean, if automatic access were given on Modern.gov, that Opposition Spokespersons may as a matter of course receive reports on matters which they would not have an argument as to access if a common law right to know couldn't be made out. So far as Executive reports go, the most common example would be confidential legal advice – other examples (apart from say grants) would be such as information relating to individuals/likely to reveal the identity of individuals, and trade union and employment matters, other than within the responsibility of the EHCC Committee, and business information excluded from the statutory right relating to contractual or proposed contractual terms. The reason for this is that if there were several exempt/confidential decision reports on an agenda, it is not possible to give individual Members access to only one of those reports; access would be to all of the reports regardless of the 'type' of exemption. Under this option, access would also automatically be given to Select Committee Chairmen/Vice-Chairmen.

However unlikely, Option 2 might lead to the processing of confidential information or personal data in breach of the data minimisation principal under Article (5)(1)(c) of GDPR. A pragmatic solution would be to exclude any reports containing such information from Modern.Gov 'private' and circulate them separately only to Members involved in the decision making. This process will be built into Option 2, should this be the preferred Option going forward.

There would be nothing unlawful should the preferred outcome be Option 2, subject to compliance with what has to be provided on request by law to Members, as outlined in this Report.

**c) Option 3**

Full access to final copies of all confidential/exempt decision reports via Modern.gov 'private', across all Executive portfolios to:

- Appointed relevant Opposition Spokespersons in receipt of an allowance in this regard under the Members' Allowances Scheme

- Opposition Group Leaders in receipt of a Political Group Leaders' Allowance under the Members' Allowances Scheme (if not also the relevant Opposition Spokesperson)
- Cabinet Members (where they are not themselves the decision maker)
- All Select Committee Members (i.e. not limited to Chairmen and Vice Chairmen) within the remit of a respective Select Committee

This would constitute a significant move away from existing custom and practice. This option might also present the risk of the processing of personal data in breach of the data minimisation principle under Article (5)(1)(c) of GDPR, in light of the consequence that Members not involved in the decision making might be supplied with personal details and sensitive information. This option might also lead to the County Council being in breach of the obligation of the duty of confidence, which prohibits disclosure of information forbidden by law or by a court order. For this reason, Option 3 is not recommended.

So far as Select Committee Members go, Members of a Select Committee have in any event a statutory right to exempt information where relevant to a decision the Select Committee is scrutinising or work programme of the Committee.

**c) Option 4**

- Full access to final copies of all confidential/exempt decision reports via Modern.gov 'private', across all Executive portfolios to:
- Appointed relevant Opposition Spokespersons in receipt of an allowance in this regard under the Members' Allowances Scheme
- Opposition Group Leaders in receipt of a Political Group Leaders' Allowances under the Members' Allowances Scheme (if not also the relevant Opposition Spokesperson)
- Cabinet Members (where they are not themselves the decision maker)
- Select Committee Chairmen/Vice-Chairmen within the remit of the respective Select Committee

This would be a hybrid alternative of Option 2, to additionally include all Political Group Leaders in receipt of a Political Group Leaders' Allowances under the Members' Allowances Scheme, and all of Cabinet. On the current political make-up of the County Council this would mean the Leader of the Liberal Democrat Group having automatic access to all confidential/exempt Executive reports. Currently as Political Group Leaders are not in certain instances appointed Opposition Group Spokespersons, Political Group Leaders in receipt of a Political Group Leaders' Allowance under the Members' Allowances Scheme wouldn't qualify for automatic access, as per Option 2. Whilst Executive reports are regularly shared between Cabinet Members, and Executive Members invite Political Group Leaders to Decision Days,

there is currently no automatic dissemination of individual Executive confidential/exempt reports amongst Cabinet.

However unlikely, Option 4 might lead to the processing of confidential information or personal data in breach of the data minimisation principal under Article (5)(1)(c) of GDPR. A pragmatic solution would be to exclude any reports containing such information from Modern.Gov 'private' and circulate them separately only to Members involved in the decision making. This process will be built into Option 4, should this be the preferred Option going forward.

5.2. Whatever the preferred way forward the use of Modern.gov facilitates access in a secure manner using 'Hampshire private' via the app, which avoids the opportunity for the wider dissemination of exempt/confidential papers. It also places no additional cost or resource pressure following the initial re-configuration of the system. As indicated above the flip side is that it is not possible to distinguish between the different 'types' of exemption on the Modern.gov app, it being a case of either private access to all exempt/confidential reports on a decision cycle or no access to these reports at all.

### 5.3. **Commentary**

Should Option 2 be agreed as a sensible way forward, Members who are not an officially appointed qualifying Opposition Spokesperson, or a Chairman/Vice Chairman of the relevant Select Committee would continue to be able to request access to a particular exempt/confidential report through the Monitoring Officer as Proper Officer for Access to Information. The same principle would apply to Members without automatic access should Option 4 be preferred. This would include any Political Group Leaders and Opposition Group Spokespersons not qualifying for an allowance under the Members' Allowances Scheme, and Independent Members not part of a political Group. Members wishing to access exempt/confidential reports by virtue of being the local Member would also continue to request this via the Monitoring Officer as Proper Officer for Access to Information. In such cases save where release of a report might cause the County Council to breach the duty of confidence, or inappropriately release confidential employment information or confidential legal advice, the existing presumption of transparency would apply subject to any appropriate redaction of business sensitive information, such as contractual or proposed contractual terms.

### 5.4. **Committee Reports**

No change is suggested here. Confidential/exempt reports to Committees would continue to be accessible to only appointed Members of that Committee. On the rare occasion that an exempt Executive decision report is referenced in a report to a Committee (this would probably just be the Buildings Land and Procurement Panel), there could be a presumption that access to the confidential/exempt Executive report would be given to Committee Members on request. For logistical reasons this would need to be outside any automatic process on Modern.gov.

## **5.5. Draft Reports**

As indicated above the options only apply to the final published reports. Arrangements relating to the access to reports (exempt or otherwise) for Chairman's briefings may be made with the agreement of, and at the discretion of the relevant Executive Member. The view is that this should remain unchanged, as in draft reports the position is still emerging. Case Law is clear that the Common Law right arises from a Councillor's common law duty to keep himself informed of matters necessary to enable him to properly discharge his duties as a Councillor, and accordingly is limited to such documents as might reasonably be necessary to enable him to properly perform his duties. There is no Common Law right of access to draft reports.

**CORPORATE OR LEGAL INFORMATION:****Links to the Strategic Plan**

**This proposal does not link to the Strategic Plan but, nevertheless, requires a decision for the good governance of the County Council.**

<b>Direct links to specific legislation or Government Directives</b>	
<u>Title</u>	<u>Date</u>
Local Government Act	1972
Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations	2012

**Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

<u>Document</u>	<u>Location</u>
None	

## IMPACT ASSESSMENTS:

### 1. Equality Duty

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Due regard in this context involves having due regard in particular to:**

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

### 1.2. Equalities Impact Assessment:

See guidance at <http://intranet.hants.gov.uk/equality/equality-assessments.htm>

*Inset in full your **Equality Statement** which will either state*

- (a) why you consider that the project/proposal will have a low or no impact on groups with protected characteristics or*
  - (b) will give details of the identified impacts and potential mitigating actions*
- a) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

There are no identified equalities impacts.

## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker:</b>	Executive Member for Policy and Resources
<b>Date of Decision:</b>	13 December 2018
<b>Decision Title:</b>	Investing in Hampshire Bids
<b>Report From:</b>	Director of Corporate Resources – Corporate Services Director of Culture, Communities and Business Services

Rob Carr – Head of Finance

**Contact name:** Felicity Roe, Director of Culture, Communities and Business Services

**Tel:** 01962 847508  
01962 847876

**Email:** [rob.carr@hants.gov.uk](mailto:rob.carr@hants.gov.uk)  
[felicity.roe@hants.gov.uk](mailto:felicity.roe@hants.gov.uk)

#### 1. Recommendations

- 1.1 To approve an award of £30,000 to the Asian Welfare and Cultural Association towards its proposed new community hub
- 1.2 To approve an award of £50,000 to the Test Valley Arts Foundation towards 'Test Valley 2020 – A Borough of Culture'.
- 1.3 To approve funding of £150,000 to support the Commission of Inquiry (Hampshire 2050).
- 1.4 To re-approve the previous £375,000 contribution awarded to the Live Theatre Winchester Trust (Theatre Royal) in light of changed funding arrangements and the scope of the project.

#### 2. Executive Summary

- 2.1 This report considers two new requests for funding under the Investing in Hampshire Fund and seeks funding to support the costs associated with the Commission of Inquiry. It also reconsiders a recent award made to the Live Theatre Winchester Trust (Theatre Royal) following changes to the funding arrangements and the overall scope of the project.
- 2.2 The County Council has always sought to provide support and develop strong links with the organisations that have responsibility for running and maintaining

the most significant facilities across the County particularly where these have a strong link the services that the County Council itself provides.

2.3 The criteria for Investing in Hampshire bids is included at Appendix 1.

### 3. **Asian Welfare and Cultural Association (Appendix 2)**

3.1 The Asian Welfare and Cultural Association (AWCA) wishes to develop a community centre in Eastleigh Town Centre as a base for its many activities and services since their current premises are unsuitable, temporary and have limited availability. The AWCA cannot increase its services and activities given the limitations of its existing premises.

3.2 The proposed new community hub would be located in premises in the centre of Eastleigh (former Irish Social Club) which are owned by Eastleigh Borough Council. The Borough Council would fund much of the refurbishment and lease the building to the AWCA on a peppercorn rent for a period of 10 years.

3.3 AWCA does much to improve and promote healthy lifestyles amongst the Asian community and has an active role in promoting community cohesion and understanding.

3.4 The centre would develop partnerships and opportunities for joint working with many other local organisations including Citizen's Advice; One Community, Eastleigh; Hampshire Constabulary; the Point Theatre; Eastleigh College. Disabled Peoples Voice Eastleigh and the Eastleigh Gurkha Nepalese Association.

3.5 It is recommended that £30,000 is awarded towards the proposed new community hub.

### 4. **Test Valley Arts Foundation (Appendix 3)**

4.1 Test Valley Arts Foundation(TVAF) is an independent charity which supports arts and culture in local communities within the Test Valley area. It has invested over £1m in the arts since 1991 through its key activities of:

- Supporting artists in the community - connect with local people.
- Providing creative learning opportunities for all ages.
- Organising and commissioning arts projects and events in a variety of venues including schools and care homes.
- Championing the economic benefits of the Arts in the Test Valley.

4.2 The Foundation is seeking funding to enable them to host the event 'Test Valley 2020 – A Borough of Culture' which will be a celebration and showcase of arts and cultural activity, providing many opportunities for artists and communities to meet and work together. A sum of £50,000 is being sought

from the Fund and it is anticipated that Test Valley Borough Council are likely to grant a further £25,000.

5. **Commission of Inquiry (Hampshire to 2050)**

5.1 In February this year Cabinet approved the establishment of a Commission of Inquiry (Col). The purpose of the Commission is

*'to consider submitted evidence, to deliberate upon key issues and to make recommendations on a Vision for Hampshire 2050 which will guide and contribute to the future prosperity, quality of life, and protection and enhancement of the character and environment of Hampshire.'*

5.2 At the time of the approval the exact scope, terms of reference and submission of evidence was not defined in detail, since the intention was that the initial meeting would establish the modus operandi for the Commission, including consideration of its Terms of Reference, its broad work programme, and the processes involved including the scheduling of a series of up to six evidence gathering hearings.

5.3 Delegated authority was given to the Chief Executive, in consultation with the Leader, to finalise and put in place the necessary arrangements for the Commission to be set up and to conduct its work. An initial estimate of costs of around £100,000 was forecast at the time but this was in advance of knowing the full scope and timing of the Inquiry.

5.4 The Commission of Inquiry has been progressing well during the year and the calls for evidence and the hearings have provided rich and varied insight into the key theme areas as set out in the original Cabinet report. In line with the original decision in February this report seeks to formally approve funding for the Inquiry taking into account the current known costs and the planned spending for the remainder of the Inquiry.

5.5 The table below sets out the key expenditure items :

<b>Item</b>	<b>£'000</b>
Project Delivery Management	64.9
Filming of hearings	32.8
Expert speakers for hearings	28.0
Schools engagement programme	10.0
Other costs (workshops, expenses, publicity, materials and contingency)	14.3
	<hr/>
	150.0

5.6 The total estimated cost is above the initial estimate that was included in the original Cabinet report mainly as a result of three issues that were not envisaged at the time the approval was made namely :

- The scheduling of two additional ‘final’ hearings, the first of which will consider the cross cutting themes of deprivation, inclusion, the impact of digital technologies and young people and a final hearing to consolidate the evidence collected and make recommendations for progressing the priority areas for action.
  - The filming of all the hearings so that they can be made available on the web and the production of podcasts that will be developed and published on line
  - The inclusion of a specific schools engagement programme to gather thoughts and evidence from young people through a series of focus groups across the County.
- 5.7 The final estimate also includes a small contingency to allow for any unplanned expenditure throughout the remainder of the Inquiry. Given the unique nature of the Inquiry and its wider aim of developing a Vision for Hampshire 2050, it is recommended that the total funding of £150,000 is approved from the Investing In Hampshire Fund.

## **6. Live Theatre Winchester Trust (Theatre Royal) – Reconsideration**

- 6.1 An award of £375,000 from the Investing in Hampshire fund in respect of refurbishment of the Theatre Royal, Winchester was approved by the Executive Member for Policy and Resources at his decision day on 26 September 2018.
- 6.2 The award was conditional on the successful outcome of a bid to Arts Council England (ACE) which was under consideration at the time. Subsequently ACE have advised that they will not be supporting the project at this stage although they are still in dialogue with the Theatre and it is hoped that a further bid will be given consideration in the near future.
- 6.3 In the meantime, the Theatre have proposed that they move forward with a reduced project to concentrate on front of house facilities to support their future revenue generating opportunities. The revised project includes a contribution from Winchester City Council of £150,000 which has been agreed in principle, but would still rely on the full £375,000 award from the County Council.
- 6.4 The approach would enable the Theatre to continue its work to enhance revenues whilst reducing its future reliance on ongoing revenue support from the County Council. The project design is advanced and much of this work would be at risk if the project was significantly delayed.
- 6.5 Given the circumstances outlined above it is recommended that the earlier condition is removed and that the award of £375,000 is confirmed.

## **7. Financial Arrangements**

- 7.1 Any awards approved under the Investing in Hampshire Fund are only paid out after evidence has been provided to the Director of Corporate Resources of appropriate expenditure on the relevant project.

## **8. Legal Implications**

- 8.1 Subject to certain restrictions, the County Council has the power under Section 1 of the Localism Act 2011 to do anything that individuals generally may do including the power to give grants.

**CORPORATE OR LEGAL INFORMATION:****Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	yes
<b>People in Hampshire live safe, healthy and independent lives:</b>	yes
<b>People in Hampshire enjoy a rich and diverse environment:</b>	yes
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	yes

**Other Significant Links**

<b>Links to previous Member decisions:</b>		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
None		
<b>Direct links to specific legislation or Government Directives</b>		
<u>Title</u>	<u>Date</u>	
None		

**Section 100 D - Local Government Act 1972 - background documents**

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
Correspondence received from organisations	Director of Corporate Resources - Corporate Services

## **IMPACT ASSESSMENTS:**

### **1. Equality Duty**

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

### **1.2. Equalities Impact Assessment:**

There is not expected to be any adverse equalities impact as a result of this report, but the funding recommended to the Asian Welfare and Cultural Association is expected to help improve community relations in the Eastleigh Borough area and beyond.

### **2. Impact on Crime and Disorder:**

The proposals in this report aim to improve the wellbeing of Hampshire residents and reduce the risk of crime occurring.

### **3. Climate Change:**

There is no significant link to Climate Change as a result of this decision.

## **FUNDING CRITERIA FOR INVESTING IN HAMPSHIRE**

The following criteria should be taken into account when considering a request for funding.

1. Assistance will be considered only in response to direct applications from properly constituted organisations seeking assistance. The application must show that the organisation is properly and legally organised and has its own bank account. Funding would only be awarded if the proposal was to support activity within agreed County Council priorities.
2. Applications will only be considered for specific capital projects for the improvement or maintenance of significant assets or facilities within Hampshire, within agreed priorities and where other substantial funding exists.
3. Other applications will be considered at the absolute discretion of the Leader where he considers that the award will make a contribution for the wider benefit of Hampshire and its residents.
4. The wider economic benefits to the residents of Hampshire should be considered together with any complementary benefits for Hampshire County Council. Awards would normally only be given to projects within the remit of Policy and Resources.
5. Awards will not usually be made in respect of applications from the following:-
  - Government Institutions
  - Schools
  - Overseas and out of County organisations which have no direct Hampshire involvement
  - Bodies requesting funds for onward distribution to other charities e.g. mayoral appeals, carnivals, fetes, or for their own fundraising events.
6. Apart from exceptional circumstances, the requesting body would be expected to provide their own funding towards the project.
7. As a general rule, grants in excess of £250,000 will not be awarded unless significant benefits and funding are available. In exceptional cases, where the benefits are significant and directly relate to services and functions close to the County Council's key objectives, then an award greater than the level above would be considered.
8. Given the longer term nature of capital projects, requests can be considered well in advance, but funding will only be released once evidence of capital expenditure has been provided to the County Council or other arrangements made consistent with the agreement of the Director of Corporate Resources.

### Invest in Hampshire – Asian Welfare and Cultural Association

Applicant	Asian Welfare and Cultural Association (AWCA)		
Name / Location of Project	Community Resource and Activity Centre, Eastleigh – to be known as a Centre for Communities.		
Summary of Project / Bid	<p>The AWCA was established in 2002 and is a registered charity.</p> <p>The AWCA wish to develop a community centre in Eastleigh Town Centre as a base for its many activities and services since their current premises are unsuitable, temporary and with limited availability. The AWCA cannot increase its services and activities given the limitations of its existing premises.</p> <p>The proposed new community hub would be located in premises in the centre of Eastleigh (former Irish Social Club). The premises are owned by Eastleigh Borough Council who would fund much of the refurbishment and lease the building to the AWCA on a peppercorn for a period of 10 years.</p> <p>Additional costs associated with setting up the hub would include equipment, signage and alterations.</p>		
Funding Requested	£30,000	Financial Year 2019/20	
Funding Arrangements (including matched funding)	<p>Eastleigh Borough Council - £60,000 capital grant for building to be made weathertight</p> <p>AWCA - £20,000 – contribution towards refurbishment</p>		
What are the benefits for Hampshire Residents?	<p>The objectives of the AWCA are to promote the health and wellbeing of the Asian Community in Eastleigh and to improve understanding and links between communities. The new hub would be open to all sections of the community – the AWCA already plays an important role in promoting good race and community relations within the Borough and beyond.</p> <p>The AWCA organises and runs the annual Mela, now in its 13<sup>th</sup> year, attended by people of all ages and backgrounds and attracts up to 10,000 people per annum.</p> <p>The AWCA also offers free community meals for all. They do this twice a year, and in October this year, they fed over 300 people.</p> <p>Other activities already provided include:</p> <p>Health and Welfare advice  Exercise classes  Beginners English language  IT  Performances</p>		

	<p>Participation in local school projects.</p> <p>The new hub would enable the AWCA to establish a 'health' room; more extensive fitness activities; an information centre; advice centre; learning and cultural events and spaces available to hire for a range of community activities and recreation</p>
What are the complementary benefits for HCC?	The AWCA does much to improve and promote healthy lifestyles amongst the Asian community and has an active role in promoting community cohesion and understanding.
Any other relevant factors?	The centre would develop partnerships and opportunities for joint working with many other local organisations including Citizen's Advice; One Community, Eastleigh; Hampshire Constabulary; the Point Theatre; Eastleigh College. Disabled Peoples Voice Eastleigh, Eastleigh Gurkha Nepalese Association.

### Investing in Hampshire – Test Valley Arts Foundation

Applicant	Test Valley Arts Foundation (TVAF)		
Name / Location of Project	Test Valley 2020 – A Borough of Culture		
Summary of Project / Bid	<p>TVAF is an independent charity which supports arts and culture in local communities within the Test Valley area.</p> <p>It has invested over £1m in the arts since 1991 through its key activities of:</p> <ul style="list-style-type: none"> <li>• Supporting artists in the community - connect with local people.</li> <li>• Providing creative learning opportunities for all ages.</li> <li>• Organising and commissioning arts projects and events in a variety of venues including schools and care homes.</li> <li>• Championing the economic benefits of the Arts in the Test Valley.</li> </ul> <p>Financial support has been requested to enable the TVAF to continue to support arts and culture in the area and to host the event 'Test Valley 2020 – A Borough of Culture' which will showcase arts and cultural activity.</p>		
Funding Requested	£50,000	Financial Year	TBC
Funding Arrangements (including matched funding)	<p>TVAF has been supported through an endowment from Test Valley Borough Council (TVBC) of £100,000 over 25 years ago. This endowment has levered over £500,000 of investment in the Test Valley including the creation of Chapel Arts Studios now an Arts Council funded national portfolio organisation. The original endowment has reduced to £30,000 and TVAF are seeking new funding in order to secure the future of the organisation and to support the Test Valley 2020 event. TVBC are likely to grant £25,000.</p>		
What are the benefits for Hampshire Residents?	<p>TVAF has an extensive reach through its key activities mentioned above. However, Chapel Arts does work across the whole of the County of Hampshire and is now regionally mentoring artists across the whole of the South West.</p> <p>The 25<sup>th</sup> anniversary events reached over 15,000 people. The TVAF also operates an Arts Bus which operates in the Test Valley and beyond and regularly attends the Eastleigh Mela and Hat Fair in Winchester.</p> <p>Individual artists are supported including young artists at the outset of their careers.</p>		

What are the complementary benefits for HCC?	TVAF provides creative learning opportunities by placing post graduate artist placements at local schools and colleges. In the past Schools benefitting have included Icknield Special School.
Any other relevant factors?	<p>The plan relating to Test Valley 2020 – A Borough of culture will be a celebration and showcase of arts and cultural activity providing many opportunities for artists and communities to meet and work together.</p> <p>The events would include a huge number of ‘pop-up’ workshops, dances, musical performances, a circus and much more.</p>

## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker:</b>	Executive Member for Policy & Resources		
<b>Date:</b>	13 December 2018		
<b>Title:</b>	Residential Properties – Review of Rents in April 2019		
<b>Report From:</b>	Director of Culture, Communities and Business Services		
<b>Contact name:</b>	Chris Jelliffe		
<b>Tel:</b>	01962 846617	<b>Email:</b>	chris.jelliffe@hants.gov.uk

#### 1. Recommendation

- 1.1. That the Executive Member for Policy and Resources approves the proposal that rents charged in respect of Hampshire County Council dwellings let to staff and other tenants be increased by 2.5% with effect from 1 April 2019.

#### 2. Executive Summary

2.1. The purpose of this paper is to consider the appropriate level of rents to be charged in respect of Hampshire County Council's housing accommodation with effect from 1 April 2019.

2.2. This paper seeks to

- Provide details of the nature of the residential estate.
- Confirm the policies for the annual review of rents.
- Set out recent trends in rental levels in both the public and private sectors.
- Propose an increase in rent for the affected properties of 2.5%

#### 2. Background

2.1. The County Council currently owns a total of 82 dwellings. This compares to a figure of 86 dwellings one year ago and 110 dwellings five years ago. There continues to be a steady reduction in numbers each year, reflecting the County Council's policy to dispose of dwellings where feasible, or convert for operational use.

2.2. The 82 dwellings currently owned can be categorised as follows:

Type of Accommodation	2017	Current

Surplus and occupied by secure tenants	16	14
Occupied by service tenants (mainly school caretakers)	14	14
Included with lettings of County Farms	43	42
Let temporarily pending re-use or sale	6	6
Vacant (uninhabitable) pending re-use	2	1
Vacant and being sold	5	5
<b>Total</b>	<b>86</b>	<b>82</b>

**2.3.** The secure tenants, service tenants and some temporary tenants, pay rent based on an adopted rent assessment system which was developed to provide a mechanism for applying fair rents across the whole Estate. The average monthly rent paid by these tenants is around £565. The County Council's policy has been to review rents under the assessment system each April.

**2.4** In undertaking the review, consideration is given to changes in market values over the preceding period, any changes in rental levels in the public sector and the nature of the stock of the County Council's housing accommodation. In recent years, rents charged by the Council have been increased by between 3% and 5% each year, with the average annual increase being around 4%.

### **3. Rental Trends**

**3.1.** Rental levels in the private sector have seen a modest rise over the past twelve months. Demand for accommodation continues to exceed supply, with many smaller scale landlords continuing to leave the market and sell up. This reflects the tax changes which were introduced to make Buy-to-let less attractive, and the trend is expected to continue. Economic uncertainty and the lack of adequate funds also mean less people buying residential property and renting accommodation instead. The increases across Hampshire have varied, but on average rises of around 2.5% have occurred. This level of increase is supported by a number of regional surveys and market reports.

**3.2.** The setting of rents in the public sector for housing associations and housing authorities has for many years been determined by government policy. Since April 2016, the Government has required housing associations to cut rents by 1% a year and this is expected to continue until 2020. This change was made with the specific aim of reducing the Country's expenditure on housing benefit.

**3.3.** By comparison, the latest figures for the Consumer Prices Index show a 2.7% increase over the past 12 months.

#### **4. Proposals**

**4.1.** It is proposed that the level of rents charged for County Council residential properties with effect from April 2019 be increased by 2.5%. This equates to an average increase for each tenant of around £14 per month. The proposed percentage increase is in line with rises seen over the past year in the private rented sector, and reflects the need for the County Council to receive income to enable the properties to be maintained. It is considered that an increase at 2.5% will maintain County Council rents at an affordable level.

#### **5. Consultation and Equalities**

**5.1.** There has been no formal consultation undertaken with regard to the proposal in this report, and no material equality impacts have been identified.

**CORPORATE OR LEGAL INFORMATION:****Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	no
<b>People in Hampshire live safe, healthy and independent lives:</b>	yes
<b>People in Hampshire enjoy a rich and diverse environment:</b>	no
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	no

**Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

DocumentLocation

None

## **IMPACT ASSESSMENTS:**

### **1. Equality Duty**

**1.1.** The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Due regard in this context involves having due regard in particular to:**

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

#### **1.2 Equalities Impact Assessment:**

The proposal relates to an increase in rental levels for all County Council tenants where rents are assessed under the adopted Points Assessment System. All affected tenants are either existing members of staff or former members of staff or their families. Whilst the rental increase will have a small financial impact on all tenants, it is appropriate that annual inflationary increases are implemented in line with other landlords. The only category of persons which might be particularly relevant to the proposal relates to age, as the average age of County Council tenants is relatively high. The increase however is only of an inflationary nature and tenants who are so entitled already claim housing benefit.

### **2. Impact on Crime and Disorder:**

**2.1.** The County Council has a legal obligation in Section 17 of the Crime and Disorder Act 1998 to consider the impact of all the decisions it makes on the prevention of crime. The proposal contained in this report has no impact on the prevention of crime.

### **3. Climate Change:**

**3.1.** The potential impact of this proposal on climate change has been considered and no impact has been identified.

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## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker:</b>	Executive Member for Policy and Resources
<b>Date:</b>	13 December 2018
<b>Title:</b>	Major Highway Scheme: Botley Bypass – Land purchase update
<b>Report From:</b>	Director of Culture, Communities and Business Services Director of Environment, Transport and Economy

#### Contact name:

**Tel:** 01962 846617

**Email:** [chris.jelliffe@hants.gov.uk](mailto:chris.jelliffe@hants.gov.uk)

**Tel:** 01962 845421

**Email:** [Patrick.bingham@hants.gov.uk](mailto:Patrick.bingham@hants.gov.uk)

#### 1. Recommendations

- 1.1. That approval be given to acquire all third party interests in land, and any necessary rights, required for or to facilitate or enable the delivery of the proposed Botley Bypass (the Scheme), on detailed terms and conditions to be settled by the Director of Culture, Communities and Business Services (Strategic Manager – Assets and Development).
- 1.2. That, in order to ensure the delivery of the major highway scheme in a timely manner, authority be given to the making of a compulsory purchase order as soon as possible to run in parallel with negotiations to preferably acquire all third party interests in land and any necessary rights by agreement.
- 1.3. That delegated authority is given to the Director of Culture, Communities and Business Services (Strategic Manager – Assets and Development) to amend the scope of land required for the delivery of the Scheme, as shown on the appended plans, on the basis that it will not be extended but could be revised or minimised.
- 1.4. That authority be delegated to the Director of Economy, Transport and Environment and the Head of Legal Services to progress any appropriate Orders, Notices and Statutory procedures and obtain any consents, rights or easements that are necessary for the Scheme.
- 1.5. That, at the relevant time, the County Council's existing landholdings required for the Scheme be appropriated from County Farms purposes to Transportation (Highways) purposes.

#### 2. Executive Summary

- 2.1. The purpose of this paper is to provide an update on the land requirements for the strategically important major highway scheme known as Botley Bypass

(the Scheme). The matter was previously considered by the Executive Member at his meeting on 22 January 2018 when a number of recommendations were approved relating to the purchase of land for the scheme and the making of a compulsory purchase order.

## 2.2. This further report:

- Reaffirms the significant benefits of the Scheme.
- Sets out consultation arrangements.
- Provides an update on land purchase requirements.
- Confirms the legal context and funding.
- Recommends that the necessary land interests be acquired.
- Recommends that a compulsory purchase order be made in order to ensure timely scheme delivery.

## 3. The Scheme

3.1. As set out in the earlier report, Botley experiences a significant amount of through traffic, moving between the Fareham area to the east and the wider Eastleigh, Winchester and Hedge End areas to the west. The traffic currently runs through the centre of Botley, along the High Street. Traffic congestion particularly during peak periods contributes towards air quality problems, and severance of pedestrians. The High Street has been identified as an Air Quality Management Area. The forecast levels of new development in the wider Botley area over the next 20 years, combined with traffic growth generally, will only compound existing traffic problems in the area.

3.2. To address these issues, a scheme has been developed to provide Botley with a suitable bypass. This is a strategically important scheme for the County Council and has been endorsed by the Executive Member for Environment and Transport through a series of reports. The Scheme objectives are:

- To improve the amenity of Botley village centre by reducing the volume of through traffic and numbers of heavy goods vehicles in the High Street.
- To reduce noise and vibration in the village centre.
- To improve air quality in the village.
- To improve the environment for pedestrians and cyclists, and to reduce severance through Botley village.
- To enhance connectivity across the wider area by providing improved highway linkages for through traffic from existing and planned areas of housing to existing and planned areas of employment, including that at Whiteley and Hedge End.

3.3. The proposed Scheme involves provision of a new single carriageway road passing to the north and east of Botley, including across the River Hamble, and on-line widening of Woodhouse Lane to the west of Botley. There will also be complementary traffic management measures through Botley village.

#### **4. Consultations and Equalities**

- 4.1. Good practice has been followed by consulting early in the design process in relation to the Scheme to enable public comments to influence the design, and by setting out how comments have led to the present design. Public consultation was carried out in June and July 2016, the results of which were reported to the Executive Member for Environment and Transport in a report in November 2016.
- 4.2. An Equalities Impact Assessment has been completed for the proposed bypass and this identifies that there is a neutral impact on groups with protected characteristics.

#### **5. Land Requirements**

- 5.1. The Executive Member for Policy and Resources at his meeting on 22 January 2018 considered a report on the Scheme and gave approval to the acquisition of land then considered to be required to implement the scheme. Approval was also given to the making of a compulsory purchase order in respect of the land. The decisions were made upon recommendation from the Executive Member for Environment and Transport.
- 5.2. Some 70% of the required land is already in County Council ownership. The land forms part of the County Farms Estate and comprises parts of Uplands Farm. Other parts of these landholdings are under active consideration for school and housing development. These land holdings are being made available at the request of Eastleigh Borough Council to support their Housing land supply position. There has been considerable liaison with the tenant farmer of Uplands Farm over the proposals and agreement is already in place to relocate the tenant to another County Farms landholding at Compton, Winchester. It is intended that the parts of Uplands Farm that are required for the bypass Scheme will in due course be appropriated to Highways purposes.
- 5.3. In the vicinity of the River Hamble and to the east of the River, the route crosses predominantly land in third party ownership. In addition, a number of relatively small areas of third party land are required on either side of Woodhouse Lane in order to undertake the proposed road widening and realignment.
- 5.4. Since the decisions in January 2018, considerable progress has been made towards purchasing the required land by agreement. Discussions have been held with the owners and tenants of all plots and agreement has been reached, or is close to agreement, with many of the parties. The compulsory purchase order has, however, not yet been made.
- 5.5. Following detailed design work on the scheme and in light of Counsel advice on the proposed side roads orders, it is considered that some minor additions to the land to be included in the compulsory purchase order are required. The changes are as follows:
  - Plot 1A – A new plot to allow for construction works on adjoining land. New rights are required. The landowner is fully aware and constructive negotiations continue.

- Plots 15, 16 and 17 – New plots, all in relation to land forming part of the adopted highway. These new plots are required to satisfactorily implement the proposed side roads orders and to ensure that the County Council has title to the sub-soil rights.
- 5.6 These additional requirements were considered in a report made to the Executive Member for Environment and Transport on 13 November 2018 and the decision was taken to recommend to Executive Member for Policy and Resources that these areas be added to the previously approved areas to be acquired and included in the compulsory purchase order.
- 5.7 The plans now appended to this report show, for convenience, the whole of the land now proposed to be acquired. The additional plots are referred to as 1A, 15, 16 and 17. Approval is sought to acquire all the land shown on the plans and to make a compulsory purchase order in respect of all the land. It is considered to be necessary to make the compulsory purchase order at this time in order to be able to deliver the scheme in a timely manner.

## **6. Legal Context**

- 6.1. The County Council has the power to make compulsory purchase orders and in relation to this road construction scheme the enabling power is the Highways Act 1980.
- 6.2. The Compulsory Purchase Process Guidance from the Department for Communities and Local Government states that compulsory purchase orders should only be made where: (a) there is a compelling case in the public interest; and (b) the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. Particular attention should be given to these considerations.
- 6.3. The public interest test is met due to the proposed acquisition delivering the necessary infrastructure to improve access to Botley and the wider Eastleigh and Winchester area, and to encourage much needed economic development, as well as to maximise the wellbeing of residents, particularly in Botley village centre, by reducing congestion and delays and improving air quality.
- 6.4. The County Council has also had regard to the provisions of Article 1 of Schedule 1 of Part II of the First Protocol of the Human Rights Act 1998 to the European Convention on Human Rights. This right relates to the protection of property and is a qualified right that needs to be balanced against the public interest. In light of the significant public benefit that would arise from the delivery of the Scheme, it is considered that it would be appropriate to acquire the land through compulsory purchase should that prove necessary, and that to do so would not constitute an unlawful interference with individual property rights.
- 6.5. Article 6 of Schedule 1 Part 1 of the Convention Rights and Freedoms of the Human Rights Act 1998 secures an absolute right to be given a fair hearing by an independent and impartial tribunal when civil rights may be affected by a decision. In this instance, this requirement is satisfied by means of the

compulsory purchase order process, including the holding of an Inquiry in to any objections which may be made and the ability to challenge any compulsory purchase order in the High Court.

## **7. Planning Permission**

- 7.1. A planning application for the Scheme was submitted in July 2017 and was approved by the County Council's Regulatory Committee on 15 November 2017, with a formal notice of planning permission subsequently being issued.

## **8. Funding**

- 8.1 The approach to funding the bypass scheme was set out in the report considered and approved in January 2018. A mix of public funding and private sector contributions is proposed.

**CORPORATE OR LEGAL INFORMATION:****Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	Yes
<b>People in Hampshire live safe, healthy and independent lives:</b>	Yes
<b>People in Hampshire enjoy a rich and diverse environment:</b>	Yes
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	Yes

**Section 100 D - Local Government Act 1972 - background documents**

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None

## **IMPACT ASSESSMENTS:**

### **1. Equality Duty**

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Due regard in this context involves having due regard in particular to:**

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

#### **1.2. Equalities Impact Assessment:**

- (a) An Assessment has been carried out and the Scheme is expected to have a neutral impact on groups with protected characteristics. The Scheme will be accessible to all road users. Pedestrians and cyclists will be catered for as part of the proposals to improve access in the area. Here is a link to the EIA:

[Approved](#) EIA

### **2. Impact on Crime and Disorder:**

2.1. The County Council has a legal obligation in Section 17 of the Crime and Disorder Act 1998 to consider the impact of all the decisions it makes on the prevention of crime. The proposals contained in this report have no impact on the prevention of crime.

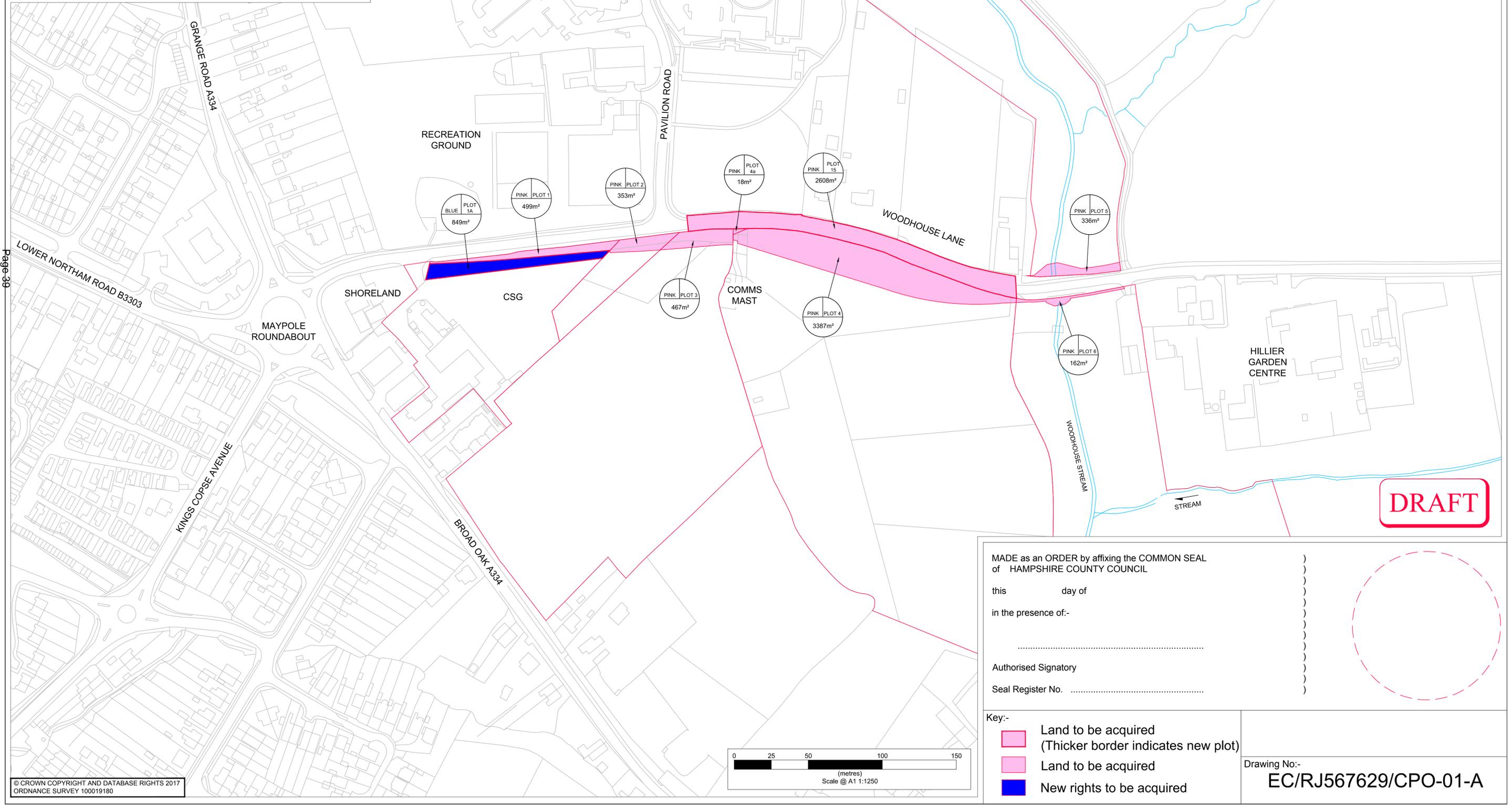
### **3. Climate Change:**

- a) The Scheme will deliver tangible benefits by removing traffic from the centre of Botley and improving air quality.

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# Map Referred to in the Hampshire County Council (A334 Botley Bypass) Compulsory Purchase Order 2018

## Plan 1 of 4



Page 39

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of HAMPSHIRE COUNTY COUNCIL

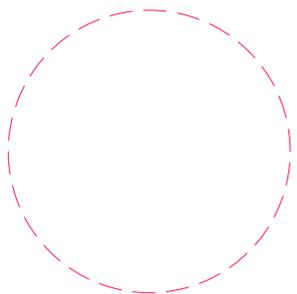
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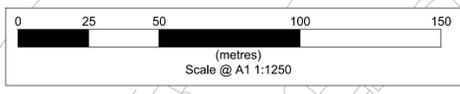
Authorised Signatory

Seal Register No. ....



- Key:-
- Land to be acquired (Thicker border indicates new plot)
  - Land to be acquired
  - New rights to be acquired

Drawing No:-  
**EC/RJ567629/CPO-01-A**



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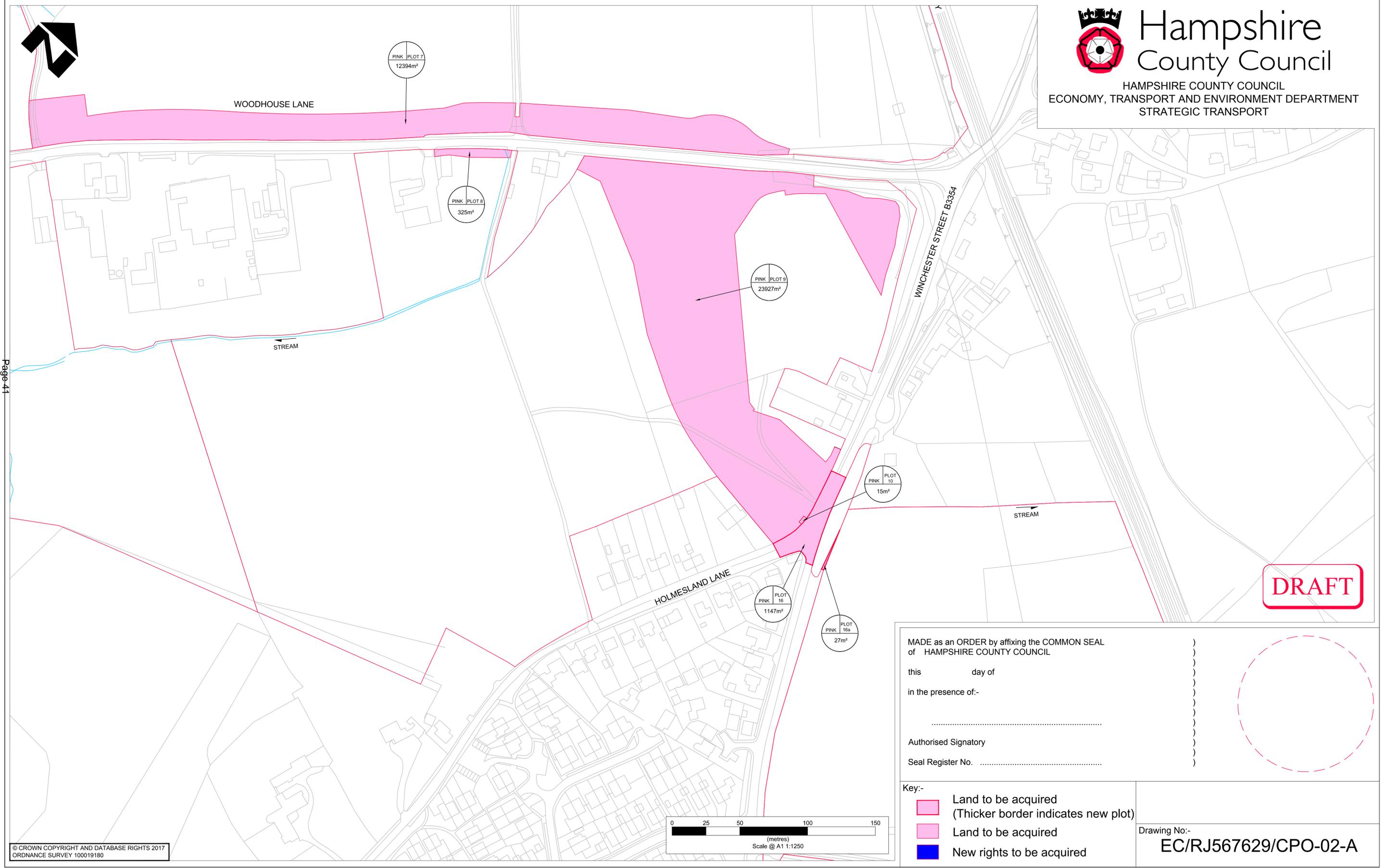
# Map Referred to in the Hampshire County Council (A334 Botley Bypass) Compulsory Purchase Order 2018

## Plan 2 of 4



**Hampshire  
County Council**

HAMPSHIRE COUNTY COUNCIL  
ECONOMY, TRANSPORT AND ENVIRONMENT DEPARTMENT  
STRATEGIC TRANSPORT



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of HAMPSHIRE COUNTY COUNCIL

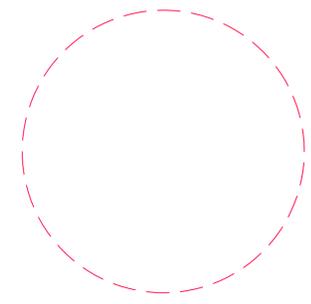
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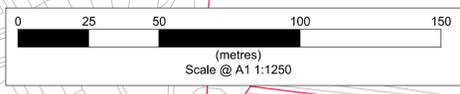
Authorised Signatory

Seal Register No. ....



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  - New rights to be acquired

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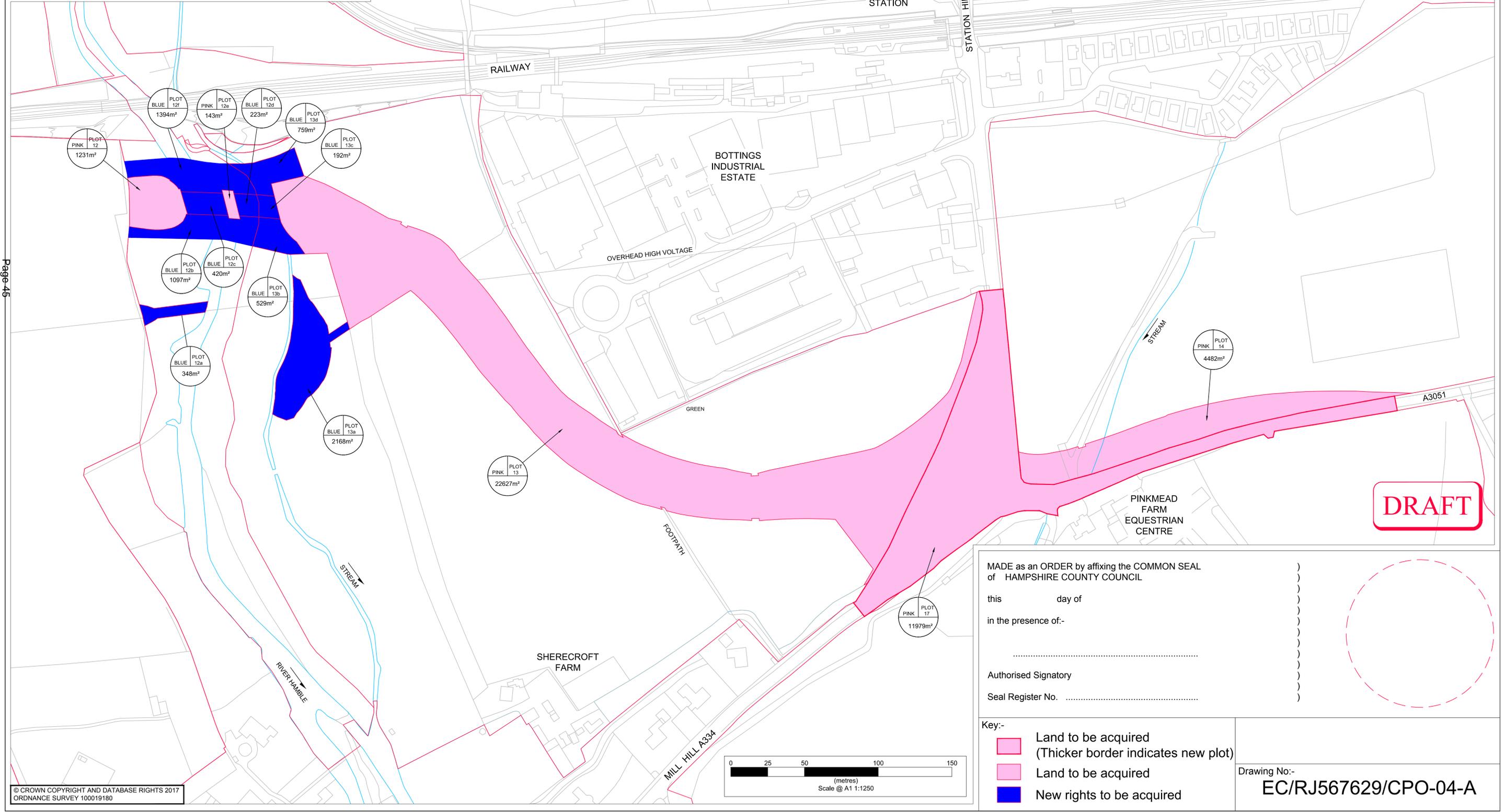
# Map Referred to in the Hampshire County Council (A334 Botley Bypass) Compulsory Purchase Order 2018

## Plan 4 of 4



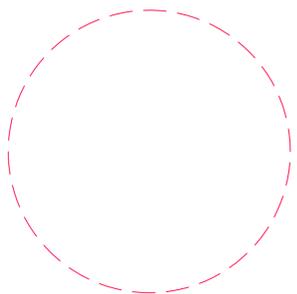
**Hampshire  
County Council**

HAMPSHIRE COUNTY COUNCIL  
ECONOMY, TRANSPORT AND ENVIRONMENT DEPARTMENT  
STRATEGIC TRANSPORT

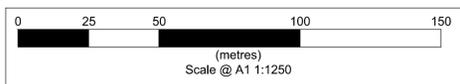


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in the presence of:-  
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Authorised Signatory  
Seal Register No. ....



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  - Land to be acquired
  - New rights to be acquired



Drawing No:-  
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of the Local Government Act 1972.

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