

CABINET

15 November 2006

ESTABLISHMENT OF CABINET (LOCAL DEVELOPMENT FRAMEWORK) COMMITTEE

REPORT OF CITY SECRETARY AND SOLICITOR

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RECENT REFERENCES:

CAB1328 – Winchester District Local Development Framework – Core Strategy – 11 October 2006
Minutes of Cabinet, 11 October 2006

EXECUTIVE SUMMARY:

This report sets out the proposed composition and terms of reference of the Cabinet (LDF) Committee following consideration of Report CAB1328 at the last Cabinet meeting on 11 October 2006.

Because of the requirement to commence work on the LDF without delay, the first meeting of this new Committee has been scheduled for Wednesday 6 December 2006 at 9.30am (in the Walton Room, Guildhall).

RECOMMENDATIONS:

1. (a) That a Cabinet (Local Development Framework) Committee be established with a membership of four Cabinet Members.
 - (b) That the Portfolio Holder for Planning and Transport (Chairman) and three other Cabinet Members be appointed as the standing members of the Committee.
 - (c) That in the event of any of the standing members not being available for a particular meeting then another member of Cabinet, selected in alphabetical rotation by the City Secretary and Solicitor, may substitute for the standing member.
2. That the standing list of councillors invited to attend and offer views at meetings of the Committee be as follows:
 - (a) Chairman of the Planning (Development Control) Committee; and named members from the Liberal Democrats (3), Independents (1) and Labour (1).
 - (b) Ward Councillors, where appropriate.

3. That the terms of reference of the Cabinet (LDF) Committee be agreed as set out in paragraph 3.3 of the report.
4. That a report be made to the first meeting of the Cabinet (Local Development Framework) Committee to enable it to determine the procedures to be adopted for its meetings – the report having regard to the practices currently adopted by the West of Waterlooville Forum, as set out in Appendix 1.

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DETAIL:

1 Introduction

1.1 At Cabinet on 11 October 2006, it was agreed that a Cabinet (LDF) Committee be established "to oversee the preparation and production of Development Plan Documents ..." It was further decided that the composition and terms of reference of this Committee be deferred to a future Cabinet meeting.

2 Composition of a Cabinet (LDF) Committee

2.1 Cabinet Committees can be appointed with membership drawn from the Cabinet only. These Committees can be given delegated powers to make decisions. If councillors outside Cabinet are invited to attend then this can only be on a consultative basis and they cannot be given voting rights or formal membership of the Committee. Currently there is one Cabinet Committee – a Cabinet (Traffic and Parking) Committee which has been established to consider contentious traffic regulations etc.

2.2 The quorum of a Cabinet Committee would be three Members. Cabinet needs to decide whether a group is appointed on a permanent basis, all of Cabinet are on the Committee, – or whether a rotating list is used as for the Cabinet (Traffic and Parking) Committee (where the meeting is chaired by the Portfolio Holder for Planning and Transport and consists of two other Cabinet members selected in alphabetical rotation).

2.3 It is suggested that the Cabinet (LDF) Committee should comprise of four Cabinet Members and be chaired by the Portfolio Holder for Planning and Transport. If specific portfolio holders are identified for the normal membership, then the City Secretary and Solicitor could also be notified of any potential absences and make arrangements for other Cabinet Members to attend in alphabetical rotation.

2.4 At the last Cabinet meeting, it was also suggested that the Committee could have a standing list of councillor invitees to each meeting, which would enable expertise from across the Council to be input into the process at an early stage. It is suggested that the list of councillor standing invitees to each meeting include the following:

- Chairman of the Planning (Development Control) Committee; and named members from the Liberal Democrats (3), Independents (1) and Labour (1).
- Ward Councillors where appropriate.

2.5 The meetings would be held in public and would include a public participation session to enable interested community groups to comment on proposals. The Committee could also have a standing list of other bodies to be specifically invited to contribute to particular meetings on specific topics if it so wished.

2.6 The Committee may wish to adopt a public participation procedure similar to that used by the West of Waterlooville Forum (attached as Appendix 1) or to adopt the

standard Committee procedure (as set out below) and rely on the Chairman's discretion to alter as appropriate:

“A public question and comment session is available at the start of the meeting for a 15 minute period. There are a few limitations on the questions you can ask. These mainly relate to current applications, personal cases and confidential matters. Please contact the Cabinet Administrator in advance for further details. If there are no members of the public present at the start of the meeting who wish to ask questions or make statements, then the meeting will commence.”

- 2.7 It is suggested that the West of Waterlooville Forum model provides a more appropriate approach for the Cabinet (LDF) Committee to adopt. If Cabinet agrees, then the best way forward would be to bring a report to the first meeting of the Committee for it to consider formally adopting a procedure along these lines.

3 Terms of Reference of a Cabinet (LDF) Committee

- 3.1 Draft terms of reference were set out in Report CAB1328 which was considered at the last Cabinet meeting. These have been amended slightly, to incorporate the information previously contained as an appendix, and are set out in paragraph 3.3 below.

- 3.2 In addition, it has been suggested that to streamline Cabinet business, the terms of reference of the Committee be widened to include approval of Village Design Statements and consideration of Supplementary Planning Documents.

- 3.3 The suggested terms of reference are therefore:

- (a) To determine all matters in the following stages of the production of Development Plan Documents in the Local Development Framework (LDF):

- (i) Pre-Production Stage – the evidence base and arrangements for community involvement.
- (ii) Production Stage – initial issues and options and associated public consultation.

- (b) To advise and make recommendations to Cabinet and Council upon the following stages of production of the LDF:

- (i) Production Stage – Approval of Preferred Options for public consultation.
- (ii) Submission Version – Approval of the version to be submitted to the Examination before the Inspector.
- (iii) Adoption of Development Plan Documents following the Inspector's report after the Examination.

- (c) (i) To consider and agree the adoption of Supplementary Planning Documents that are Village or Neighbourhood Design Statements.

- (ii) To advise Cabinet on all other types of Supplementary Planning Documents.

- (d) To determine matters upon related projects and studies to the LDF or to make recommendations to Cabinet.

OTHER CONSIDERATIONS:

4 CORPORATE STRATEGY (RELEVANCE TO):

- 4.1 Modernising our Working Practices.

5 RESOURCE IMPLICATIONS:

- 5.1 Meetings of the Committee can be serviced from within existing resources in the City Secretary and Solicitor's Directorate. The resources for undertaking work on the LDF documents are not in the current base budget and will require additional approval as part of the 07/08 budget process.

BACKGROUND DOCUMENTS:

None

APPENDICES:

Appendix 1 - West of Waterlooville Forum public participation procedure

Appendix 1West of Waterlooville Forum Public Participation ProcedurePublic Participation

Public participation will be permitted at the Chairman's discretion, in accordance with the Forum's adopted public participation procedure.

Public Participation ProcedureGeneral

1. There will be a period of 10 minutes maximum at the beginning of each forum meeting when the Chairman will invite the public, including local interest groups, to raise any general matters of interest and/or matters relating to the work of the Forum. Detailed matters related to agenda items will not be accepted at this point, as there will be an opportunity for these comments to be heard later in the meeting (as set out above). As is the usual practice for general public participation, however, officers and Members may not be able to immediately respond at the meeting to points raised by the public where these relate to non-agenda items.

Consideration of Individual Agenda Items

2. After an officer has introduced an agenda item, the Chairman will invite public participation on matters relating to that agenda item. At this point, a period of ten minutes (subject to extension at the Chairman's discretion) will be allowed for public comments. During this period, members of the public, including local interest groups, will be able to object, support or ask questions directly relating to the agenda item and contents of the officer report.
3. An individual speaker will be limited to a maximum of three minutes per agenda item. Where a number of members of the public wish to speak, they will be encouraged to agree the allocation of the maximum ten minute period for public participation. The Committee Administrator will assist in this process before the start of the meeting. The Chairman will retain a general discretion to manage the public speaking process, and may limit individual speakers to less than three minutes, or take other steps necessary in order to maximise public participation in an appropriate way. The extension of the total 10 minutes limit allowed for the public to discuss an agenda item will be at the discretion of the Chairman.
4. There will be no further opportunity for the public to comment on an agenda item once the period of public participation has ended even if the prescribed period has not been reached. The subsequent discussion, consideration and decision on the matter is then passed to Forum Members.
5. Members and Officers will not provide an immediate response to public comments raised from the floor. All comments and queries will be noted and the Chairman will invite Officers and/or Members to respond to specific points during the round table debate and discussion amongst Forum members that follows.
6. Members of the public should wherever possible contact the Committee Administrator before the start of the meeting (preferably by telephone or email prior to the day of the meeting), so that as many people who wish to speak can be accommodated during the public participation sessions.

Non-Forum Members

7. Once the period of public participation has drawn to a close, there will be an opportunity for elected Members who are not on the Forum (e.g. Ward Members or relevant Portfolio Holders) to speak in advance of general discussion and debate amongst Forum members, at the Chairman's discretion. This may include any Councillors from Havant Borough Council, Winchester City Council or Hampshire County Council.

Forum Debate and Vote

8. The Chairman will subsequently invite questions and open the discussion and debate to all Members of the Forum and will invite officers and/or Members to respond to any public comments raised from the floor. Where appropriate, a vote will be taken to reach a formal recommendation on the agenda item.

