

COUNCIL

21 JULY 2010

EXTRACTS FROM MINUTES OF CABINET (9 JULY 2010) AND PRINCIPAL
SCRUTINY COMMITTEE (12 JULY 2010)

REPORT OF HEAD OF DEMOCRATIC SERVICES

Contact Officer: Chris Ashcroft Tel No: 01962 848 284
cashcroft@winchester.gov.uk

RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

Appendix A to this report sets out minute extracts relating to issues for the consideration of Council.

RECOMMENDATION:

That Council considers the matters set out in the minute extracts.

Appendix A**EXTRACTS FROM MINUTES OF CABINET – 9 JULY 2010****1. LEADERSHIP ARRANGEMENTS AND ELECTORAL CYCLE**
(Report [CAB2025](#) refers)

Councillor Learney advised that, since the Report was prepared, the Minister for Housing and Local Government had written to all district councils indicating that the Government would in due course remove the current requirements on governance arrangements in the 2007 Act. This could include an option to return to the committee system and remove the necessity to appoint a leader for their remaining term of office as a councillor. However, these changes required primary legislation and may not take effect until 2012. In the meantime councils were still required under the 2007 Act to consider changing the system by which they take decisions. Until this requirement was officially removed, the Minister was emphasising that councils should take a 'light touch' approach to consulting on the current proposals outlined in the Report. Councillor Learney stated that the Report already proposed minimal consultation and this approach was now reinforced by the Government's statement.

On a related matter, Councillor Learney stated that if the Local Government Boundary Commission initiated a future Electoral Review, the Council might choose to request that the Commission undertake a review of its wards, with a review to reducing the number of Councillors and improving the efficiency of the Council.

At the invitation of the Chairman, Councillor Beckett highlighted that the Minister for Housing and Local Government had indicated that the Government might allow local authorities to revert to the previous Committee system of decision-making. He suggested that this option should be included within the proposed consultation. He also requested that the consultation should state that the Council did not express any preference towards any of the options contained within the proposals.

The Corporate Director (Governance) explained that the option of returning to a committee style system could not be consulted upon at this stage, as it had not yet been included in the legislative framework. However, the explanatory text could highlight recent Government announcements and mention it as a possible future option.

The Corporate Director (Governance) confirmed that it was the intention that the consultation would make it clear that the Council was not indicating a preference for any of the proposals at this stage.

Cabinet agreed that the recommendations be amended as outlined below to take account of this:

Additional sentence at the end of Recommendation 1: "That the Council does not express a preference at this stage."

With regard to the possibility of including a review of the electoral cycle within the consultation, Councillor Learney suggested that in view of the cost of such a review, the current uncertainty regarding Government proposals, and the possible Commission future requirement for a boundary review, it was not appropriate at the current time. This was agreed.

Cabinet agreed to the following for the reasons set out above and outlined in the Report.

RECOMMENDED:

1. THAT THE CORPORATE DIRECTOR (GOVERNANCE), IN CONSULTATION WITH THE LEADER, THE LEADER OF THE OPPOSITION AND CHAIRMAN OF PRINCIPAL SCRUTINY COMMITTEE, BE AUTHORISED TO UNDERTAKE PUBLIC CONSULTATION ON THE EXECUTIVE OPTIONS IN THE 2007 ACT AS FOLLOWS:

- (A) LEADER WITH CABINET OR**
- (B) ELECTED MAYOR WITH CABINET.**

AND THAT THE COUNCIL DOES NOT EXPRESS A PREFERENCE AT THIS STAGE.

2. THAT THE COUNCIL USE THE SEPTEMBER 2010 EDITION OF 'PERSPECTIVES' TO CONSULT WITH RESIDENTS.

3. THAT THE COUNCIL'S WEBSITE BE USED IN THE CONSULTATION AND PARTNERS IN THE LOCAL STRATEGIC PARTNERSHIP ALSO BE INVITED TO COMMENT.

4. THAT CABINET AND PRINCIPAL SCRUTINY COMMITTEE REPORT BACK TO COUNCIL ON 3 NOVEMBER 2010 WITH A RECOMMENDED COURSE OF ACTION FOLLOWING THE CONSULTATION.

5. THAT THE COUNCIL DOES NOT INCLUDE A REVIEW OF ITS ELECTORAL CYCLE IN THE CONSULTATION.

2. **SOUTH DOWNS NATIONAL PARK - DELEGATION OF PLANNING DECISIONS TO LOCAL AUTHORITIES**

(Report [CAB2024](#) refers)

At the invitation of the Chairman, Councillor Godfrey spoke in general support of the principles outlined in the Report. However, he expressed concern that the funding from the South Downs National Park Authority (SDNPA) might not fully meet the costs the Council would face in undertaking the required work. He also raised questions regarding the treatment of cross-boundary applications and the definition of what applications would be defined as “significant.” Finally, he expressed concern about how the “call-in” process would operate in practice.

The Head of Planning Management emphasised that with effect from April 2011, the SDNPA would be the local planning authority, and consequently any decisions made by the Council under the delegated arrangements would be issued in the Authority’s name. He advised that cross-boundary planning applications would be dealt with in the same manner as at the current time. The definition of “significant” had been raised with the SDNPA and was still under consideration. He confirmed that the SDNPA would reserve the right to “call-in” decisions which would otherwise have been made under the delegated arrangements and would provide link officers for each local authority.

Cabinet noted that the proposals regarding funding were set out in the Report. The Head of Planning Management highlighted that the SDNPA would ultimately be seeking harmonisation regarding the levels of services provided and costs charged by the 15 local authorities within the Park area. It was also noted that the Government had indicated it might provide more flexibility to local authorities regarding planning application fees charged in general.

The Corporate Director (Operations) explained that the position regarding the SDNPA’s own Local Development Framework Core Strategy (which would cover the Park area) was still uncertain, due to the Government’s recent abolition of Regional Strategies. As the City Council’s Core Strategy had not yet been adopted, the Council (in discussions with the SDNPA) would have to decide how to proceed in respect of including or excluding the Park area in the Winchester District Core Strategy. It was noted that the options available depended on whether the Council’s own Core Strategy had been submitted for examination by April 2011.

The Chairman indicated that she had recently met the Chairman of the SDNPA, who had indicated that the Authority wished to work in collaboration with the existing local authorities.

Cabinet agreed to the following for the reasons set out above and outlined in the Report.

RECOMMENDED:

1. THAT THE DELEGATION TO THE CITY COUNCIL FROM THE SOUTH DOWNS NATIONAL PARK AUTHORITY OF ITS PLANNING MANAGEMENT FUNCTIONS IN THAT PART OF ITS AREA WITHIN THE WINCHESTER DISTRICT (AS OUTLINED IN THE REPORT) BE ACCEPTED, SUBJECT TO THE AGREEMENT OF THE HEAD OF PLANNING MANAGEMENT AND HEAD OF FINANCE (IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR HIGH QUALITY ENVIRONMENT) OF THE FINAL TERMS OF:

- i) THE DETAILED DELEGATION PROPOSALS;**
- ii) THE FUNDING ARRANGEMENTS.**

2. THAT THE HEAD OF LEGAL SERVICES BE AUTHORISED TO ENTER INTO AN INTERIM AGREEMENT, BASED ON THE FORM OF AGREEMENT IN APPENDIX 5 OF THE REPORT, FOR THE CITY COUNCIL TO PROVIDE THE PLANNING MANAGEMENT FUNCTIONS FOR ONE YEAR FROM 1 APRIL 2011, WITH THE NATIONAL PARK AUTHORITY MEETING THE COUNCIL'S REASONABLE COSTS OF DOING SO.

3. THAT THE HEAD OF LEGAL SERVICES (IN CONSULTATION WITH THE HEAD OF PLANNING MANAGEMENT AND THE PORTFOLIO HOLDER FOR HIGH QUALITY ENVIRONMENT) BE AUTHORISED TO AGREE THE TERMS OF A FINAL AGREEMENT UNDER SECTION 101 OF THE LOCAL GOVERNMENT ACT 1972, IN RESPECT OF THE DELEGATION OF THE PLANNING MANAGEMENT FUNCTIONS FOR THE THREE YEARS FROM 1 APRIL 2011.

3. LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION ACT 2009 - PETITIONS
(Report [CAB2036](#) refers)

The Corporate Director (Governance) confirmed that under the proposed new arrangements, petitions that met the current threshold of 10 signatures, but that did not meet the new proposed higher thresholds for debate at full Council, could still be referred to the most appropriate body (for example, Cabinet or a scrutiny panel).

Councillor Evans requested that the wording of the Petitions Scheme was amended to ensure it was easily understandable to the public. The Corporate Director (Governance) confirmed that the wording of the

DCLG Model Petitions Scheme would be adapted and he welcomed any suggestions for improvements.

Cabinet agreed to the following for the reasons set out above and outlined in the Report.

RECOMMENDED:

1. THAT THE COUNCIL'S PETITIONS SCHEME SHOULD INCLUDE THE FOLLOWING ELEMENTS:

(A) THE THRESHOLD FOR A PETITION FOR DEBATE AT FULL COUNCIL SHOULD BE:

(I) FOR AN ISSUE WHICH MAINLY RELATES TO A SINGLE WARD:

**100 HUNDRED SIGNATURES – 1 MEMBER WARD;
200 SIGNATURES – 2 MEMBER WARD; AND 300
SIGNATURES – 3 MEMBER WARD.**

(II) FOR AN ISSUE WHICH AFFECTS TWO OR MORE WARDS:

500 SIGNATURES.

(B) THE THRESHOLD FOR PETITIONS TO HOLD AN OFFICER TO ACCOUNT SHOULD BE:

300 SIGNATURES.

(C) THAT FOR THE PURPOSE OF PETITIONS TO HOLD AN OFFICER TO ACCOUNT, THE LOCAL DEFINITION IS THAT IT APPLIES TO CORPORATE MANAGEMENT TEAM AND HEADS OF TEAMS REPORTING DIRECTLY TO THE CHIEF EXECUTIVE OR CORPORATE DIRECTORS.

(D) THAT NO MORE THAN TWO PETITIONS BE ALLOWED ON THE AGENDA OF ANY MEETING OF FULL COUNCIL.

2. THAT THE ADOPTION OF A PETITIONS SCHEME, BE DELEGATED TO THE CORPORATE DIRECTOR (GOVERNANCE), IN CONSULTATION WITH THE LEADER AND CHAIRMAN OF PRINCIPAL SCRUTINY COMMITTEE, TO TAKE ACCOUNT OF THE DECISIONS IN

RECOMMENDATION 1 ABOVE AND THE MODEL SCHEME AS SET OUT IN APPENDIX B TO THIS REPORT.

3. THAT THE CORPORATE DIRECTOR (GOVERNANCE) BE AUTHORISED TO MAKE ALL CONSEQUENTIAL CHANGES ARISING FROM ADOPTION OF THE PETITIONS SCHEME TO OTHER PARTS OF THE COUNCIL'S CONSTITUTION.

4. THAT THE CORPORATE DIRECTOR (GOVERNANCE) BE AUTHORISED TO DETERMINE WHETHER ANY PETITIONS SHOULD BE RULED OUT AS VEXATIOUS OR OTHERWISE CONTRARY TO THE PROVISIONS OF THE LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION ACT 2009 AND ITS RELATED GUIDANCE SUBJECT TO:

- (A) CONSULTATION WITH THE LEADER ON EXECUTIVE MATTERS; OR**
- (B) CONSULTATION WITH THE CHAIRMAN OF PRINCIPAL SCRUTINY COMMITTEE ON NON-EXECUTIVE MATTERS.**

RESOLVED:

That discussions with neighbouring local authorities and external providers continue, to establish the best approach for introducing the e-petition scheme, either via the Council's website or through a third party host, by 15 December 2010, and a further report be made to Cabinet in due course.

4. **APPOINTMENT OF SPECIAL COMMITTEE RE: MEMBERS ALLOWANCES INDEPENDENT REMUNERATION PANEL**
(Report [CAB2034](#) refers)

Cabinet noted that nominations for the Special Committee had been received as follows:

Liberal Democrat: Councillors Collin, Banister and Mitchell
Conservative: Councillors Beckett and Humby

Cabinet agreed to the following for the reasons set out above and outlined in the Report.

RECOMMENDED:

THAT COUNCIL APPOINTS A SPECIAL COMMITTEE (MEMBERS ALLOWANCES INDEPENDENT REMUNERATION PANEL) CONSISTING OF THE FOLLOWING MEMBERS:

COUNCILLORS COLLIN, BANISTER, MITCHELL, BECKETT AND HUMBY

AND WITH THE FOLLOWING TERMS OF REFERENCE:

“TO CONSIDER ALL APPLICATIONS RECEIVED FOR MEMBERSHIP OF THE MEMBERS ALLOWANCES INDEPENDENT REMUNERATION PANEL AND TO DETERMINE THE APPOINTMENTS.”

5. **REVIEW OF THE CONSTITUTION - CONTRACTS PROCEDURE RULES**

(Report [CAB1997](#) refers)

Cabinet agreed to the following for the reasons outlined in the Report.

RECOMMENDED:

THAT THE CONTRACTS PROCEDURE RULES SET OUT AT APPENDIX 1 OF REPORT CAB1997, BE APPROVED AND INCLUDED IN THE COUNCIL'S CONSTITUTION.

6. **MINOR AMENDMENTS TO THE CONSTITUTION**

(Report [CAB2031](#) refers)

Cabinet agreed to the following for the reasons outlined in the Report.

RECOMMENDED:

1. THAT THE AMENDED PORTFOLIO HOLDER DELEGATION SCHEME BE APPROVED, AS SET OUT IN APPENDIX 1 OF REPORT CAB2031 (PART 3 OF THE CONSTITUTION, SECTION 3).

2. THAT THE CHANGES TO THE COUNCIL'S PROCEDURE RULES BE APPROVED AS SET OUT IN APPENDIX 2 OF REPORT CAB2031.

**EXTRACTS FROM MINUTES OF PRINCIPAL SCRUTINY COMMITTEE – 12
JULY 2010**

1. **LEADERSHIP ARRANGEMENTS AND ELECTORAL CYCLE**
(Report CAB2025 refers)

The Committee noted that Cabinet had considered the Report at its meeting held on 9 July 2010. The Corporate Director (Governance) advised that Cabinet had approved the recommendations as set out, although agreed that the public consultation exercise proposed on executive governance options should make clear that the Council was not indicating a preference for any of the proposals at this stage. Cabinet therefore agreed that the recommendations be amended as follows:

Additional sentence at the end of Recommendation 1: “That the Council does not express a preference at this stage.”

The Committee also noted that a letter had been received from the Minister for Housing and Local Government which indicated that the Government would, in due course, remove the current requirements on executive governance arrangements in the 2007 Act. That meant there could be an option for Councils to return to the committee system of decision-making.

The Corporate Director (Governance) advised that such changes required primary legislation. Therefore, the Council should still consider and consult upon changing the system by which they take decisions, as set out in the 2007 Act. However, the Minister had recognised that Councils may wish to undertake a ‘light touch’ approach to consulting on the current proposals outlined in the Report and this approach had been supported by Cabinet on 9 July 2010.

The Corporate Director (Governance) also advised that a letter had been received from the Local Government Boundary Commission, after Cabinet had considered the Report. The letter indicated that Boarhunt and Southwick Ward currently had an electoral variance of 36%, meaning that the Ward had 36% less electors than the average for the Authority as a whole. Where a ward had an electoral variance of more than 30%, the Commission would consider whether it was appropriate to undertake an electoral review of all the wards in the Council’s District to correct the imbalance.

The Director also reported that the letter asked the Council to indicate whether the imbalance was likely to be corrected by population changes, as a result of new development, within the next three years. The Head of Strategic Planning had advised that his best estimate of the number of dwellings to be constructed in the Ward (as part of the West of Waterlooville Major Development Area) would be 100 houses in 2012/13. The Director reported that this would correct any

imbalance and bring it within the Commission's guidelines for acceptable variations in the councillor:elector ratio. The Commission would be informed accordingly.

The decisions as to whether the Council adopted whole Council elections, or remained with a cycle of elections by thirds, was a matter for the Council, not the Commission. The decision to change to whole Council elections could only be made under the current legislation by December 2010 for the May 2011 elections, or December 2014 for elections in 2015. If the Council retained elections by thirds, then if the Commission initiated a review between those dates, the starting point under current legislation would be three Member Wards, unless the Commission accepted proposals from the Council to link the review with proposals for a change in the electoral cycle for 2015.

Councillor Learney stated that the Government's new Localism Bill may allow councils more flexibility in the future in how they managed their governance arrangements, including ward size and ratio to Councillors, and also election years.

RECOMMENDED:

THAT COUNCIL BE ADVISED THAT PRINCIPAL SCRUTINY COMMITTEE ENDORSES THE DECISION OF CABINET.

2. **LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION ACT 2009 - PETITIONS**

(Report CAB2036 refers)

In response to discussion, the Corporate Director (Governance) clarified that Appendix 2 to the Report was a model scheme devised by the Department of Communities and Local Government, which included content appropriate to unitary counties and district councils. He explained that Winchester's version of the scheme would be based on those parts that were relevant to district councils.

RECOMMENDED:

THAT COUNCIL BE ADVISED THAT PRINCIPAL SCRUTINY COMMITTEE ENDORSES THE DECISION OF CABINET.
