



**COUNCIL MEETING – 16 July 2014**

**Question under Council Procedure Rule 14**

**QUESTION 1**

From: Councillor Hiscock

To: The Portfolio Holder for Built Environment

“What powers does the Council have to make estate agents remove their signs after the properties have been let or sold? There is a growing tendency to leave signs in place that apply to no particular property and are simply there to advertise the estate agent.”

Reply

“The present rules for estate agent boards are set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, which is similar to the system of permitted development in that subject to certain criteria being met many signs benefit from ‘deemed consent’ i.e. do not require advertisement consent.

Class 3A of the regulations covers advertisements for the sale or letting, for residential, agricultural, industrial or commercial use of for development such use, of the land or premises on which it is displayed. Signs displayed under Class 3A benefit from deemed consent provided that not more than 1 advert is displayed on each premises (consisting of a single board or two joined up) and within 14 days after the completion of a sale or the grant of a tenancy the sign is removed. There is also criteria stipulating the maximum size and height of the sign and how far it can project from a building. Illumination is not permitted.

Estate agents signs which remain in situ more than 14 days following the sale or letting of a property do not therefore benefit from deemed consent and a criminal offence would be being committed.

The Planning Enforcement team occasionally gets complaints about estate agent boards being displayed which do not conform to the criteria set out in Class 3A. Very often it is another competitor who might complain that a board has not been removed after the 14 day deadline. Once it is established that a sign is being displayed without consent and that an offence is being

committed the enforcement team will write to the offending company and request that the sign is removed within 7 days. In the majority of case, this resolves the problem.

The enforcement team does not have the resources to take proactive measures to enforce Section 3A and relies on reports of suspected breaches to them for investigation.

The Enforcement Manager has previously had discussions with the Hampshire Association of Estate Agents, as they are keen to ensure that all of its members are acting within the law when it comes to displaying signs and there have been instances of a proliferation of signs in some areas of Winchester.

The Enforcement Team are hoping to work with the HAEA to provide clear guidance to estate agent firms on how to display signs lawfully and for those who persistently breach the regulations appropriate legal action will be taken in order to make an example of them.”

#### Supplementary Question from Councillor Power

“A local estate agent is using their boards to advertise charity events for free, which results in a board outside every household involved in the event. This does make the town look as if we are all leaving. Can we use any legislation to prevent this?”

#### Reply

“Class 3D of Town and Country Planning (Control of Advertisements) (England) Regulations 2007 permits temporary advertisements advertising any local event or activity being held for charitable purposes. The advertisement must not exceed 0.6 square metre in area and not be more than 4.6 metres above ground level. Illumination is not permitted. The advertisement must not be displayed more than 28 days before the event or activity begins and must be removed not later than 14 days after it ends.

The enforcement team are aware of the increasing trend of estate agent companies sponsoring local events such as school fetes and supplying estate agent style boards, which are used to advertise the event and sited in the gardens of properties of those involved in the promotion of the event. The name of the estate agent company tends to feature quite prominently on the sign. On a strict interpretation of the regulations, this is probably a breach of Class 3D, although as they are only temporary and help to publicise local events, the team do not generally get involved in taking action to get them removed.

The Hampshire Association of Estate Agents have raised this particular issue during their discussions with the Enforcement Manager. The intention is to work with the HAEA to provide clear guidance on what is permitted under the regulations for these particular types of signs.”



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**QUESTION 4**

From: Councillor Clear

To: The Leader

“Would the Leader agree that Annual appointments to external bodies should be filled by the appropriate ward member, especially if that ward member has the relevant experience and skills?”

Reply

“The majority of annual appointments to external bodies are made at the first Cabinet meeting of the Municipal Year, with some being made at The Overview and Scrutiny Committee.

Of the Cabinet appointments, some are restricted to Portfolio Holder appointments (for example, Local Government Association, HIOWA and PUSH). Others have traditionally included a Ward Councillor appointment, such as Friends of Hyde Abbey Gardens (where it is a requirement) and Meadowside Leisure Centre User Forum and Whiteley Community Association where it is discretionary.

Of the other appointments, it is a matter for Cabinet to determine who should be appointed, having regard to relevant experience and skills.”

Supplementary Question from Councillor Clear

“I thank the Leader for his response, but please may I ask for an update on the Twyford Waterworks (representative) situation, which I brought to the attention of members at a recent Cabinet meeting.”

Reply

“The matter has been considered by the Leader, who is currently away and a separate response will be given to Councillor Clear in due course.”



**COUNCIL MEETING – 16 July 2014**

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**QUESTION 7**

From: Councillor Gottlieb

To: The Portfolio Holder for Communities and Transport

“I understand that in the not too distant past the Council has received substantial funds from the European Union Regional Development Fund, to improve bus services and facilities generally in and around the city.

Is my understanding correct, and has any consideration been given to making a similar or new approach to the Regional Development Fund for support to improve current rural bus services such as my own ward of Itchen Valley, indeed, the provision of a bus station.”

**Reply**

“From mid 2014, the Local Enterprise Partnerships will have the responsibility for the delivery of the new round of European Structural and Investment Funds for 2014 – 2020. The new programme will combine the two structural funds, the European Regional Development Fund and the European Social Fund. The Solent and Enterprise M3 LEP will have greater flexibility in the way the funding is spent and have both produced an EU Funding Strategy setting out the sort of projects and initiatives that would be eligible for funding.”

**Supplementary Question from Councillor Gottlieb**

“Has the Council actually received or has it ever had notionally reserved to it, funds or any kind of financial or other assistance from the European Union, or from any UK source, to in any way assist the development of the bus station previously proposed within the Silver Hill development?”

**Reply**

“No.”



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**QUESTION 8a**

From: Councillor Jeffs

To: The Portfolio Holder for Communities & Environment

“The on street parking limit in Alresford varies, depending where you are in the town, as either 1 or 2hrs. New Alresford Town Council unanimously passed a resolution on 12 April 2012 to standardise the limit to 2hrs\*. The City Council were notified of the request for a change to the signage at that time and so far there has been no response. On enquiring when action might be expected, I am informed that works could not be expected until 2015/16 or beyond. A wait of 4 years or more is totally unreasonable. Please could you ensure that this programme brought forward and completed this year?.”

*\* NB Subsequent to this question being asked, it was clarified that the resolution was not unanimously passed as Cllr Power had voted against.*

**Reply**

“The City Council has the resources to carry out about 15 traffic regulation orders every year. Currently there is a list of over 100 traffic regulation order requests. Requests are prioritised using certain criteria. For example, schemes which relate to locations that have an accident or safety history, affect emergency access, school access, hospital access, bus routes or refuse collections are prioritised above all other traffic schemes.

The traffic regulation order programme is approved at a Traffic & Parking Committee every February in agreement with the Portfolio Holder so that the work to be undertaken during the forthcoming year is clear. However, if there is a pressing need for a scheme to be completed for accident or safety reasons for example, it can be moved from the reserve list to the main list with the agreement of the Portfolio Holder.

The on street parking time limit scheme for Alresford is on the reserve TRO list. However, the parking areas are already covered by a TRO and although the time limit change is minor, it still requires significant officer resources.

Changing the time limit from one hour to two hours is not a priority scheme

for the reasons I have explained and it will move up the TRO list as and when others are completed.”

#### Supplementary Question from Councillor Jeffs

“Thank you for your comprehensive response. It’s a pity this message has not been communicated to the Town Council and I’m surprised at the bureaucracy involved for such a simple requirement.

However, if the Council eventually get round to progressing this task the procedure requires an opinion to be sought from the Ward Councillors. In the event that Ward Councillors disagree with the request what then is the position, does the request then get refused?”

#### Reply

“With all traffic regulation orders, local ward members and other stakeholders are contacted but the support of the County Councillor, Police and Portfolio Holder are the only stakeholders whose signatures are needed for the TRO to be formally advertised.

Ward members who disagree can object to the advertised traffic order and can ask the portfolio holder for the TRO decision to be taken at a Traffic & Parking Committee rather than through a Portfolio Holder’s Decision Notice as per section 3.2 of the Constitution of the City Council, Part 3 Responsibility for Functions.”



**Winchester**  
City Council

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**QUESTION 15**

From: Councillor Gottlieb

To: The Portfolio Holder for Communities and Transport

“In a recent discussion with a member of WINAAC, it was brought to my attention that there is a disconnect between the times trains leave and arrive at the Station and the times buses leave and arrive at the forecourt to facilitate connecting journeys.

What can the Council do to assess and then to remedy this apparent flaw in the convenience of public transport services.”

**Reply**

“The City Council has recently taken steps to combat the disconnection between trains and buses. In April 2012, the City Council changed the Park & Ride timetable to meet London trains in the AM and PM peak to encourage train commuters to use the Park & Ride service. The recent tender for the night bus service, (funded by the town forum) the no.5A and no.3, have also been tweaked to allow a few minutes between the train arriving and the buses departing to local residential areas.

Hampshire County Council, the public transport authority can be asked to investigate changing the timetables as and when a subsidised services come up for re-tender, however slight changes may have knock on effects to other parts of the timetable and other bus services.”

**Supplementary Question from Councillor Gottlieb**

“Instead of waiting for the re-tendering of services, whenever that is, to try to adjust the timetable, why can't we take a proactive stance with this matter ourselves? I suggest that we start by investigating the correlation between the train timetable and the timetable of buses serving the station at peak hours, and at either end of the day.”

## Reply

“Other than the Park & Ride service and the night bus, which are already timetabled to meet key trains to and from London, the City Council has no authority to dictate timetable operations of either bus or rail services.

The vast majority of bus services operating in Winchester town run on a commercial basis with no support from public (Local Authority) funding. Many of these are operated by Stagecoach Bus, the parent company of which also owns Southwest Trains which runs most of the trains serving Winchester; therefore it would be prudent for them to connect services if there was a business case for doing so.

Some of Winchester’s evening bus services are fully or partially supported by Hampshire County Council, the public transport authority, they do have the ability to set out timetable requirements.”





## COUNCIL MEETING – 16 July 2014

### Question under Council Procedure Rule 14

#### QUESTION 19

From: Councillor Gottlieb

To: The Leader

“The public is rightly concerned not just about Silver Hill and River Park, but also about various other developments in the town centre, including Chesil Street, the Cattle Market and around the station itself.

Is there a single document where the public can see the whole master plan for Winchester and the vision behind it?”

#### Reply

“The ‘Vision for Winchester’ document produced by the Town Forum provides a clear statement of the objectives the Council has for Winchester Town and the kind of place that it wishes to be. This aligns with policy documents such as the Parking Strategy, the Winchester Town Access Plan and, of course, the Local Plan.

There is not a single land use “master plan” document which aims to control or even document all development proposed or planned in and around Winchester. Producing a master plan for the whole town which requires all of the organisations, institutions, private individuals and developers to commit to a detailed set of long term proposals is most unlikely to be feasible or attractive. Where there is merit in looking at particular areas, such as Station Approach, on a more detailed basis, this work is commissioned to help guide any development proposals and to ensure that they contribute positively to the public realm and built environment.

Local Plan Part 1 includes a ‘spatial strategy’ for Winchester which sets out the overall aims for the town in relation to planning and development. Development proposals should be in accordance with this strategy (LPP1 policy WT1). In addition, the Local Plan Part 2 is being developed to add detailed policies and allocate specific sites as necessary.

The various major developments mentioned form part of, or are consistent with, the planning strategy for the town. While the planning system gives control of the spatial planning strategy it cannot dictate in detail the timing of individual developments. However, with many of the developments planned by the Council, or on Council-owned sites, there is an element of control over this available to the Council.”

Qu.19 - Supplementary Question from Councillor Gottlieb

"The 'Vision for Winchester Town' document is dated "2012-2017" on its front cover, but "2010-2020" at the footing of each subsequent page.

There are several mentions of the Silver Hill development proposal but only ever to say that it will provide new retail and residential accommodation. There is no mention of the development providing a bus station, which is a curious omission in chapter 9 which is entitled "improving transport, access and air quality".

When exactly did the Council first know or suspect that the bus station within Silver Hill was unlikely to be required, and that that area on site might be used for a different purpose?"

Reply

"In November 2012, the Council were supplied with a report from Henderson's consultants setting out proposed changes to the consented scheme, and the planning applications which would be required to secure these. The proposed changes referred to Stagecoach's change of requirements from a new bus station (as per the original agreement), to bus bays as are now proposed.

Stagecoach entered into a further agreement with Henderson on 3 April 2014, when their requirement for a new bus station as part of the Silverhill scheme was formally amended to the provision of new bus bays and new facilities (ticket office and mess room)".