

CABINET

21 August 2006

Attendance:

Councillor Beckett – *Leader and Portfolio Holder for Economy and Tourism* (Chairman) (P)

Councillor Allgood – *Portfolio Holder for Finance and Resources* (P)

Councillor Coates – *Portfolio Holder for Housing and Communities* (P)

Councillor Hollingbery – *Portfolio Holder for Performance and Communications*

Councillor Lipscomb – *Portfolio Holder for Planning and Transport* (P)

Councillor Pearson – *Portfolio Holder for Environment, Health and Safety*

Councillor Stallard - *Portfolio Holder for Culture, Heritage and Sport* (P)

Others in attendance who addressed the meeting:

Councillors Busher, Evans, and de Peyer

Others in attendance who did not address the meeting:

Councillor Higgins

1. **APOLOGIES**

Apologies were received from Councillors Hollingbery and Pearson.

2. **MINUTES**

RESOLVED:

That the minutes of the previous meeting held 26 July 2006 (less exempt items) be approved and adopted.

3. **PUBLIC PARTICIPATION**

Councillor Evans commented on her concerns regarding a recent press release from the County Council on the proposed new school at Whiteley.

In agreeing with the concerns raised, the Leader confirmed that the County Council had been informed of the City Council's decision through both the Chief Executive and, informally, by himself in conversation with the Leader of the County Council. The County Council's press release had been inaccurate in suggesting that the City Council's sole reason to refuse the project centred on issues regarding the mitigation land, when there were other reasons such as the need to properly evaluate other potential sites for the school. He added that it had subsequently transpired that two of the reasons given by the County as to why it was necessary to use Meadowside had now been overtaken by events. There had been an extension to the funding deadline and the Church was now willing to investigate other sites. He concluded by commenting that any change to the decision rejecting the use of Meadowside for the school would have to be considered by full Council.

Mr J Hayter, Mrs Edwards (City of Winchester Trust) and Councillors Busher and de Peyer spoke in the public participation element of the meeting and their comments were considered as part of the Reports, as set out below.

4. **LEADER AND PORTFOLIO HOLDER ANNOUNCEMENTS**

No announcements were made.

5. **STATEMENT OF COMMUNITY INVOLVEMENT: RESULTS OF PUBLIC CONSULTATION EXERCISE**

(Report CAB1302 refers)

STATEMENT OF COMMUNITY INVOLVEMENT: RESULTS OF PUBLIC CONSULTATION EXERCISE (UPDATED RECOMMENDATIONS)

(Report CAB1310 refers)

Members noted that Report CAB1310 had not been notified for inclusion on the agenda within the statutory deadline. The Chairman agreed to accept the item as a matter requiring urgent consideration as the document needed to be submitted to the Secretary of State if possible before the end of August 2006.

Under the Council's Constitution Access to Information Procedure Rules (Rule 15.1 General Exception), CAB1310 was a Key Decision, which had not been included in the Forward Plan. Under this procedure, the Chairman of Principal Scrutiny Committee had been informed.

At its previous meeting on 26 July 2006, Cabinet had deferred its consideration of Report CAB1302 to this meeting, as it had agreed that more time was required to thoroughly evaluate the responses to the Statement of Community Involvement (SCI). Report CAB1310 updated CAB1302 and set out a series of further amendments to the SCI, following discussions with the Portfolio Holder for Planning and Transport. Cabinet therefore considered the two reports in conjunction.

During the public participation element of the meeting, Mr Hayter spoke on the Reports. In summary he found the updated Report disappointing as it had rarely recommended a significant change to the SCI in light of the responses received. He added that the SCI's "soundness" would be tested by the Planning Inspector and that a more multi-channelled approach was required to connect with hard to reach groups, beyond the Report's over reliance on the role of Parish Councils.

In response to Mr Hayter's comments, Cabinet noted that the SCI set out the minimum standards of public consultation the Council would seek to achieve, but that in practice a wider variety and more thorough consultations may be undertaken, depending on the issue under consideration. Following discussion, Cabinet agreed that the SCI had dealt adequately with hard to reach groups. Whilst thanking Mr Hayter for his submission, the Portfolio Holder for Planning and Transport commented that the Report had responded fully to the public's comments.

Mrs Edwards (City of Winchester Trust) commented that there was little consultation in the SCI regarding the unparished town area of Winchester. She suggested the better use of existing facilities, such as the Winchester Town Forum, so that local people could comment on planning policy issues. She also raised concerns at the current operation of the Forum and the availability of Cabinet Reports to the public. In response, the City Secretary and Solicitor explained that the current terms of reference of the Forum prohibited it discussing planning applications, but that as a separate issue, it was within the remit of Council to amend the terms of reference as it

saw fit. However, the Council had generally used a district wide forum to consider strategic planning issues. The Head of Strategic Planning indicated that a report would be brought forward shortly, to consider how the role formerly undertaken by the Winchester District Local Plan Committee could be addressed under the changed arrangements for the Local Development Framework, where different approaches for each topic might be appropriate.

Councillor Busher explained that there may be some benefit in assessing the success of the recent changes to the Planning processes before implementing further changes to procedures. She also had reservations that the proposed SCI may involve local objectors to such a degree that they would consider that the Council would make decisions based on the weight of local opinion alone. Decisions had to be based on material planning considerations, otherwise there was a risk of cost awards at appeals. In reply, the Chief Executive underlined the importance that the purpose of the consultation should be made clear and that, as a consequence, this would not automatically result in the Council agreeing with all of the public comments received. It was also noted that the driving force for many of the recent changes came from Government initiatives.

Councillor de Peyer explained that members of the local community would benefit from a more coherent system which informed the public of changes in officers involved in community consultation programmes. Councillor Allgood agreed to look at this issue as the relevant Portfolio Holder.

The Leader read an email received from Councillor Pines (who was unable to attend the meeting). In addition to the comments raised above, Councillor Pines had recommended that the Council should consider establishing new bodies (such as a Youth Council) to connect with hard to reach groups. However in response, the Portfolio Holder for Planning and Transport preferred the better use of existing bodies.

The Portfolio Holder for Planning and Transport introduced the major changes as set out in the Report and Cabinet considered each of these, in both Reports, page by page. Arising from this discussion, the following amendments and comments were agreed:

- Concern was expressed that the use of “empowerment” within the document was misleading as this was defined as the decision being made by the community rather than the Council. This was not the context intended within the SCI where planning decisions had to be made by the Council upon proper planning considerations. It was therefore agreed that all relevant references to “empowerment” within the text of the SCI be deleted and replaced with “involvement”. However it was accepted that the reference to empowerment should remain in the “Ladder of Participation” (set out in the introduction of the SCI) as this showed the range of consultation mechanisms that were available.
- That the Chief Executive clarify within the text the extent of neighbour notification.

At the conclusion of debate, Cabinet thanked the Portfolio Holder for Planning and Transport and Mr G White of the Chief Executives Unit for their hard work in producing the Report.

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

RESOLVED:

1. That the changes set out in Report CAB1302 Appendix A, as modified by the additional changes set out in Appendix 1 of CAB1310 (together with the amendments set out above) form the City Council's "Submission Draft Statement of Community Involvement".

2. That the Chief Executive be authorised to proceed with the publication of public notices and the production of leaflets and other material required in connection with the revised Statement's submission to the Secretary of State, if possible, during August 2006.

3. That the Chief Executive, in consultation with the Portfolio Holder for Planning and Transport, be given delegated authority to make any necessary minor editorial changes prior to submission.

6. **EXEMPT BUSINESS**

RESOLVED:

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
##	Exempt Minutes of the previous meeting, held 26 July 2006:-	Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Para 3 Schedule 12A refers)
	• Preferred Agency Contract for the use of Temporary Staff	
	• River Park Leisure Centre Refurbishment – Interim Project Report Exempt Appendices	
	• Decision under Section A2 of the Scheme of Delegation to Officers: Letting of Bar End Offices	

7. **EXEMPT MINUTES**

RESOLVED:

That the exempt minutes of the previous meeting held on 26 July 2006 be approved and adopted.

The meeting commenced at 10.00am and concluded at 11.50am

Chairman