



Meeting	Licensing & Regulation Committee
Date and Time	Wednesday, 7th December, 2022 at 6.30 pm.
Venue	Walton Suite, Winchester Guildhall

**Note:** *This meeting is being held in person at the location specified above. Members of the public should note that a live audio feed of the meeting will be available from the councils website ([www.winchester.gov.uk](http://www.winchester.gov.uk)) and the video recording will be publicly available on the council's YouTube channel shortly after the meeting.*

*A limited number of seats will be made available at the above named location however attendance must be notified to the council at least 3 clear working days before the meeting. Please note that priority will be given to those wishing to attend and address the meeting over those wishing to attend and observe.*

## AGENDA

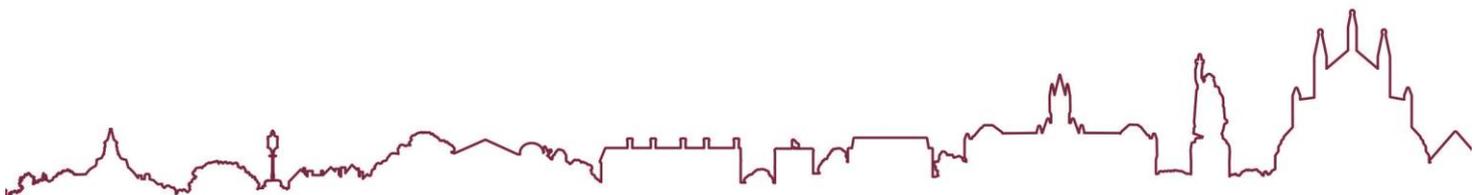
### PROCEDURAL ITEMS

- 1. Apologies and Deputy Members**  
To record the names of apologies given and Deputy Members who are attending the meeting.
- 2. Disclosures of Interests**  
To receive any disclosure of interests from Members and Officers in matters to be discussed.

*Note: Councillors are reminded of their obligations to declare disclosable pecuniary interests, personal and/or prejudicial interests in accordance with legislation and the Council's Code of Conduct.*

If you require advice, please contact the appropriate Democratic Services Officer, prior to the meeting.

- 3. Minutes (Pages 5 - 8)**  
Minutes of the previous meeting held on 6 September 2022



## BUSINESS ITEMS

### 4. Public Participation

To receive and note questions asked and statements made from members of the public on issues relating to the responsibility of this Committee.

Members of the public and visiting councillors may speak at this Committee, provided they have registered to speak three working days in advance. Please contact Democratic Services **by 5pm on Thursday 1 December 2022** via [democracy@winchester.gov.uk](mailto:democracy@winchester.gov.uk) or (01962) 848 264 to register to speak and for further details.

### 5. North Whiteley Community Governance Review (LR561) (Pages 9 - 30)

**Laura Taylor**  
Chief Executive

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29 November 2022

Agenda Contact: Nancy Graham, Senior Democratic Services Officer  
Tel: 01962 848 235 Email: [ngraham@winchester.gov.uk](mailto:ngraham@winchester.gov.uk)

*\*With the exception of exempt items, Agenda, reports and previous minutes are available on the Council's Website [www.winchester.gov.uk](http://www.winchester.gov.uk)*

## **MEMBERSHIP:**

Councillors

**Chairperson:** Williams (Liberal Democrats)

**Vice Chairperson:** McLean (Conservative)

### **Conservatives**

Cunningham

Isaacs

Kurn

### **Liberal Democrats**

Achwal

Batho

Laming

Reach

Small

Westwood

### **Deputy Members**

Pearson and Read

Clear and Cramoysan

Quorum = 4 members

## **PUBLIC PARTICIPATION**

Representations will be limited to a maximum of 3 minutes, subject to a maximum 15 minutes set aside for all questions and answers. To reserve your place to speak, you are asked to **register with Democratic Services three clear working days prior to the meeting** – please see public participation agenda item for further details.

People will be invited to speak in the order that they have registered, subject to the maximum time period allowed for speaking not being exceeded. Public Participation is at the Chairperson's discretion.

## **FILMING AND BROADCAST NOTIFICATION**

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## **DISABLED ACCESS**

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## LICENSING & REGULATION COMMITTEE

Tuesday, 6 September 2022

Attendance:

Councillors  
Williams (Chairperson)

McLean  
Batho  
Cunningham  
Kurn

Laming  
Reach  
Small

Apologies for Absence:

Councillors Achwal\*, Isaacs and Westwood

Deputy Members:

Councillors Clear, Cramoysan and Pearson

Members in attendance who spoke at the meeting

Councillor Porter (Cabinet Member for Local Plan and Place)

Other members in attendance:

\*Councillor Achwal attended the meeting virtually to observe only.

[Audio and video recording of this meeting](#)

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1. **APOLOGIES AND DEPUTY MEMBERS**

Apologies and deputy members were noted as set out above.

2. **DISCLOSURES OF INTERESTS**

There were no disclosures of interest made.

3. **MINUTES OF THE PREVIOUS MEETING HELD ON 7 JUNE 2022**

RESOLVED:

That the minutes of the previous meeting held 7 June 2022 be agreed as a correct record.

4. **PUBLIC PARTICIPATION**

Paul Nuth and Greg Blazard (Driving Miss Daisy Ltd) spoke regarding report LR564 as summarised under the relevant minute below.

5. **REVIEW OF HACKNEY CARRIAGE FARES**  
(LR563)

The Licensing Manager (Interim) introduced the report and explained that a request had been received from the Taxi and Private Hire Forum to review hackney carriage fares. It was proposed that the recommendations as set out in the report be amended to clarify the process for approving any fare increase and members agreed these changes as set out in the resolution below.

The Licensing Manager highlighted a correction to paragraph 11.19 of the report to note that the two mile fare for Hart District Council was £8.20 (not £6.80 as stated).

The Licensing Manager responded to members' questions regarding the proposals including the following:

- the current average price of fuel in Winchester;
- of the fare review proposals contained as appendix 5 to the report, the pre-consultation survey sent to all licensed hackney carriage and private hire vehicles indicated a first preference for option 4 and second preference for option 2;
- the impact on the existing taxi trade of the impact of the Covid pandemic in recent years and the current rise in the cost of living meant that at least 50 drivers had already left the profession.

Members also recognised the importance of balancing the difficulties facing the taxi trade against the requirement for their customers to be able to afford any increase in fares and ultimately for the availability of the service to be retained.

Following debate, the committee agreed that an increase in hackney carriage fares should be implemented, with the majority in favour of option 2 of the proposed fare charts (as contained as appendix 3 to the report). With regard to the consultation, members emphasised the importance of reaching groups that might not have access to the internet and/or social media and suggested that posters be displayed at key locations, such as well-used taxi ranks. Members also requested that the consultation commence as soon as possible to enable any increase in fares to be introduced without delay.

**RESOLVED:**

1. That hackney carriage fares should be varied at this time.
2. That it be agreed:

- (i) That option 2 of the proposed fare charts produced by the Taxi and Private Hire Forum (as contained as appendix 3 to the report) be put forward for consultation.
- (ii) That the length of time for which public consultation shall take place shall be 21 days.
- (iii) That the list of consultees for the purposes of public consultation be approved, as shown in appendix 5 to the report.

3. After close of the consultation process, that the table of hackney carriage fares together with any representations received be put forward to the next appropriate Cabinet Member Decision Day for consideration and decision.

6. **POLICY DEPARTURE FOR DRIVING MISS DAISY LTD**  
(LR564)

The Licensing Manager (Interim) introduced the report and circulated photographs of the livery used by Driving Miss Daisy vehicles for members' information.

Paul Nuth and Greg Blazard from Driving Miss Daisy were in attendance and responded to questions from members as summarised briefly below:

- the vehicles used had been substantially modified to enable/improve access for different types of wheelchair;
- the colour scheme had been specifically designed to lower anxiety levels of users with dementia.
- to their knowledge, no other company in the UK operated the same type of service;
- all their vehicles were Euro 6 compliant;
- only five or six vehicles would be moved from Portsmouth to be licensed in the Winchester district and the required mechanical testing would be undertaken in the district.
- the company did not accept "cold calls" from customers – due to the speciality of the service they offered, vehicles were all pre-booked in advance;

The Service Lead – Public Protection confirmed that the impact of the policy departure on the air quality in the Winchester district was minimal.

During debate, members noted the specialised service provided by Driving Miss Daisy Ltd which did not fit comfortably within the available policy for licensed drivers and vehicles. It was queried whether a separate category of service could be established to reflect this and noted that this might require a change in government legislation. The Chairperson agreed to investigate further.

RESOLVED:

That it be agreed to depart from the Council's Policy for Driving Miss Daisy Ltd's licensed drivers and vehicles because there are exceptional or compelling reasons to do so.

7. **REQUEST FOR DELEGATED AUTHORITY TO LICENSING SUB COMMITTEE TO DETERMINE LICENCES UNDER SECTION 115(E) HIGHWAYS ACT 1980 (TABLES AND CHAIRS)**

The committee noted the proposals for delegation as set out on the agenda sheet.

RESOLVED:

That authority be delegated to a Licensing Sub-Committee to determine applications for table and chair licences under Section 115(e) Highways Act 1980 (Tables and Chairs) when officers consider it appropriate that the decision is taken by Sub Committee and not under their existing delegated authority.

The meeting commenced at 6.35 pm and concluded at 8.30 pm

Chairperson

REPORT TITLE: NORTH WHITELEY COMMUNITY GOVERNANCE REVIEW

7 DECEMBER 2022

REPORT OF CABINET MEMBER: Councillor Becker, Cabinet Member for Inclusion and Engagement

Contact Officer: Neil McArthur, Interim Service Lead – Legal, Tel No: 01962 848212, Email NMcArthur@winchester.gov.uk

WARD(S): WHITELEY AND SHEDFIELD

## PURPOSE

This report updates the committee on the recent consultation about governance for the North Whiteley major development area. It also seeks the committee's agreement to a further round of consultation, on the draft recommendations arising from the review, prior to publishing of the final recommendations.

The North Whiteley major development area is a large residential development on the edge of Winchester district. It sits across the boundary of Curdridge Parish Council and Whiteley Town Council. Approximately 2,600 residents currently live in the North Whiteley area and this is expected to rise to 8,200 in the years ahead.

Winchester City Council is committed to giving all its residents the opportunity to make their voice heard. As the principal council for the area, the city council decided to conduct a community governance review to ascertain whether governance for the residents of the North Whiteley major development area, within the city council boundary, would be best served by a new parish council or the existing parish/town councils.

The consultation process involved the public, businesses, and stakeholders and the city council has worked closely with Whiteley Town Council and Curdridge Parish Council during the process. The consultation asked residents to consider four options. 742 responses were received and over 70% of respondents opted for the option that would see the major development area become part of Whiteley Town Council. The town council and parish council both support that proposal. Accordingly, a further short consultation is proposed on the draft recommendations of the review, following which, the final recommendations of the review will need to be published and a reorganisation order made to implement those recommendations.

## RECOMMENDATIONS:

The Committee are recommended:

1. To note the results of the recent consultation on the options for the future governance arrangements for the North Whiteley major development area.
2. To approve the draft recommendations, which appear in Appendix 3, so they can be the subject of a further 28-day consultation to allow those with an interest to provide their views on the proposed changes.
3. Provided the further consultation process does not give rise to any issues that would require major changes to the draft recommendations, to delegate the Service Lead – Legal, in consultation with the Chair of the Committee and the relevant Cabinet Member, to finalise the recommendations of the review so they can be considered, along with a reorganisation order to implement any changes, by the full council at its meeting on 18 January 2023.
4. If any substantive issues arise during the further consultation process, agree that the recommendations should be brought back to this committee to be finalised, at a special meeting in January 2023, prior to consideration of final recommendations and a reorganisation order, at the full council meeting on 23 February 2023.
5. To note that whilst a reorganisation order can be made at any time following a review, for administrative and financial purposes, orders should take effect on the 1 April following the date on which the order is made, and electoral arrangements then come into force at the first elections to the parish council following the reorganisation order.
6. To note that if, for any reason, a reorganisation order is not made by the end of February, there would be insufficient time to put the necessary electoral arrangements in place for the elections in 2023. In this scenario it would be prudent to:
  - a. Publish the recommendations of the review within the 12-month time limit.
  - b. Make the reorganisation order later in 2023, so that the administrative, financial, and electoral changes will come into effect from 1 April 2024.

## IMPLICATIONS:

### 1 COUNCIL PLAN OUTCOME

- 1.1 The council is committed to giving its residents the opportunity to make their voice heard. This community governance review has provided an opportunity for the residents to make their views known about whether the North Whiteley major development area would be best served by the forming of a new parish council or becoming part of the two existing parish/town councils.

#### Tackling the Climate Emergency and Creating a Greener District

- 1.2 North Whiteley is located close to existing services, employment and education facilities making it possible for residents to take more journeys by foot, cycle or bus.

#### Homes for all

- 1.3 The North Whiteley development will eventually consist of 3,500 dwellings, two primary schools, a secondary school and other supporting infrastructure, including major highway works. It will integrate with the existing residential, commercial and employment development at Whiteley which has now been established for many years. It is contained in the Winchester City council area.

#### Vibrant Local Economy

- 1.4 3,500 dwellings will provide opportunities for more young people to live and work in the district. The local centre in the development will also provide a range of business and employment opportunities, complementing the facilities available in the nearby Whiteley town centre.

#### Living Well

- 1.5 Homes that are located close to services provide greater opportunities to encourage active travel amongst the population. The outcome of this community governance review also has implications for the management of public spaces and community facilities.

#### Your Services, Your Voice

- 1.6 The proposals in this paper would give effect to the views of the majority of respondents to the recent consultation on governance arrangements for the area.

### 2 FINANCIAL IMPLICATIONS

#### Potential costs and savings

- 2.1 For administrative and financial purposes, reorganisation orders take effect on the 1 April following the date on which they are made. Electoral arrangements

for a new or existing parish council will come into force at the first elections to the parish council following the reorganisation order and orders should be made sufficiently far in advance to allow preparations for the conduct of those elections to be made. In the interim, if elections cannot be held in time, the reorganisation order will need to make transitional arrangements.

- 2.2 It is likely that a small potential saving may be made if a reorganisation order is made in time to allow the May 2023 Town Council and Parish Council election to be conducted on the revised boundaries. If the reorganisation order is not made in time for those elections, then holding elections again before they would normally take place would cost between £5,000 - £10,000.

### Precept

- 2.3 The Town Council and Parish Council budgets are set on the same financial year as the city council's budgets. Subject to the outcome of the further consultation process that is proposed in this paper, it is possible that a reorganisation order can be made that will bring the new arrangements into effect on 1 April 2023.
- 2.4 With that in mind, it is proposed that both the Town Council and the Parish Council should be invited to prepare their draft 2023/24 budgets on the basis that the proposed changes are likely to be in force from 1 April 2023 (i.e., the Parish Council should assume that it will see its Council Tax Base reduced and the Town Council should assume that the homes within the proposed new boundary will be its responsibility from the 1st April 2023).
- 2.5 It will be important to clearly identify those homes that fall within the proposed extension area upon which a precept can be raised. The Parish Council have already sought advice and assistance from the city council preparing its budget and how the Council Tax Base will be assessed for the forthcoming financial year so that it can set its precept.

## 3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 The legal framework for community governance reviews is set out in the Local Government and Public Involvement Health Act 2007 ('the 2007 Act'). As a district council, Winchester City Council ('the Principal Council') has responsibility for undertaking community governance reviews and deciding whether to give effect to recommendations made in those reviews. In making that decision, Principal Councils need to take account of the views of local people.
- 3.2 The 2007 Act places a duty on Principal Councils to have regard to the need to secure that any community governance for the area under review reflects the identities and interests of the local community in that area, and that it is effective and convenient. The principal criteria which influence that assessment are the impact on community cohesion, the size of the population of the proposed area and the boundaries of the proposed area.

- 3.3 Principal councils are required, by section 100(4) of the 2007 Act, to have regard to the guidance, which is issued by the Secretary of State, under section 100(1) and (3), and the Local Government Boundary Commission for England ('LGBCE') under section 100(2).
- 3.4 Section 102(3) of the 2007 Act requires a Principal Council to complete a review, including consequential recommendations to the LGBCE for related alterations to the boundaries of principal area wards and/or divisions, within 12 months of the start of the community governance review.
- 3.5 A review begins when a council publishes the terms of reference of the review and concludes when the council publishes the recommendations made in the review. The Terms of Reference for the North Whiteley community governance review ('the Review') were agreed by this Committee on 10 March 2022 (LR555).
- 3.6 Whilst publishing the final recommendations of a community governance review will conclude the review, the full council will need to approve a reorganisation order to implement the recommendations of the review.
- 3.7 Reorganisation orders can be made at any time following a review. However, for administrative and financial purposes, orders should take effect on the 1 April following the date on which it is made. Electoral arrangements then come into force at the first elections to the parish council following the reorganisation order.
- 3.8 In practice reorganisation orders need to be made sufficiently far in advance to allow preparations for the conduct of those elections to be made. In the context of this community governance review, the latest date at which a reorganisation order could be considered at a meeting of the full council would be the meeting on 23 February 2023, so that the changes can come into force on 1 April 2023 and the May elections could take place under the new arrangements.

#### 4 WORKFORCE IMPLICATIONS

- 4.1 A small cross-departmental team currently working on the review, to ensure it is completed within the 12-month statutory time limit.
- 4.2 If the proposals are not in place before 1 April 2023, additional work will need to be carried out as the new proposals could not then come into effect until 1 April 2024.

#### 5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 The Reorganisation Order will need to make provision for any consequential boundary changes and the transfer of assets arising out of any changes to the current arrangements. Consideration also needs to be given to the prospect of assets being transferred in the future.

### Cash reserve

- 5.2 At the Advisory Group meeting, the clerks of both the Parish and Town Councils indicated that there was a ring-fenced cash-reserve held by Curdridge Parish Council that would need to be transferred to Whiteley Town Council if the proposals in this paper are approved.

### Section 106 Agreement

- 5.3 A section 106 agreement was completed on 18 July 2018, which sets out the responsibility and obligations of the developers, Hampshire County Council and Winchester City Council. Two Deeds of Variation are currently being negotiated, the first to change the Travel Plan details and responsibilities and the second relates to a change to the provision of a cycleway.
- 5.4 Assets such as allotments, play areas, sport pitches and highway landscape areas are due to be transferred to the city council or such other body or organisation nominated by it. There is a precedent for the facilities that have been secured by the s106 for developments such as this to be passed to another body and it has always been anticipated that Whiteley Town Council would take on these assets if they were in their administrative area. The transfer and maintenance of the substantial quantity of Public Open Space on the site is subject to a separate contract between the Developer Consortium and a Management Company.

## 6 CONSULTATION AND COMMUNICATION

- 6.1 Information about the consultation was published on the Council's website. Leaflets were also posted out to the residents of Curdridge and Whiteley and two information events were held. Follow up letters were sent to a small number of residents and businesses directly adjoining the proposed new boundary, which invited them to make representations about the proposals.
- 6.2 In accordance with Sections 79 and 93 of the 2007 Act, we informed other bodies that the review was taking place. The following organisations were notified that a consultation was taking place: Hampshire County Council; Fareham Borough Council; Curdridge Parish Council; Whiteley Town Council; Hampshire Association of Local Councils; The Local Government Boundary Commission for England; and the South Downs National Park Authority.
- 6.3 Update meetings have been held with the Advisory Group, which comprises Ward Councillors and representatives of the Parish and Town Councils. Presentations have also been made to the North Whiteley Forum. The Portfolio Holder and the Leader of the Council have also been kept up to date on progress of the Community Governance Review and the recent consultation.

## 7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 There are no environmental consequences directly arising from the report.

8 PUBLIC SECTOR EQUALITY DUTY

8.1 An equality impact assessment is being prepared, which will accompany any recommendation to Council about the making of a reorganisation order.

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 None.

10 RISK MANAGEMENT

<b>Risk</b>	<b>Mitigation</b>	<b>Opportunities</b>
Financial Exposure – None		
Exposure to challenge – Failure to complete the review within the statutory 12-month time limit.	Ensure adequate resources are deployed to meet the timetable.	Concluding the review would demonstrate the council had listened to its residents.
Innovation - None		
Reputation – Failure to complete the review may damage the council's reputation.	Ensure that adequate resources are available.	A well-managed transition to new governance arrangements could enhance the reputation of the city, town and parish councils.
Achievement of outcome		
Property – Failure to transfer property, rights and liabilities effectively.	The reorganisation order will deal with the transfer of any land, property, rights and liabilities affected by the proposed changes.	A well-managed transfer will aid a smooth transition to the new arrangements.
Community Support – Not implementing the wishes of the residents who responded.	Ensure resources are adequate and critical deadlines are adhered to.	To give confidence to the residents of the area about the review.
Timescales – The review must be completed within 12 months.	The timetable must be adhered to.	
Project capacity – Lack of resources may prevent completion of the review within 12 months.	Adequate resources.	None.
Other – None.		

## 11 SUPPORTING INFORMATION:

### Background

- 11.1 The North Whiteley major development area is a major new development on the edge of Winchester district. It sits across the boundary of Curdridge Parish Council and Whiteley Town Council.
- 11.2 As the Principal Council for the area, Winchester City Council is responsible for carrying out Community Governance Reviews. In November 2021, the city council, decided to review the governance arrangements for the new development.
- 11.3 The Terms of Reference for the review were approved by this committee at its meeting on 10 March 2022 (see Appendix 1). In accordance with the 2007 Act, the Review must be completed within 12 months, commencing on the date the Terms of Reference are published. In conducting the Community Governance Review ('the Review') a Principal Council must have regard to any guidance issued under the 2007 Act, which we have done.
- 11.4 The Terms of Reference envisaged a four-stage process:
- Stage 1 – The Review is publicised, and initial submissions invited. Public meetings held, consultation with neighbouring parishes
  - Stage 2 – Consideration of submissions. Draft recommendations are prepared. Update report prepared for Licensing and Regulation Committee.
  - Stage 3 – Draft recommendations and the reasons for them, informing those with an interest of further consultation published.
  - Stage 4 – Consideration of submissions received. Final recommendations are prepared.
- 11.5 The Terms of Reference set out an indicative timescale for completing each stage. We are now at stage 2 of the process, which was initially expected to take place in the summer. Whilst there has been slippage in the dates for completion of each stage, there is still adequate time to complete the review process within the statutory 12-month time limit. Moreover, it is still possible, subject to the proposals and caveats in this paper, to complete stages 3 and 4 of the process in time to have the new arrangements in place from 1 April 2023.

### The consultation process

- 11.6 The consultation process invited residents' opinions on four options:
- A new council to be formed for the development area.
  - All the new development to be represented by Whiteley Town Council.

- All the new development to be represented by Curdridge Parish Council.
  - The boundary to remain unchanged.
- 11.7 Information about the consultation was published on the council's website, including the Citizenspace consultation portal. In the week commencing 19 September, leaflets were posted out to all 2,500 properties of Curdridge and Whiteley. Posters were also put up around the area, which included a QR code that helped people to respond online.
- 11.8 Two 'in person' information events were also held, which were attended by representatives from the Town Council, the Parish Council and members and officers from Winchester City Council. The first event took place at Meadowside Leisure Centre on 26 September and the second event took place at Curdridge Reading Rooms on 29 September. Only two or three residents attended the first event. More than 20 residents came to the second event.
- 11.9 The Town Council and Parish Council jointly produced a leaflet expressing support for option 2 – the proposal that all the new development should be represented by Whiteley Town Council. It also appears that some local canvassing took place in support of option 2. Some concerns were raised with officers about the accuracy of the information in the leaflet, which they passed on to the representatives of the two councils to resolve.
- 11.10 742 responses were received by the close of consultation on 9 October 2022. More than 70% of respondents chose option 2: Move all the new development area into Whiteley Town Council. Further details about the results of the consultation process can be found in Appendix 2.
- 11.11 The Town Council and Parish Council support option 2.
- 11.12 As set out above, we informed other relevant bodies that the review was taking place. One response was received, from County Councillor Hugh Lumby, in support of option 2.

#### Advisory Group

- 11.13 An Advisory Group was established comprising city council ward councillors and representatives from Curdridge Parish Council and Whiteley Town Council.
- 11.14 The Advisory Group met on 31 August 2022 to input into the consultation material and plans for local information events. A meeting of the Advisory Group was then held on 31 October 2022 to discuss the outcome of the consultation process and agree next steps in relation to parish boundaries, councillor numbers and the transfer of assets.

## Boundaries

- 11.15 Whilst the consultation leaflet included a map showing the proposed boundary changes for each option, there were a small number of properties on the boundary where the Advisory Group thought it prudent to contact them directly to ascertain their views. Letters were therefore sent out to the properties in question, which explained the effect of the proposed boundary change on them and asked for any further comments.
- 11.16 A letter was sent to the residents of 11 properties adjoining the major development area, which would remain in Curdridge Parish under the proposals. In summary, the comments received were as follows:
- Confirmation of their wish to remain in Curdridge
  - Existing houses in Curdridge Parish should remain in Curdridge
  - Suttons Copse should remain in Curdridge
  - All land bordering the Hamble River and the National Trust land should remain in Curdridge Parish
  - The major development area should be in Whiteley Town Council area
  - The boundary should be shown on the major development area side of the stream.
- 11.17 Having carefully considered the representations received, officers consider that the boundary should continue to include Sutton Copse in the Whiteley Town Council area. There are two reasons why officers consider that should be the case. First, the Copse is within the major development area site and comprises public open space to be delivered as mitigation for the development. Second, in due course, the public open space will be transferred a management body to be maintained and it is therefore appropriate for it to be included in the Whiteley Town Council area.
- 11.18 In relation to the boundary along the line of the stream, officers do not consider that to be a parish matter, as neither the Town Council nor the Parish Council are involved in the maintenance or management of the waterways. Under the proposals, the land bordering the Hamble River and National Trust land would remain in Curdridge Parish, which officers consider appropriate.
- 11.19 A different letter was sent to the residents of properties adjoining the major development area that would move into the Whiteley Town Council area, informing them that under the proposals their property would be affected. One resident requested to remain in Curdridge, and the boundary has been redrawn to accommodate this request.

- 11.20 Letters were sent to business owners adjoining the major development area that will remain in Curdridge, and business owners whose premises will move into the Whiteley Town Council area. No comments were received in response to either letter.
- 11.21 A map showing the proposed boundary that would be implemented if the recommendations are approved appears in the draft recommendations at Appendix 3.

#### Council size and electoral arrangements

- 11.22 Section 93 of the 2007 Act requires the Principal Council to ensure that future proposals for the community governance within the area will be:
- Reflective of the identities and interests of the community cohesion,
  - Effective and convenient, and reflect the size, population and boundaries of a local community or parish.
- 11.23 This means that consideration needs to be given to the number of electors for each of the councils in question. At present, the total number of electors in each area is:
- Curdridge Parish Council – 1,770
  - Whiteley Town Council – 2,632
- 11.24 In terms of population size, approximately 2,600 residents currently live in the North Whiteley area and this is expected to rise to 8,200 in the years ahead. If the proposal to place the whole of the new development within the Whiteley Town Council area goes ahead, then the estimated total number of electors in each area will become:
- Curdridge Parish Council – 1,076
  - Whiteley Town Council – 3,326
- 11.25 The proposed increase in the size of the population of the new Town Council area is relevant to the question of whether the community governance proposals are likely to be effective and convenient. Whiteley Town Council currently has 11 councillors, although two of those positions are currently vacant. The Town Council considers that, even though the area administered by them will grow, and the population will increase, 11 councillors is sufficient to effectively manage the Council's business.
- 11.26 Leaving the number of Town Councillors at 11 would be consistent with the data in the statutory guidance, which refers to research, by the Aston Business School Parish and Town Councils in England (HMSO, 1992), that found that the typical parish council representing between 2,501 and 10,000 had 9 to 16 councillors. The statutory guidance also reminds principal councils

to bear in mind that the conduct of parish council business does not usually require a large body of councillors. No changes are therefore proposed.

- 11.27 Curdridge Parish Council currently has 7 councillors. It considers that to be an appropriate number and no changes are proposed.

#### Assets transfer

- 11.28 At the Advisory Group meeting in October, the clerks from Curdridge Parish Council and Whiteley Town Council stated that there was a cash reserve held by Curdridge Parish Council, which had already been set up in anticipation of possible governance changes, which would need to be transferred to Whiteley Town Council, along with any other land, property, rights and liabilities affected by the proposed changes. Officers will continue to liaise with the clerks and chairs of the two councils to ensure this is the case.

#### The Final Recommendations

- 11.29 When the final recommendations of a review have been agreed they must be published and brought to the attention of persons who may have an interest in them. This formally concludes the review.

#### Reorganisation Order

- 11.30 The final recommendations are then implemented by the making of a reorganisation order, which must be approved by the full council. The reorganisation order needs to set out the changes to be made and the date they will take effect, as it is the legal instrument which brings the changes into force.
- 11.31 Paragraph 30 of the statutory guidance on Community Governance Reviews states:

*“Reorganisation of community governance orders...creating new parishes, abolishing parishes or altering their area can be made at any time following a review. However, for administrative and financial purposes (such as setting up the parish council and arranging its first precept), the order should take effect on the 1 April following the date on which it is made. Electoral arrangements for a new or existing parish council will come into force at the first elections to the parish council following the reorganisation order. However, orders should be made sufficiently far in advance to allow preparations for the conduct of those elections to be made.”*

## 12 OTHER OPTIONS CONSIDERED AND REJECTED

- 12.1 Consideration was given to bringing the community governance review to an earlier conclusion by publishing final recommendations at this point. On balance, a further short period of consultation on the draft recommendations is considered more prudent as it will allow any person who is affected by the

changes to make representations that can then be taken into account before the final recommendations are made.

- 12.2 Completing stages 3 and 4 of the Terms of Reference can still be done within the statutory 12-month deadline and provided a reorganisation order is made in February there is sufficient time to organise the elections to take account of any changes.
- 12.3 If a reorganisation order is not made by the end of February then the changes to financial and electoral arrangements will not be able to take effect until 1<sup>st</sup> April 2024.

#### BACKGROUND DOCUMENTS:

##### Previous Committee Reports:

- L&R555

##### Other Background Documents:

- Guidance on Community Governance Reviews – March 2010

#### APPENDICES:

1. Terms of reference for North Whiteley Community Governance Review
2. Consultation responses
3. Draft recommendations of the review

Appendix 1: Terms of Reference for North  
Whiteley Community Governance Review  
Community Governance Review

North Whiteley  
Major Development Area

Local Government and Public Involvement  
in Health Act 2007

**Terms of Reference**

## **INTRODUCTION**

### **1.1 Aims of Review**

This review will ascertain whether governance for the residents of the North Whiteley Major Development Area, within the Winchester City Council boundary, would be best served by a new parish council or the existing parish/town councils.

### **1.2 Why undertake a Community Governance Review?**

At the November meeting of the North Whiteley Forum Winchester City Council agreed that due to the pace of the build and the number of occupations it was an appropriate time to hold the review. Winchester City Council has resolved to undertake a Community Governance Review (CGR) pursuant to Part 4 of the Local Government and Public Involvement in Health Act 2007.

A Community Governance Review provides an opportunity for making recommendations with regards to establishing, aggregating, amalgamating or separating parishes/town councils, the name and style of the new council (if applicable) and its electoral arrangements.

### **1.3 Scope of the Review**

The review will specifically consider the composition and electoral arrangements of the residents living within the area of the North Whiteley Major Development Area. Currently, in the District of Winchester City Council, this is within the Whiteley Town Council and Curdridge Parish Council.

### **1.4 Who will undertake the Community Governance Review?**

Winchester City Council is responsible for undertaking a CGR within its electoral area. The City Council is responsible for overseeing this process and officers will produce draft and final recommendations for consideration by the Licensing and Regulation Committee before any Order is made. The final Order, if recommended to be made, is a decision of Full Council.

### **1.5 How long will the Community Governance Review take?**

After the publication of the terms of reference the City Council has 12 months to conclude the review by the making of recommendations by the L&R Committee. There are various steps and consultation exercises to be undertaken between now and then and these are outlined in the timetable below. And, as outlined above, if the recommendation is to make an order, this is a decision of Full Council.

### 1.6 Timetable for the review

Stage	What happens?	Timescales	Indicative dates
Commencement	WCC accept there is a requirement for a Community Governance Review		16 November 2021
Preparation	Terms of reference, area maps prepared A report outlining the decision to hold a CGR together with a full timetable and draft Terms of Reference are presented to L & R.	4 months	10 March 2022
Stage One	Review is publicised and initial Submissions are invited. Public meeting held, consultation with neighbouring parishes.	2 months	May 2022 – June 2022
Stage Two	Consideration of Submissions received – Draft recommendations are prepared. Update report prepared for L & R June meeting.	1 month	July 2022 – August 2022
Stage Three	Draft Recommendations, and the reasons for them, informing those with an interest for further consultation are published.	1 month	September 2022 – October 2022
Stage Four	Consideration of submissions received – Final Recommendations are prepared.	1 month	November 2022
Conclusion	Final Recommendations are published – concluding the review	2 months	January 2023
Resolution	Council resolves to make a Reorganisation Order to put into effect any changes.		Next available Council Meeting

### 1.7 How will the review be conducted?

The Review will be conducted in accordance with the duties outlined in the Local Government and Public Involvement in Health Act 2007 and Guidance on these reviews published by the Department for Communities and Local Government in March 2010.

In accordance with Section 79 of the 2007 Act, the City Council will notify Hampshire County Council that a Community Governance Review will be undertaken.

In accordance with Section 93 of the 2007 Act, the City Council will consult with local government electors for the area under review; and any other person or body (including another local authority) which appears to have an interest in the review.

Consultation must take place with local government electors, appropriate local authorities and other relevant persons, including political parties and local community interest groups. The City Council must publish the terms of reference of the review, any proposals made as a result of the conduct of the review and any recommendations made on its website.

The City Council will have regard to the need to secure that any community governance for the area under review reflects the identities and interests of the local community in that area and that it is effective and convenient. Relevant considerations will include the impact on community cohesion and the size, population and boundaries of the proposed area.

### **1.8 Options for Consideration**

The City Council has prepared four possible outcomes to be put forward for consultation:

**Option 1:** Position to remain unchanged with the North Whiteley MDA being covered by 1 existing Parish Council and 1 existing Town council.

**Option 2:** North Whiteley MDA (or part of it) be removed from both existing Parish Councils and a new separate council (type to be consulted upon) be created for North Whiteley MDA.

**Option 3:** North Whiteley MDA be removed from Curdridge Parish Council and amalgamated with Whiteley Town Council

**Option 4:** North Whiteley MDA be removed from Whiteley Town Council and amalgamated with Curdridge Parish Council.

### **1.9 The conclusions for the Review**

Following the conclusion of the review, if a new council is to be created, or if there is an amalgamation this will be done by way of a Reorganisation Order. A Reorganisation Order can be made at any time however the order should take effect on the 1<sup>st</sup> of April following the date on which it is made. In this case if a Reorganisation Order is made this will be in January 2023 and come into effect 1<sup>st</sup> April 2023

## APPENDIX 2: CONSULTATION RESPONSES

### Preferences

The results for each of the proposed governance options was as follows.

Options	Online	Postal	Total	% of responses
1. New council formed for the development area.	106	25	131	17.7%
2. All of the new development is represented by Whiteley Town Council.	409	113	522	70.4%
3. All of the new development is represented by Curdridge Parish Council.	29	15	44	5.9%
4. Boundary to remain unchanged.	31	10	41	5.5%
No option chosen	3	1	4	0.5%

### Additional comments

254 of the responses included a supplementary comment to support their choice. The comments can be broadly summarised into the following groups, which are listed in descending order:

- Curdridge is a small village and should stay that way (70 comments)
- Traffic, transport and parking issues (27 comments)
- A need for new/better amenities, i.e., doctors' surgery, secondary school, transport, etc. (20 comments)
- The new major development area has its own identity and should therefore have its own council (18 comments)
- The major development area is already a part of the Whiteley community (18 comments)
- The new major development area was always planned to be a part of Whiteley (15 comments)
- Whiteley is already established as a council/it is resourced to incorporate the new major development area (14 comments)

- Option 2 'makes sense' (14 comments)
- Whiteley/ Curdrige councils are already overstretched (12 comments)
- Everything should be under one (existing) Council (10 comments)
- Negative behaviour towards residents from Whiteley Town Council members (7 comments)
- Winchester/Fareham divide (7 comments)
- Cost/expensive of setting up a new council (6 comments)
- Need more information about the implications of a new council (4 comments)
- The new major development area is a better fit with Whiteley (4 comments)
- More councils equals more problems (3)
- Miscellaneous (20 comments)

## Appendix 3 – Draft recommendations

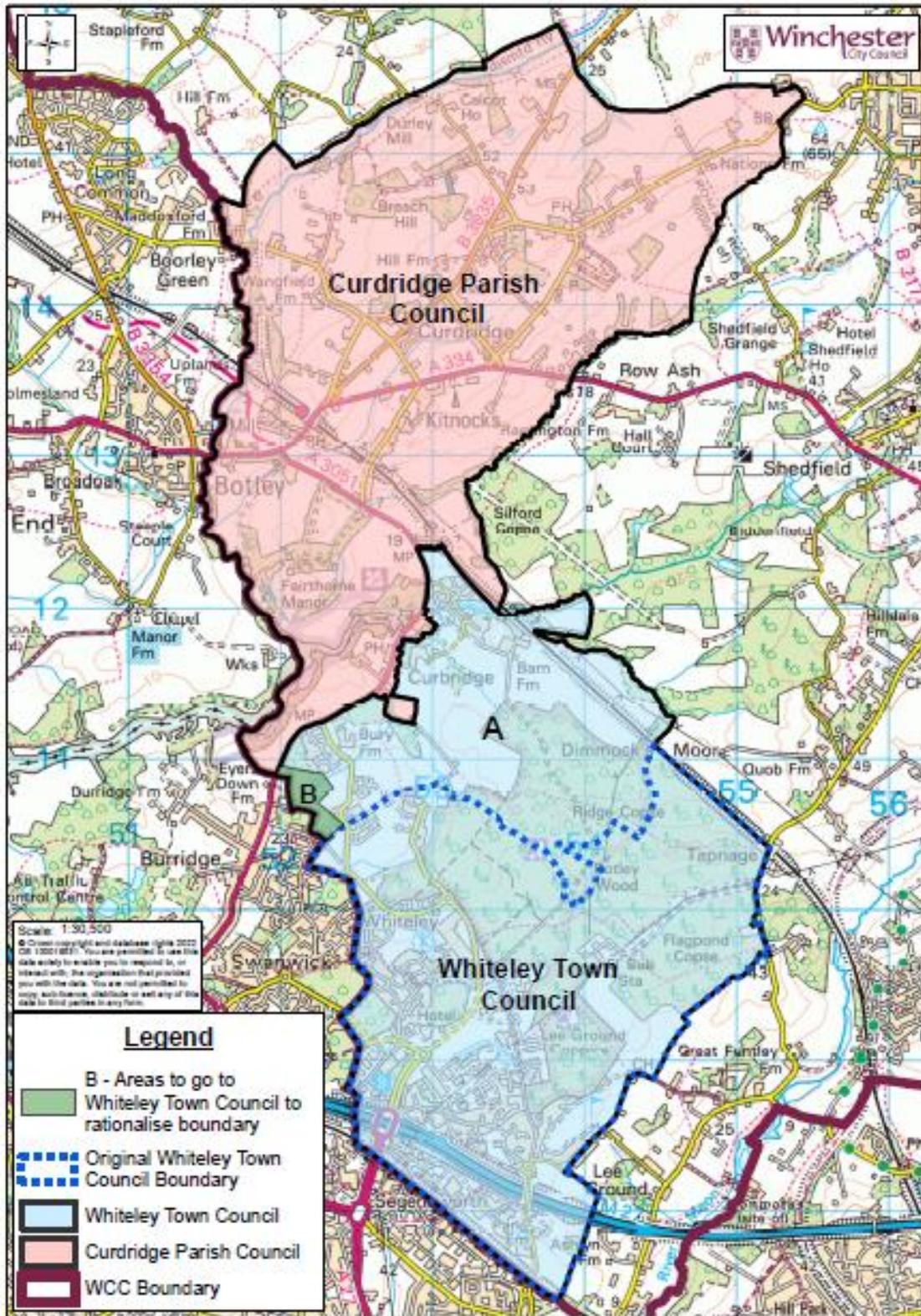
### Community Governance Review – North Whiteley major development area

1. When it is complete, the new North Whiteley major development area will provide 3,500 dwellings, two primary schools, a secondary school, extra care provision, leisure, retail, and community facilities.
2. It was always intended that the boundary would be reviewed once enough residents had moved in. Winchester City Council has recently consulted residents on proposals for the council arrangements for the Curdridge and Whiteley area.
3. The first stage of the consultation process sought the views of residents about how they could best be represented at the level of local government closest to communities – i.e., the town or parish council.
4. The consultation put forward four options:
  - a. A new council for the development area.
  - b. All the new development is represented by Whiteley Town Council.
  - c. All the new development is represented by Curdridge Parish Council.
  - d. Boundary to remain unchanged.
5. 742 responses were received. Over 70% of respondents opted for the option that would see all the new development become part of Whiteley Town Council. Whiteley Town Council and Curdridge Parish Council also support that option.

### Draft recommendations

6. In the light of those responses the following draft recommendations are put forward for a further short period of consultation:
  - a. Alterations should be made to the area of the parishes of Whiteley and Curdridge, so that the area coloured and designated by the letter “A” and by letter “B” on the map below should cease to be part of the parish of Curdridge and should become part of the parish of Whiteley.
  - b. The number of councillors for the parishes of Whiteley and Curdridge should remain unaltered.
  - c. The Electoral Registration Officer should make any necessary amendments to the electoral register to reflect the new electoral arrangements.
  - d. Curdridge Parish Council should transfer any land, property, rights and liabilities affected by these changes to Whiteley Town Council.
  - e. If practicable, the changes should come into force on 1st April 2023.

Proposed boundary changes



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